

# JOURNALS

OF THE

**SENATE AND HOUSE OF COMMONS**

OF THE

**GENERAL ASSEMBLY**

OF THE

**STATE OF NORTH CAROLINA,**

AT THE

**Session of 1834-35.**

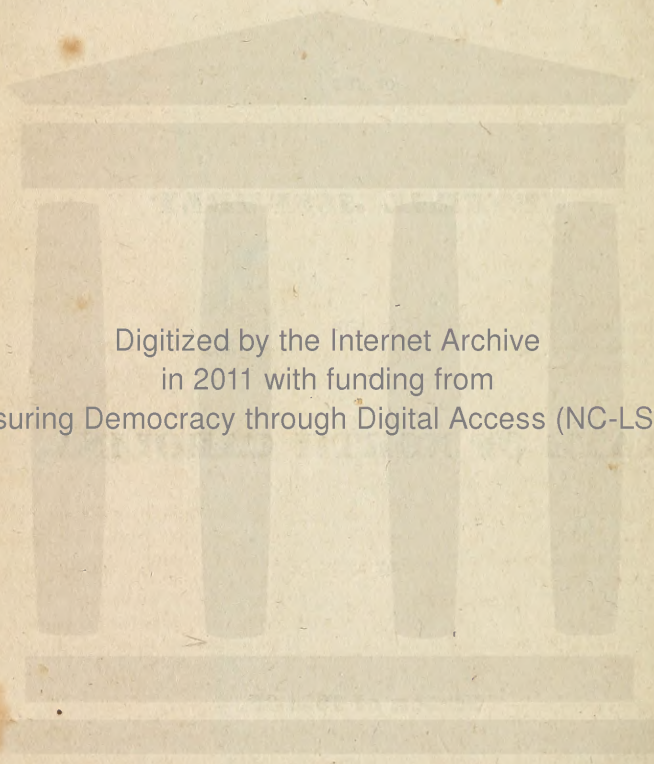
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**RALEIGH:**

**PHILO WHITE, PRINTER TO THE STATE.**

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**1835.**



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## JOURNAL OF THE SENATE.



At a General Assembly, begun and held in the City of Raleigh, on Monday, the sevnteenth day of November, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Independence of the United States of America, it being the first session of this General Assembly. On which day, being that appointed by Law for the meeting of the General Assembly, the following members of the Senate appeared, produced their credentials, were qualified agreeably to Law, and took their seats, to wit :

From *Anson County*, Alexander Little,  
*Ashe*, Noah Mast,  
*Buncombe*, James Lowry,  
*Bertie*,  
*Bladen*, John J. M'Millan,  
*Brunswick*, Maurice Moore,  
*Beaufort*, John M'Williams,  
*Burke*, Samuel P. Carson,  
*Cabarrus*, George Klutts,  
*Columbus*, Caleb Stevens,  
*Carteret*, Otway Burns,  
*Currituck*, Daniel Lindsay, jr.  
*Chatham*, Hugh M'Queen,  
*Chowan*, Samuel T. Sawyer,  
*Cumberland*, Duncan M'Cormick,  
*Camden*, Edmund J. Barco,  
*Caswell*, James Kerr,  
*Craven*,  
*Duplin*, John E. Hussey,  
*Davidson*, John A. Hogan,  
*Edgecomb*, Hardy Flowers,  
*Franklin*, John D. Hawkins,  
*Granville*, James Wyche,  
*Gates*, William W. Cowper,  
*Greene*, Wyatt Moye,  
*Gwñlford*, Jonathan Parker,  
*Halifax*, John Branch,  
*Hertford*, George W. Montgomery,  
*Hyde*, Caleb Spencer,  
*Haywood*, Ninian Edmonston,  
*Iredell*, Joseph P. Caldwell,  
*Johnston*, Hillory Wilder,  
*Jones*, James Harrison,

From *Lincoln*, Bartlett Shipp,  
*Lenoir*, William D. Moseley,  
*Macon*, Benjamin S Brittan,  
*Moore*, Cornelius Dowd,  
*Montgomery*, Keuben Kendall,  
*Mecklenburg*, William H. M'Leary,  
*Martin*, Jesse Cooper,  
*New Hanover*, Oven Holmes,  
*Nash*, Samuel L. Arrington,  
*Northampton*, William B. Lockhart,  
*Onslow*, Thomas Ennett,  
*Orange*, William Montgomery,  
*Person*,  
*Pasquotank*, Frederick Whitehurst,  
*Pitt*, Alfred Moye,  
*Perquimmons*, Jesse Wilson,  
*Rowan*, John Beard, jr.  
*Randolph*, Alfred Staley,  
*Rockingham*, Robert Martin,  
*Robeson*, Shadrack Howell,  
*Richmond*, John L. Fairley,  
*Rutherford*, Bremen H. Durham,  
*Sampson*, Edward C. Gavin,  
*Surry*, William P. Dobson,  
*Stokes*, William Flynt,  
*Tyrrell*, Ephraim Mann,  
*Washington*, Charles Phelps,  
*Wilkes*, James Wellborn,  
*Warren*, Weldon N. Edwards,  
*Wayne*, Gabriel Sherard,  
*Wake*, Samuel Whitaker,  
*Yancey*, Thomas Baker.

A quorum, consisting of a majority of the whole number of members being present, Mr. Montgomery of Orange, moved that William D. Moseley, Esquire, the Senator from the county of Lenoir, be appointed Speaker, which motion was unanimously agreed to. Whereupon, on motion of Mr. Carson, the Speaker was conducted to the Chair by Mr. Montgomery, of Orange, from whence he made his acknowledgements to the Senate, in an appropriate address. On motion of Mr. Kerr, Samuel F. Patterson was appointed principal clerk, and William J. Cowan, clerk assistant of the Senate.

On motion of Mr. Carson, Thomas B. Wheeler was appointed principal doorkeeper to the Senate.

Mr. Carson further moved, that Green Hill be appointed assistant doorkeeper. Mr. Dowd moved that the name of Neill Peterson be added to

the nomination. An election by ballot thereupon took place, Messrs. Cooper of Martin, and Dowd, being appointed superintendents to conduct it. On counting the ballots, Mr. Cooper reported that Green Hill having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Montgomery, of Orange, ordered, that a writ of election issue to the Sheriff of Person county, commanding him to hold an election at the several places now prescribed by law in said county, on Friday the 28th instant, for the purpose of electing some person qualified to fill the vacancy in the Senate, occasioned by the death of Robert Vanhook, Esq.

On motion of Mr. Martin, ordered that a message be sent to the House of Commons, informing that House that the Senate is duly organized, and ready to proceed on public business, having appointed William D. Moseley, Esq. Speaker, Samuel F. Patterson, principal clerk, and William J. Cowan, clerk assistant; and Thomas B. Wheeler and Green Hill, doorkeepers.

The Senate then adjourned until to-morrow morning, 10 o'clock.

#### TUESDAY, NOVEMBER 18th, 1834.

A message was received from the House of Commons, stating the due organization of that branch of the Legislature, having appointed William J. Alexander, Esq. Speaker; Charles Manly, principal clerk; Edmund B. Freeman, clerk assistant, and Isaac Truitt and John Cooper, door keepers; and that they are also ready to proceed to the despatch of public business.

On motion of Mr. Beard, ordered that a message be sent to the House of Commons, proposing that a joint select committee consisting of five members on the part of each House, be appointed, to prepare joint rules of order for the government of the two Houses during the present session of the Legislature; Messrs. Beard, Sawyer, Wyche, Edwards and Little, were appointed to form the said committee on the part of the Senate.

On motion of Mr. Beard, ordered that the rules of order and decorum for the government of the Senate adopted at the last session of the Legislature, be the rules of order and decorum for the government of the Senate, during the present session, until otherwise ordered.

Received from the House of Commons a message, proposing to ballot immediately for three engrossing clerks, and stating that William W. Hall, Thomas G. Stone, Thomas L. West, Daniel Coleman, Joseph D. Ward, Isaac Goulding, Mortimer Bright and Nehemiah Blackstock, are in nomination for the appointment; which proposition was agreed to, and Messrs. Little and McCormick appointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message: whereupon, a message was received from that House, stating that Messrs. W. Horton and L. A. Gwyn, are appointed to superintend the balloting on their part.

Received also from the House of Commons a message, proposing that a joint select committee of two members on the part of each House, be raised to wait on His Excellency the Governor, to inform him of the due organization of the two Houses of the Legislature, and that they are ready to receive any communication he may be pleased to make; which proposition was agreed to, Messrs. Shipp and Sherard were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof

by message; thereupon a message was received from that House, stating that Messrs. Outlaw and Potts are appointed to form the said committee on their part.

On motion of Mr. Beard, ordered, that a select committee be appointed for the purpose of preparing permanent rules of order and decorum, for the government of the Senate during the present session. Whereupon, Messrs. Beard, Carson, Montgomery of Orange, Kerr, and Martin, were appointed to form the said committee.

A message was received from the House of Commons, agreeing to the proposition of the Senate, to raise a joint select committee of five members on the part of each House, to prepare joint rules of order for the government of the two Houses, and stating further, that Messrs. Waugh, Haywood, Bragg, Seawell and Barringer, compose the committee on the part of that House.

Mr. Shipp, from the joint select committee appointed to wait on His Excellency the Governor, reported that the committee were authorised to state that he would make a communication to the Legislature at half after 12 o'clock this day.

Mr. McCormick, from the committee appointed to conduct the balloting for three engrossing clerks, reported that Daniel Coleman, William W. Hall and Thomas G. Stone, having each received a majority of the whole number of votes, are duly elected; in which report the Senate concurred.

The Senate then adjourned until to-morrow morning, 10 o'clock.

#### WEDNESDAY, NOVEMBER 19, 1834.

The Speaker laid before the Senate certain papers communicated to him from the county of Carteret, contesting the seat of Otway Burns, the Senator elect from said county; which were read, and, on motion of Mr. Martin, ordered to lie on the table.

Received from the House of Commons a message, communicating the annual message of his Excellency the Governor, accompanied with a proposition from that House, that the message be printed, one copy for each member of the Legislature. Mr. Martin moved that the message from the House of Commons be laid upon the table; which was not agreed to. The question then recurring on agreeing to the proposition of the House of Commons, it was determined in the affirmative.

A message was also received from the House of Commons, proposing that the two Houses proceed on to-morrow to ballot for a Comptroller of public accounts, and stating that James R. Dodge, Louis H. Marsteller, Nathan A. Stedman, Robert Perry and Edmund B. Freeman, are in nomination for the appointment; which proposition was agreed to. On motion of Mr. Carson, the name of Benjamin S. King, was added to the nomination, and the House of Commons was informed thereof by message.

Mr. Beard, from the joint select committee, appointed to prepare and report joint rules of order for the government of the two Houses during the present session, reported the joint rules of order adopted at the last session, with certain amendments; which were read and agreed to, and the rules of order as amended, were read and adopted.

Received from the House of Commons a message, proposing to raise a joint select committee to consist of five members on the part of each House, to be called the committee on Millitary Affairs; which proposition was a-

greed to. Messrs. Moore, Moyer of Greene, Kerr, Lowry and Brittain, were appointed to form the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that the names of William P. Williams, Benjamin S. King and John B. Muse, are added to the nomination for Comptroller of public accounts.

Mr. Beard, from the select committee appointed to prepare and report rules of order and decorum for the government of the Senate during the present session, reported the following, which were read and adopted, to wit :

*Rule 1.* When the Speaker takes the Chair, each member shall take his seat ; and on the appearance of a quorum, the Journal of the preceding day shall be read.

2. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to wit : 1st. the receiving petitions, memorials, pension certificates and papers addressed either to the General Assembly or to the Senate ; 2nd, the reports of standing committees ; 3rd, the reports of select committees ; 4th, resolutions ; 5th, bills ; 6th, bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table. Then the orders of the day ; but motions and messages to ballot for officers, to be elected by the General Assembly, shall always be in order.

3. When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question without leave of the house. And when any member is speaking, he shall not be interrupted by any person, either by speaking or by standing, or passing between him and the Chair.

4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order ; in which case the member so called to order, shall immediately sit down, unless permitted to explain ; and the house shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed ; if otherwise, and the case require it, he shall be liable to the censure of the house.

5. When a motion is made and seconded, no other motion shall be received unless it be to amend the main question, to postpone it to a day certain, to postpone it indefinitely, to commit it, to let it lie on the table, or to adjourn.

6. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form : " As many as are of opinion that (as the case may be) say Aye : and after the affirmative voice is expressed—" As many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative ; which being reported, he shall then name two others, one from each side, to tell those in the negative ; which being also reported, he shall state the division to the house, and announce its decision. No member who was without the bar of the Senate when any question was put from the Chair, shall enter his Yea or Nay without leave, unless he shall have been absent on some committee.

7. When any member shall make a motion which is not of course, he shall reduce the same to writing, if required.

8. In all cases of ballot by the house, the Speaker shall vote ; and when, on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority, will make the division equal ; and when an equal division is produced by the Speaker's vote, the question shall be lost.

9. No member shall depart the service of the House without leave, or receive pay as a member for the time he is absent.

10. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place ; a brief statement of the contents thereof, shall verbally be made by the introducer, and the petition, memorial, or other paper shall not be read, unless so ordered by the House.

11. Resolutions for the appropriation of public money, and all resolutions of a public nature, as well as all bills, shall be read the first time for information ; and, upon this reading, shall not be subject to amendment, but may be amended on the second and third reading.

And the Clerk shall keep a calendar of all such resolutions and bills, with the orders taken on them, for the inspection of the members of the Senate.

12. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto; and then shall first be read for information, and afterwards paragraph by paragraph, and held open for amendment.

13. After a bill has been once rejected, postponed indefinitely, or to a day beyond the session, another of like provisions shall not be introduced during the same session.

14. When a question has been once decided, it shall be in order for any member in the majority to move for a reconsideration thereof on the same or succeeding day, if the bill, resolution or paper, upon which the question has been taken, be in possession of the Senate.

15. The Speaker shall examine and correct the Journal before it is read; he shall have the general direction of the Hall; he shall designate the members who shall compose all committees, except when otherwise ordered; and the select committees of this house shall consist of five members.

16. There shall be appointed, by the Speaker, the following committees, viz: a committee of Propositions and Grievances, a committee of Privileges and Elections, a committee of Claims, a committee on the Judiciary, a committee on Internal Improvement, and committee on Education and the Literary Fund, consisting of eight members each, one to be selected from each old judiciary district.

17. When the house resolves itself into a committee of the whole, the Speaker shall leave the chair, and appoint a chairman; and when, upon any other occasion, the Speaker wishes to leave the chair, he shall appoint a Speaker pro tem.

18. When any petition, memorial or other papers addressed to the house, shall have been referred either to one of the standing or select committees, they shall, in their report on the petition, memorial or other papers, make a statement in writing of the facts embraced in the case so referred.

19. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or Chairman of the committee of the whole house, shall have power to have the same cleared.

20. No person, except members of the House of Commons, officers and clerks of the two houses of the General Assembly, Judges of the Supreme and Superior Courts, officers of the State resident at the seat of government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either house of the Legislature, shall be admitted within the hall of the Senate.

21. Any member dissatisfied with the decision of the Speaker on any question of order, may appeal to the House.

22. When the House adjourns, the members shall keep their seats until the Speaker leaves the Chair.

23. On motion of adjournment, the question shall be decided without debate.

24. The rules for the government of the Senate shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two thirds of the members present.

A message was received from the House of Commons, transmitting the annual report of the Public Treasurer, and accompanied by a proposition from that House that the report be printed, one copy for each member of the Legislature; which proposition was agreed to by the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Hogan, ordered that a message be sent to the House of Commons, proposing to print four additional copies of the Governor's Message for each member of the Legislature.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, NOVEMBER 20th, 1834.

The Speaker announced to the Senate, the appointment of the following standing committees, made in pursuance of the sixteenth rule of order for the government of the Senate, and in pursuance of the joint rules for the government of both Houses, to wit:

On Finance, Messrs. Branch, Beard, Dowd, Edwards, Fairley, Lockhart, Wyche, and Wellborn. On the Judiciary, Messrs. Hogan, Holmes, Little, McQueen, Sawyer, Shipp, Spaight and Wilson. On Internal Improvement, Messrs. Burns, Carson, Gavin, Hawkins, Holmes, Phelps, Stephens and Mebane.

On Education and the Literary Fund, Messrs. Arrington, McQueen, McMillan, McCormick, Mann, Martin, Moore, Spencer.

On Privileges and Elections, Messrs. Caldwell, Dobson, Harrison, Howell, Lindsay, Montgomery of Hertford, Montgomery of Orange, and Whitaker.

On Propositions and Grievances, Messrs. Farco, Durham, Edmonston, Hussey, Kendall, McLeary, McWilliams, and Moyer of Pitt.

On Claims, Messrs. Cooper of Martin, Cowper of Gates, Klutts, Ennett, Martin, Parker, Staley, and Wilder.

On Enrolled Bills, Messrs. Moyer of Greene, and Sherard.

On the Library, Messrs. Carson, Edwards, and Sawyer.

A message was received from the House of Commons, stating that the name of Ichabod Wetmore is added to the nomination for Comptroller of Public Accounts.

Received also from the House of Commons, a message proposing that a joint select committee of three members, on the part of each House, be raised for the purpose of procuring a bell, or designating some other signal, to give notice of the time of meeting of the Legislature; which proposition was agreed to; and Messrs. Wyche, Flynt and Mast, were appointed to form said committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received also from the House of Commons, a message, stating that Messrs. McCleese and William Horton, attend the Senate, to superintend, on the part of that House, the balloting for Comptroller of Public Accounts, heretofore agreed on to take place this day. Whereupon Messrs. Cowper of Gates, and McCormick, were appointed to conduct the balloting on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. McQueen presented the following resolution, to wit:

"Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee, whose duty it shall be to examine the manner in which the moneys appropriated for rebuilding the Capitol, have been expended; and the reasons which led to the dismissal of William S. Drummond, Superintendent of Public Buildings; and that they report to the Legislature?"

Which being read, Mr. Wyche moved to amend it, by striking out the following words, to wit: "*and the reasons which led to the dismissal of W. S. Drummond, Superintendent of Public Buildings.*"

Mr. Martin moved that the resolution, together with the amendment, be laid upon the table; which motion was agreed to.

Mr. Beard presented the following resolutions, to wit:

1st. Resolved, That so much of the message of his Excellency, the Governor, as relates to the subject of a State Convention, be referred to a select committee.

2d. Resolved, That so much of said message, as regards "the relations which exist between this State and the General Government," be referred to a select committee.

3d. Resolved, That so much of said message, as relates to "Internal Improvement," be referred to the standing committee on that subject.

4th. Resolved, That so much of the said message, as relates to the revenue and fiscal system of the State," be referred to the committee of finance.

5th. Resolved, That so much of the said message, as relates to the "Bank of the State," be referred to the committee of finance.

6th. Resolved, That so much of said message, as relates to the "publication and distribution of the acts of Assembly," be referred to a select committee.

7th. Resolved, That so much of said message, as relates to the "Outrage recently committed on American citizens at Nassau," be referred to a select committee.

Which, after being read, were, on motion of Mr. Spaight, ordered to lie on the table.

On motion of Mr. Dobson, Ordered, That a message be sent to the House of Commons, proposing that the two Houses proceed to ballot, on Monday next, for a Governor of the State for the ensuing year, and nominating for that appointment, his Excellency David L. Swain.



Mr. Carson presented the petition of Susan Durham, of the county of Burke, praying to be divorced from her husband, Archibald Durham; which was read; and, on motion of Mr. Carson, ordered to be referred to the committee on propositions and grievances.

Mr. McCormick, from the committee appointed to superintend the balloting for a Comptroller of Public Accounts, reported, that no person in nomination had received a majority of votes.

A message was received from the House of Commons, proposing to ballot, immediately, for a Senator in Congress, to serve for six years from the fourth of March next; and nominating for that appointment, the Hon. Bedford Brown.

Mr. Wellborn moved that the message lie on the table.

Mr. Mann moved that the Senate do now adjourn until to-morrow morning, ten o'clock; which motion was not agreed to. Ayes 25, Noes 37. The ayes and noes being demanded by Mr. Spaight, are as follows, to wit:

Those who voted in the affirmative, are, Messrs. Baker, Beard, Branch, Burns, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, McQueen, McWilliams, Mann, Martin, Montgomery of H., Moye of Pitt, Sawyer, Sherard, Shipp, Spencer, Wilson.

Those who voted in the negative, are, Messrs. Arrington, Barco, Brittain, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, McCormick, McLeary, McMillan, Mast, Montgomery of Orange, Moye of Greene, Moore, Parker, Phelps, Staley, Spaight, Stevens, Wellborn, Wilder, Whitaker, Whitehurst, Wyche.

The question then recurring on the motion to lay the message on the table, it was decided in the negative. Ayes 28, Noes 33. The ayes and noes being demanded by Mr. Cooper of Martin, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Baker, Barco, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, M'Queen, M'Williams, Mann, Martin, Montgomery of H., Moye of Pitt, Parker, Sawyer, Sherard, Shipp, Spencer, Wellborn, Wilson.

Those who voted in the negative, are, Messrs. Arrington, Brittain, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, McCormick, McLeary, Mast, Montgomery of Orange, Moore, Moye of Greene, Phelps, Staley, Spaight, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

The question then recurred on agreeing to the proposition of the House of Commons, and was determined in the affirmative. Ayes 33, Noes 28. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:

Those who voted in the affirmative, are, Messrs. Arrington, Barco, Brittain, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, McCormick, McLeary, Montgomery of Orange, Moore, Moye of Greene, Phelps, Staley, Spaight, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Those who voted in the negative, are, Messrs. Baker, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, McMillan, McQueen, McWilliams, Mann, Martin, Mast, Montgomery of H., Moye of Pitt, Parker, Sawyer, Sherrard, Shipp, Spencer, Wellborn, Wilson.

Mr. Klutts then moved that the Senate do now adjourn until to-morrow morning, 10 o'clock; which was not agreed to. Ayes 27, Noes 34. The ayes and noes being demanded by Mr. Spaight, are as follows, to wit:

Those who voted in the affirmative, are, Messrs. Baker, Barco, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, McWilliams, M'Queen, Mann, Martin, Montgomery of Hertford, Moye of Pitt, Parker, Sawyer, Sherrard, Shipp, Spencer, Wellborn, Wilson.

Those who voted in the negative, are, Messrs. Arrington, Brittain, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, McCormick, McLeary

McMillan, Mast, Montgomery, of Orange; Moore, Moye of Greene, Phelps, Staley, Spaight, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Mr. Sawyer thereupon renewed the motion to adjourn until to-morrow morning, 10 o'clock; which was not agreed to. Ayes 27, Noes 33. The ayes and noes being demanded by Mr. Cooper of Martin, are as follows, to wit:

Those who voted in the affirmative, are, Messrs. Baker, Barco, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Queen, M'Williams, Mann, Martin, Montgomery of Hertford, Moye of Pitt, Parker, Sawyer, Sherard, Shipp, Spencer, Wellborn, Wilson.

Those who voted in the negative, are, Messrs. Arrington, Brittain, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, M'Cormick, M'Leary, Mast, Montgomery of Orange, Moore, Moye of Greene, Phelps, Staley, Spaight, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Messrs. Sawyer and Edwards were thereupon appointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to ballot on Monday next for the Governor of the State for the ensuing year.

A message was also received from the House of Commons, stating that Messrs. Bragg and R. H. Alexander, attend the Senate to conduct the balloting for a Senator in Congress, on the part of that House; and informing that the name of Thomas Settle is added to the nomination.

Received also from the House of Commons a message, proposing that the two Houses ballot again immediately, for a Comptroller of public accounts, and stating that Robert Perry is withdrawn from the nomination; which proposition was agreed to, and Messrs. Hawkins and Moye of Greene, appointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon a message was received from that House, stating that Messrs. Register and Ziglar, are appointed to conduct the balloting on their part.

Mr. Edwards, from the committee appointed to conduct the balloting for a Senator in Congress for six years, from the fourth day of March next, reported that Bedford Brown having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The Senate then adjourned until to-morrow morning, 10 o'clock.

#### FRIDAY, NOVEMBER 21, 1834.

Mr. Hawkins, from the committee appointed to conduct the balloting for a Comptroller of public accounts, reported that no person in nomination had received a majority of the votes.

On motion of Mr. Wyche,

*Resolved*, That the committee on the Judiciary inquire into the expediency of defining by law with more precision, the punishment to be inflicted for the crime of bigamy, so as to take away or to lessen the discretion of the court in ascertaining such punishment; and that they report by bill or otherwise.

On motion of Mr. Cowper of Gates, ordered that a message be sent to the House of Commons, proposing to ballot again for a Comptroller of public accounts.

Mr. Spaight presented the following resolution, to wit:

*Resolved*, That the Senate shall meet every day, (Sunday's excepted,) during the session at the hour of ten in the forenoon, unless otherwise ordered.

Which being read, Mr. Martin moved that it lie on the table, which was

not agreed to. The question then recurring on the adoption of the resolution, it was determined in the negative.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to ballot again for a Comptroller of public accounts, and stating that Mr. Cansler and Mitchell, attend the Senate to superintend the balloting on the part of that House. Whereupon, Messrs. Holmes and Cowper of Gates, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Sawyer moved that the Senate do now proceed to take up and consider the communication laid before the Senate by the Speaker on the 19th instant, relative to the seats of the Senator and one of the Commoners elect from the county of Carteret; which motion was agreed to. Whereupon Mr. Sawyer, further moved that the communication in relation to the seat of one of the Commoners from Carteret county, be transmitted to the House of Commons, with a request that that House would transmit to the Senate any communications or papers in its possession, relative to the seat of the Senator elect from Carteret county. Mr. Beard moved that the communication in relation to the seat of one of the Commoners from Carteret county, lie on the table; which motion having precedence, the question thereon was first taken, and decided in the affirmative. Whereupon, on motion of Wyche, ordered that the paper relative to the seat of the Senator elect from the county of Carteret, be referred to the committee on Privileges and Elections.

A message was received from the House of Commons, agreeing to the proposition of the Senate, to print four additional copies of the message of his Excellency the Governor, for each member of the Legislature.

Received also from the House of Commons a message, stating that Messrs. King, Maclin and Wesley Jones, form the committee on the part of that House, to procure a bell or to agree upon some other signal, to give notice of the meetings of the Legislature, and that Messrs. Waugh, Mars-teller, Ziglar, Welch and William Horton, form the joint select committee on the part of that House on Military Affairs.

On motion of Mr. Beard, ordered, that a message be sent to the House of Commons, proposing that two additional copies of the report of the Public Treasurer, be printed for each member of the Legislature.

A message was received from the House of Commons, proposing to ballot on to-morrow for Public Printer to the State, and stating that Messrs. Joseph Gales & Son, and Lawrence & Lemay, are in nomination for the appointment. On motion of Mr. Wyche, ordered, that the said message lie on the table.

Mr. Holmes, from the committee appointed to conduct the balloting for a Comptroller of public accounts, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot again for Comptroller of public accounts; which proposition was agreed to by the Senate, and Messrs. Caldwell and Moye of Pitt, were appointed to superintend the balloting, and a message sent to the House of Commons informing them thereof, and stating further, that the name of John B. Muse is withdrawn from the nomination. A message was thereupon received from that House, stating that Messrs. Kenan and Foushee, attend the Senate to conduct the balloting on their part.

Mr. Moyer of Pitt, from the committee appointed to superintend the balloting for a Comptroller of public accounts, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred. On motion of Mr. M'Queen, ordered, that a message be sent to the House of Commons, proposing a further balloting for a Comptroller of public accounts. Whereupon, a message was received from that House, agreeing to the proposition, and stating that Messrs. Cotton and M'Neill, attend the Senate to conduct the balloting on their part; Messrs. M'Queen and Arrington, were appointed to superintend the balloting on the part of Senate, and the House of Commons was informed thereof by message.

The Senate then adjourned until to-morrow morning, 11 o'clock.

SATURDAY, NOVEMBER 22, 1834.

Mr. Wyche moved that the Senate do now take up and consider the message from the House of Commons of yesterday, proposing to ballot on this day for Public Printer; which motion was agreed to, and the proposition of the House of Commons concurred in by the Senate. Whereupon, Messrs. Montgomery of Orange, and Kendall, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. A message was thereupon received from that House, stating that Messrs. Henry and Wesley Jones, are appointed superintendents of the balloting on their part.

A message was received from the House of Commons, stating that Messrs. Haywood, M'Neill, Dudley, Lilley, Smallwood, Henry, Boddie and Mullen, form the standing joint committee on Finance; and that Messrs. King, Battle and Jordan, form the joint standing committee on the Public Library, on the part of that House.

Mr. M'Queen, from the committee appointed to superintend the balloting for a Comptroller of public accounts, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred.

On motion of Mr. Cooper of Martin, ordered, that Hardy Flowers, the Senator from the county of Edgecomb, have leave of absence from the services of the Senate, from and after this day until Wednesday next.

A message was received from the House of Commons, proposing to ballot again for a Comptroller of public accounts, and stating that Edmund B. Freeman, is withdrawn from the nomination; which proposition was agreed to. Messrs. Mann and Brittain, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon, a message was received from that House, stating that Messrs. Bedford and Sloan, attend the Senate to conduct the balloting on their part.

Mr. Carson presented the resignation of David Glass, senr. a justice of the peace for the county of Burke; which was read and accepted, and sent to the House of Commons.

Mr. Cooper of Martin, presented the resignation of Jesse Hardison, a justice of the peace for the county of Martin; and Mr. Caldwell presented the resignation of John Murdock, colonel commandant; David Ramsay, lieutenant colonel, and David M. Stephenson, major of the first regiment of Iredell county militia; which were severally read and accepted, and sent to the House of Commons.

A message from the House of Commons, stating that Messrs. Graham, Hutchison, Hoke and Perkins, are appointed to form the committee on enrolled bills on the part of that House.

Mr. Montgomery of Hertford, presented the petition of Richard G. Cowper, executor of the last will and testament of Dr. Thomas O'Dwyer, late of said county, praying the passage of an act to emancipate certain negro slaves, belonging to the estate of his testator; ordered, that the said petition, together with the accompanying papers, be referred to the committee on Propositions and Grievances.

Mr. Martin presented the following resolution, to wit :

*Resolved*, That the committee on the Judiciary be and they are hereby instructed to inquire into the expediency of amending the existing laws on the subject, so as to authorize a less number of magistrates than a majority, to take sheriff's bonds, appoint county trustees, authorize the payment of county claims, &c. &c. that they report by bill or otherwise.

Which being read, was, on motion of Mr. Martin, ordered to be laid on the table.

Mr. Spaight moved that the Senate do now proceed to take up and consider the resolution submitted by Mr. Beard, on the 20th instant, referring the various subjects embraced in the Governor's message to appropriate committees; which motion was agreed to. Whereupon, Mr. Beard moved to amend the resolutions by adding the following, as an additional resolution, to wit :

*Resolved*, That so much of said message, as relates to domestic aggressions upon the rights of our citizens to their slaves; be referred to the committee on the Judiciary.

Which amendment was agreed to, and the resolutions as amended were adopted.

Mr. Kendall, from the committee appointed to conduct the balloting for Public Printer, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Carson,

*Resolved*, That the committee on the Judiciary, be instructed to inquire into the expediency of altering the law, which requires sheriffs collecting money upon executions from different counties than that in which they act, and to make the money payable by the sheriffs to the clerks of the courts of their respective counties, or to allow sufficient compensation for traveling expenses, &c. &c. to and from such counties.

On motion of Mr. Montgomery of Orange, ordered, that a message be sent to the House of Commons, proposing to ballot again immediately for Public Printer.

Mr. Mann, from the committee appointed to conduct the balloting for Comptroller of public accounts, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Kerr, ordered, that Robert Martin, the Senator from the county of Rockingham, have leave of absence from the services of the Senate, from and after this day until Thursday next.

Received from the House of Commons a message, transmitting certain documents relating to the ineligibility of the Senator from the county of Carteret to his seat, the same having been erroneously addressed to the Speaker of the House of Commons. On motion of Mr. Wyche, ordered, that the said documents be referred to the committee on Privileges and Elections.

Mr. Beard moved that the Senate proceed to take up the communication heretofore laid upon the table, in relation to the seat of one of the members of the House of Commons, from the county of Carteret; which motion was agreed to. Whereupon, on motion of Mr. Beard, ordered, that the said

communication be transmitted to the House of Commons, it having been improperly addressed to the Senate.

Received from the House of Commons a message, proposing to raise a joint select committee of three members on the part of each House, upon the subject of the Cherokee lands ; which proposition was agreed to. Messrs. Welborn, Edmonston and Brittain, were appointed to form the committee, on the part of the Senate, and the House of Commons was informed thereof by message.

A message also was received from the House Commons, agreeing to the proposition of the Senate, to ballot again immediately for Public Printer, and stating that Philo White, is added to the nomination ; and informing further that Messrs. Craige and Bragg, attend the Senate to conduct the balloting on the part of that House. Whereupon, Messrs. Sherrard and Edmonston, were appointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Caldwell, ordered, that Mary Sloan of the county of Iredell, have leave to withdraw from the files of the Senate, the documents and papers accompanying her petition, presented during the last session of the Legislature.

Received from the House of Commons a message, proposing to ballot again on Monday next, for Comptroller of public accounts; which proposition was not agreed to. Whereupon, on motion of Mr. Cooper of Martin, ordered, that a message be sent to the House of Commons, proposing that another balloting be had immediately for that officer.

Received also from the House of Commons a message, proposing to raise a joint select committee, to take under consideration the late outrage, by the authorities of one of the British West India Islands, upon the persons and property of certain American citizens ; which proposition was agreed to. Messrs. Beard, Holmes, Moore, Sawyer and Spaight, were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, agreeing to the proposition of the Senate to ballot again immediately for a Comptroller of Public accounts, and stating that Messrs. Kittrell and Martin, attend the Senate to conduct the balloting on the part of that House. Whereupon, Messrs. Kerr and Martin, were appointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by Message.

Received from the House of Commons the following resignations, to wit : the resignation of William C. Means, colonel commandant of cavalry, attached to the 11th brigade of the 4th division of North Carolina militia ; the resignation of Benjamin Ziglar, of the county of Stokes ; the resignation of Thomas Clancy, of the county of Orange ; the resignation of Thomas Bryan, of the county of Wilkes ; and the resignation of S. Goodwin, of the county of Richmond, justices of the peace for their respective counties ; endorsed in that House, "read and accepted," and which were severally read and accepted by the Senate.

Mr. Sherard, from the committee appointed to conduct the balloting for Public Printer, reported that Philo White, having received a majority of the whole number of votes, is duly elected ; in which report the Senate concurred.

The Senate then adjourned until Monday morning, 11 o'clock.

The Speaker announced to the Senate the appointment of the following committees, made in pursuance of the resolutions introduced by Mr. Beard, referring the various subjects embraced in the Governor's message, to wit: On Federal Relations, Mr. Spaight, Branch, Hawkins, Little and Edwards; on a State Convention for amending the Constitution, Messrs. Carson, Hogan, Sawyer, Montgomery of Orange, and Lockhart; on the distribution of the acts of the General Assembly, Messrs. Wyche, Arrington, Kerr, Mann and Wilson.

Mr. Sherard presented the petition of Therisa Brownrigg, of the county of Wayne, praying the Legislature to pass an act to secure to her, such property as she may hereafter acquire. Ordered, that the said petition be referred to the committee on Propositions and Grievances.

Mr. Kerr, from the committee appointed to conduct the balloting for a Comptroller of public accounts, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot again immediately for a Comptroller of public accounts; which proposition was agreed to. Messrs. Holmes and Kendall, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon, a message was received from that House, stating that Messrs. M'Cleese and J. Horton, are appointed to superintend the balloting on their part.

A message was also received from the House of Commons, stating that Messrs. Whitfield and King, attend the Senate to conduct the balloting for Governor of the State, heretofore agreed on to take place this day, and informing further, that William D. Mosely is added to the nomination. Whereupon, Messrs. Caldwell and Edmonston, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Klutts moved that Thomas Baker, the Senator from the county of Yancy, who he stated had voted through mistake for Comptroller, instead of Governor, should be permitted to change his vote; which motion was not agreed to.—Ayes 28.—Noes 31. The ayes and noes being demanded by Mr. Cooper of Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Barco, Beard, Britain, Burns, Caldwell, Carson, Dobson, Dowd, Edmonston, Fairley, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, M'Millan, McQueen, Mann, Mast, Montgomery of Hertford, Moyer of Pitt, Moyer of Greene, Sherard, Shipp, Spencer, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Branch, Cooper of Martin, Cooper of Gates, Durham, Edwards, Ennett, Flynt, Gavin, Harrison, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, M'Leary, M'Williams, Montgomery of Orange, Moore, Parker, Phelps, Sawyer, Staley, Spaight, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Mr. Caldwell, from the committee appointed to conduct the balloting for Governor of the State, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, stating that Messrs. J. W. Guinn, Henry and Hawkins, form the committee on the part of that House, on the subject of the Cherokee lands; and that Messrs. Dudley, Mitchell, Manly, M'Racken and Long, form the committee on the part of that House, on so much of the Governor's message as relates to the attack at Nassau.

A message was also received from the House of Commons, proposing to

ballot again immediately for Governor of the State; which proposition was agreed to. Messrs. Edwards and Beard were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon a message was received from that House, stating that Messrs. Poindexter and Marsteller attend the Senate to conduct the balloting on their part.

Mr. Holmes, from the committee appointed to conduct the balloting for a Comptroller of Public Accounts, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot again immediately for a Comptroller of public accounts; which proposition was agreed to. Messrs. Whitaker and Baker, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon, a message was received from that House, stating that Messrs. Guinn and J. L. Smith, attend the Senate to superintend the balloting on their part.

Mr. Caldwell presented the petition of sundry citizens of the county of Iredell, praying the passage of an act to restore Andy Baggarly of said county to the privileges of citizenship; ordered, that the said petition be referred to the committee on Propositions and Grievances.

Mr. Edwards, from the committee appointed to conduct the balloting for a Governor of the State, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot again immediately for a Comptroller of public accounts. Mr. Sawyer moved that the message lie on the table; which motion was not agreed to. The question then recurring on agreeing to the proposition of the House of Commons, it was determined in the affirmative. Whereupon, on motion of Mr. Dobson, ordered that a message be sent to that House, proposing that the committee appointed to superintend the balloting should be directed to wait upon the sick members at their rooms, and receive their votes. Messrs. Moye of Greene and Shipp, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. A message was thereupon received from that House, stating that they do not concur in the proposition of the Senate, that the balloting committee appointed to conduct the balloting for Governor, should wait upon the sick members and receive their votes, and informing further that Messrs. Harris and Henderson, attend the Senate to conduct the balloting on their part.

Mr. Whitaker, from the committee, appointed to superintend the election for a Comptroller of public accounts, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

A message was received from the House of Commons, proposing a further balloting immediately for Comptroller of public accounts; and stating that James R. Dodge and William P. Williams, are withdrawn from the nomination; which proposition was agreed to, and a message sent to the House of Commons informing them thereof, and stating that Benjamin S. King is also withdrawn from the nomination, and informing that House that Messrs. Cowper of Gates and Ennett, are appointed to conduct the balloting on the part of the Senate. Whereupon a message was received



from the House of Commons, stating that Messrs. King and Baker, are appointed to superintend the balloting on their part.

Received from the House of Commons the following resignations, to wit: The resignation of Samuel Mitchell, colonel commandant, and William Malone, lieutenant colonel of the 16th brigade of Cavalry; the resignation of Calvin Coor, lieutenant colonel of the 40th regiment of militia; the resignation of Francis M'Gee, major of the Haywood county militia; the resignation of James A. Dunn, major of cavalry, in the 11th brigade; the resignation of Anderson H. Walker, John White and James Bullock, of the county of Granville; the resignation of John S. Smallwood and Thomas J. Pugh, of the county of Bertie; the resignation of David W. Simmons, Anthony H. Rhodes and Durant H. Rhodes, of the county of Onslow; the resignation of Joseph Hoover, of the county of Randolph; the resignation of John Logan, of the county of Burke; and resignation of J. Cartwright, of the county of Camden, justices of the peace for their respective counties, endorsed in that House, "read and accepted," and which were severally read and accepted by the Senate.

Mr. Shipp, from the committee appointed to conduct the balloting for Governor of the State, for the ensuing year, reported that David L. Swain, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The Senate then adjourned until to-morrow morning, 11 o'clock.

TUESDAY, NOVEMBER 25, 1834.

Mr. Edmonston presented the petition of Barbara Cabe, of Haywood county, praying to be divorced from her husband Joseph Cabe; ordered, that the said petition be referred to the committee on Propositions and Grievances.

Mr. Cowper of Gates, from the committee appointed to conduct the balloting for a Comptroller of public accounts, reported that Nathan A. Stedman, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Carson presented the petition of John Sudderth and Patrick Hennesse, of the county of Burke, praying the passage of an act to authorize them to erect gates on their own land, across the public road leading from Wilksborough to Morganton; ordered, that the said petition be referred to the committee on Propositions and Grievances.

On motion of Mr. Parker,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so altering the law, that executors or administrators may be garnisheed in certain cases, and that they report by bill or otherwise.

On motion of Mr. Cowper of Gates,

*Resolved*. That the Judiciary committee be instructed to inquire into the expediency of so amending the laws, as to compel constables to return warrants in the district in which the defendant lives, and that they report by bill or otherwise.

Mr. Caldwell presented a bill, entitled "a bill to amend the militia laws;" which was read the first time and passed, and on motion of Mr. Caldwell, ordered to be referred to the committee on Military Affairs.

Received from the House of Commons a message, proposing that a joint select committee to consist of three members of each House, be raised to ascertain from the proper authorities, whether the Presbyterian church and Session house, can be procured for the use of the Legislature, and if so,

that said committee be instructed to make such arrangements at said church and Session house, as may be necessary for the comfortable accommodation of this body. Mr. Montgomery of Orange, moved to amend the proposition, by striking out the latter clause, which authorizes the committee to make such arrangements at said church and Session house, as may be necessary for the comfortable accommodation of this body, and to insert in lieu thereof the following: "and that said committee be instructed to report to this Legislature;" which amendment was agreed to, and the proposition of the House of Commons as amended, was agreed to, and a message sent to the House of Commons informing thereof.

Mr. Cooper of Martin, moved that a message be sent to the House of Commons, proposing that Saturday week next, be set apart for the purpose of appointing field officers and justices of the peace; which motion was not agreed to.

On motion of Mr. M'Queen,

*Resolved*, That the committee on Internal Improvement be instructed to examine the general system of road laws now in operation within this State, and to report whether or not it be expedient so to amend them, as will secure a more equitable distribution of the labour, of preserving them in repair among the different classes of the people.

*Resolved further*, That the committee on Internal Improvements be instructed to inquire whether or not, it be practicable to improve ordinary roads, in such a manner as to adapt them to the use of locomotives, for the transportation of travellers and produce, and it practicable, whether the introduction of such improvement would probably be attended with a comparative saving of expenditure, and the production of a benefit to the people of the State.

Mr. M'Queen, moved that the Senate do now proceed to take up and consider the resolution submitted by him, proposing to raise a joint select committee to inquire into the manner in which the moneys appropriated for rebuilding the capitol, have been expended; which motion was agreed to. The question pending, being on the amendment proposed by Mr. Wyche, to strike out the latter clause of the resolution, in the following words, to wit: "and the reasons which led to the dismissal of Wm. S. Drummond, superintendent of public buildings;" and the question being taken thereon, it was decided in the negative.

Mr. Hogan, moved to amend the resolution by adding the following, as an additional one, to wit: "Resolved further, that the committee report the probable amount of money, that will be required to finish and furnish the capitol, and when it will be ready for the reception of the Legislature;" which amendment was agreed to, and the resolution as amended was adopted.

The Senate then adjourned until to-morrow morning, 11 o'clock.

WEDNESDAY, NOVEMBER 26, 1834.

Mr. Wyche presented the following resolution, to wit:

*Resolved*, That the committee of Finance be authorized and instructed to burn all the Treasury notes, which may be in the Treasurer's office, and report the amount to this General Assembly.

Which was read the first and second times and passed, and being read the third time, Mr. Welborn moved that it lie on the table; which was not agreed to. The question then recurring on the passage of the resolution the third time, it was decided in the affirmative, and the resolution was ordered to be engrossed.

On motion of Mr. Holmes,

*Resolved*, That the Judiciary committee inquire into the expediency of amending the law on the subject of usury, and report by bill or otherwise.

On motion of Mr. Holmes,

*Resolved*, That the Judiciary committee inquire into the expediency of repealing or amending the act of 1822, entitled "an act for the relief of honest insolvent debtors," and report by bill or otherwise.

Mr. Ennett presented the following resolution, to wit :

*Resolved*, That the commissioners appointed to superintend the building of the State House, in Union Square in the city of Raleigh, report the original plan of said building, the subsequent alterations or additions thereto, the number and names of the superintendents and laborers, the amount paid each for services rendered per diem or otherwise ; also the number of slaves, if employed by the day or otherwise, and at what price, and whether any deduction is made for loss of work by sickness or inclemency of weather ; the number of blacksmiths employed for the use of the State on account of said State House, their pay, and whether any work has been done by said blacksmiths not for the use of the Capitol, and if so, for whom : the said report to embrace the superintendents, laborers, teams, slaves, &c. &c. employed at the quarry and on the rail-road, their pay and cost of each ; and what materials, and the price of each, have been purchased for the use of the Capitol and at the quarry ; what disposition has been made of the materials of the old State House, and, if sold, to whom, for what price, and how the proceeds have been applied ; has any of the rock or granite at the quarry belonging to the State been sold, and, if so, by whom, to whom, at what price, how the proceeds have been applied, and in what state or condition was the rock or granite at the time of sale ; and further, has any rock or granite been taken from said quarry, and, if so, what quantity, by whom, and whose authority ; and if any rock or granite, brought from said quarry to the Capitol Square, for the purpose of building the State House, has been otherwise used than that of building the same, and, if so, what quantity, by whom, and whose permission :

Which was read the first time and passed.

Mr. Wilder presented a bill, entitled a bill to repeal an act, entitled "an act to raise a fund to establish free schools in the county of Johnston, and for the government thereof," passed in the year 1831 ; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Cowper of Gates, presented a bill, entitled "a bill to alter the name of Martha Ann Williams, and to legitimate her ;" which was read the first time and passed, and on motion of Mr. Shipp, ordered to lie on the table.

Mr. Montgomery of Hertford, presented a bill, entitled a bill to authorize the payment of the patrol in the county of Hertford ; which was read the first time and passed, and being read the second time, Mr. Shipp moved that it lie on the table ; which was not agreed to. The question then recurring on the passage of the bill the second time, it was decided in the affirmative. The bill thereupon read the third time, Mr. Cowper of Gates, moved to amend the bill by extending its provisions to the county of Gates ; which amendment was agreed to ; Mr. Branch moved further to amend the bill, by extending its provisions to the county of Halifax ; Mr. M'Williams further moved to amend the bill, by extending its provisions to the county of Beaufort, and Mr. Sawyer moved further to amend the bill, by extending its provisions to the county of Chowan ; which several amendments were agreed to. Whereupon, on motion of Mr. Edwards, ordered, that the said bill be referred to the committee on the Judiciary.

Mr. M'Williams presented a bill, entitled a bill to authorize Thomas H. Blount, of Beaufort county, to make a road on his own land, in Hyde county, from Rose Bay turnpike to the present settlement on Swan quarter, and to receive toll for passing the same ; which was read the first, second and third times and passed, and ordered to be engrossed.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed resolution, directing the committee of Finance to burn Treasury notes ; in which they ask the concurrence of that House.

Mr. Sawyer presented a bill, entitled a bill defining and limiting the

power of courts in inflicting punishments for contempts; which was read the first time and passed, and on motion of Mr. Montgomery of Orange, ordered to be referred to the committee on the Judiciary, and on motion of Mr. Carson, ordered to be printed one copy for each member of the Legislature.

Mr. Lowry presented a petition from sundry persons of the county of Buncombe, praying the passage of an act to divorce Catharine Parks, of said county, from her husband Gabriel Parks. Ordered that said petition be referred to the committee on Propositions and Grievances.

Mr. Durham presented the resignation of Elijah Morgan and Johnston Ledbetter, justices of the peace for the county of Rutherford; which were read and accepted, and sent to the House of Commons.

Mr. Welborn presented the petition of Cynthia Streets, praying to be divorced from her husband Solomon Streets, ordered that the said petition be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message, proposing that a joint select committee of two members on the part of each House, be raised to wait on his Excellency David L. Swain, inform him of his election as Governor of the State, for the ensuing year, and learn from him at what time it will be convenient for him to attend and take the oaths of office, prescribed for his qualification; which proposition was agreed to, Messrs. Sherrard and Shipp, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Brittain presented the memorial of Samuel Sherrill and others, of the county of Macon, praying the passage of an act granting them permission to work a silver or lead mine, which they alledge they have discovered on the public lands in said county; ordered, that the said memorial be referred to the committee on Propositions and Grievances.

Mr. Little presented the resignation of James Marsh, a justice of the peace for the county of Anson, and Mr. Howell presented the resignation of John Betheene, a justice of the peace for the county of Robeson; which was read and accepted, and sent to the House of Commons.

Mr. Hogan, from the committee on the Judiciary, to which was referred the resolution directing them to inquire into the expediency of altering the law, which requires sheriffs collecting money upon executions from different counties than that in which they act, to return the moneys to the office of the clerk of the county, from whence the execution issued, and to make the money payable by the sheriffs to the clerks of the courts in their respective counties, or to allow sufficient compensation for travelling expenses, &c. made an unfavorable report thereon; which was read, and on motion of Mr. Beard, ordered to lie on the table.

Mr. Hogan, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of altering the law, so as to require constables to return warrants in the district in which the defendant resides, made an unfavorable report thereon; which was read and concurred in:

Mr. Hogan, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of defining by law with more precision, the punishment to be inflicted for the crime of bigamy, so as to take away or lessen the discretion of the court, in ascertaining such pun-

ishment, made an unfavorable report thereon, stating that in the opinion of the committee, it is inexpedient to legislate upon the subject; which, after being read, was on motion of Wyche, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road on his own land;" in which they ask the concurrence of the Senate. Whereupon the said bill was read and passed.

Received from the House of Commons a message, stating their concurrence in the amendment made by the Senate, to the proposition of that House to raise a joint select committee, to inquire into the practicability of removing the present sitting of the Assembly to the Presbyterian church and Session house, and stating further that Messrs. Bragg, W. Jones and Marsteller, are appointed to form the committee on the part of that House. Whereupon, Messrs. Montgomery of Orange, Moye of Greene, and M'Williams, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Dowd presented the petition of James Monk of Moore county, a soldier of the Revolution, praying the Legislature to authorize and direct the Secretary of State, to issue to him a land warrant for six hundred and forty acres of land, in consideration of his military services; ordered, that the said petition with its accompanying documents, be referred to the committee on Claims.

Mr. Carson presented the following resolution, which was read and ordered to lie on the table, to wit:

*Resolved*, Upon a motion to lie upon the table, the merits of the question shall not be discussed.

Received from the House of Commons the certificate of allowance, made by the County Court of Cumberland, in favor of Mrs. Martha Spears, a pensioner of the State, endorsed in that House, "read and ordered to be countersigned by the Speaker, and sent to the Senate;" and, which, on motion of Mr. M'Cormick, was ordered to be countersigned by the Speaker of the Senate, and returned to the House of Commons.

Received also from the House of Commons the following resignations, to wit: The resignation of James C. Wren, colonel commandant; the resignation of \_\_\_\_\_ Julin, lieutenant colonel, and the resignation of \_\_\_\_\_ Lane, major of the 5th regiment of North Carolina militia; also the resignation of George Hoover, brigadier general of the 16th brigade and 4th division of militia; and the resignation of Walker Anderson, a justice of the peace for the county of Orange; endorsed in that House, "read and accepted;" and which were severally read and accepted by the Senate.

And the Senate then adjourned until to-morrow morning, 11 o'clock.

#### THURSDAY, NOVEMBER 27, 1834.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to repeal an act, entitled "an act to raise a fund to establish free schools in the county of Johnston, and for the government thereof;" passed in the year 1831, and a bill to authorize Thomas H. Blount of Beaufort county, to make a road on his own land in Hyde county, from Rose Bay Turnpike to the present settlement on Swan quarter, and to receive toll for passing the same; in which they ask the concurrence of that House.

Mr. Lockhart presented the petition of the Petersburg Rail Road company, praying the passage of an act to authorize them to erect a bridge across the Roanoke river at the town of Blakely, and in the mean time to establish a ferry at the same place. Mr. Lockhart also presented a bill to carry the prayer of the petitioners into effect, entitled a bill to authorize the Petersburg Rail Road company to erect a bridge across the Roanoke river at the town of Blakely, and in the mean time to establish a ferry at the same place; which was read the first time and passed. On motion of Mr. Lockhart, ordered that the said bill, together with the accompanying petition, be referred to the committee on Internal Improvements.

Mr. Moyer of Greene, presented the resignation of J. Williams of the county of Greene, and Mr. Dowd presented the resignation of William Donnelly of the county of Moore; Mr. Moyer of Pitt presented the resignation of Josiah Daniel, of the county of Pitt; Mr. Fairley presented the resignation of Silas A. Drake and Stafford Gibson, of the county of Richmond; and Mr. Kerr presented the resignation of Hugh Walker of the county of Caswell, justices of the peace for their respective counties; which were read and accepted, and sent to the House of Commons.

On motion of Mr. Edmonston,

*Resolved*, That the committee on the Judiciary, be instructed to inquire into the expediency of providing by law that no slave-holder shall be allowed to settle slaves on plantations, or at any negro quarters, without a white overseer, who shall have charge of them.

On motion of Mr. Durham,

*Resolved*, That the Judiciary committee be instructed to inquire if any, and what provision by law is necessary to enable parties to suits, where grants of lands issued by the State of North Carolina shall be investigated to show that such grants have been obtained fraudulently; and further to inquire, what amendments are necessary to be made, if any, to the act of one thousand seven hundred and fifteen, passed for quieting titles to lands within this State.

Mr. Caldwell presented a bill, entitled a bill to provide for the payment of certain persons, for the performance of certain duties therein mentioned; which was read the first time and passed, and, on motion of Mr. Caldwell, ordered to be referred to the committee on the Judiciary.

Mr. Lindsay presented a bill, entitled a bill to alter the name of, and legitimate Zadock Best, of Currituck county; which was read the first and second times and passed, and, on motion of Mr. Edwards, ordered to be referred to the committee on the Judiciary.

Mr. Hogan presented the petition of sundry persons of the county of Rowan, praying the passage of an act to annex a portion of the county of Rowan to the county of Davidson. Mr. Hogan also presented a bill to carry the prayer of the petitioners into effect, entitled a bill to amend an act, passed in the year 1822, entitled "an act for the division of Rowan county;" which was read the first time and passed, and, on motion of Mr. Beard, ordered that the said bill, with the accompanying petition, lie on the table.

Mr. McWilliams, from the joint select committee appointed to ascertain whether the Presbyterian church and session house in this city, can be procured for the purpose of holding the sitting of the present Legislature, presented a letter from C. Dewey, Esquire, on behalf of the proper authorities of the said church, respectfully assigning the reasons why the authorities of said church decline granting the desired permission; which being read, was, on motion of Mr. Moyer of Greene, ordered to be transmitted to the House of Commons.

The engrossed bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road, on his own land, was read the

second time. Mr. M'Corrick moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to. Whereupon, on motion of Mr. Wyche, ordered that the said bill lie upon the table.

Received from the House of Commons a message, transmitting a message from his Excellency the Governor, communicating the vouchers of certain expenditures incurred, under a resolution adopted by the last General Assembly, authorising the Governor for the time being, to have suitable grave stones placed at the graves of all members of the Legislature, who have been or may be hereafter interred in the city of Raleigh, accompanied by a proposition from that House, that the said message and accompanying documents be referred to the committee on Finance; which proposition was agreed to by the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to authorize James Mott, to establish a ferry on Black river, in the county of New Hanover; a bill making compensation to the jurors of the county of Chowan; a bill to repeal in part, an act passed in the year 1824, concerning retailers of spirituous liquors, in the counties of Hyde and Tyrrell; and a bill to incorporate Wake Forest Lodge, No. 97, in Wake county; in which they ask the concurrence of the Senate. Whereupon, the first mentioned bill was read the first time and passed, and on motion of Mr. Shipp, ordered to lie on the table; and the last mentioned bills were severally read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. M'Queen, ordered, that a message be sent to the House of Commons, proposing that the two Houses ballot on to-morrow, for a brigadier general of the 6th brigade and 4th division of militia, and nominating for that appointment Joseph Allison of Orange county.

The resolution presented on yesterday by Mr. Ennett, calling on the commissioners appointed to superintend the building of the capitol, for certain information, was read the second time; Mr. Sawyer moved that the said resolution lie on the table; which motion was not agreed to. The question then recurring on the passage of the resolution the second time, it was decided in the affirmative. Whereupon, the resolution was read the third time and passed, and ordered to be engrossed.

Alexander W. Mebane, the Senator from the county of Bertie, appeared, produced his credentials, was sworn before the Senate, and took his seat.

Mr. Wilson presented a bill, entitled a bill to subject legacies, distributive shares, &c. to attachment in like manner as other property; which was read the first time and passed, and on motion of Mr. Wilson, ordered to be referred to the committee on the Judiciary, and on motion of Mr. Hogan, ordered that the said bill be printed.

Mr. Brittain presented the petition of E. L. Poindexter and others, of the county of Macon, proprietors of the Tennessee river turnpike road, praying an extension of the charter, granted for the construction of said road.

Mr. Brittain also presented a bill, entitled a bill to amend an act, entitled an act to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee river turnpike road, passed in 1826, chapter 36th; which was read the first time and passed.

Mr. Kendall, from the committee on Propositions and Grievances, to

which was referred the petition of Richard G. Cowper, executor of Dr. Thomas O'Dwyer, praying the emancipation of certain slaves, belonging to the estate of his testator, made an unfavorable report thereon, stating that no evidence had been adduced to the committee to satisfy them, that the prayer of the petitioner should be granted, and ask to be discharged from the further consideration of the subject. Ordered, that the committee be discharged accordingly.

Mr. Kendall, from the same committee to which was referred the petition of Mary B. Cabe, of Haywood county, praying to be divorced from her husband Joseph Cabe, made a favorable report thereon, accompanied by a bill, entitled a bill to divorce Mary B. Cabe, of Haywood county, from her husband Joseph Cabe; which was read the first time and passed.

Received from the House of Commons the certificate of allowance, made by the county court of Cumberland, in favor of Mrs. Isabella Campbell, a pensioner of the State, and the certificate of allowance made by the county court of Mecklenburg, in favor of Mrs. Martha Thompson, also a pensioner of the State, endorsed in that House, "read and ordered to be countersigned by the Speaker of this House, and sent to the Senate;" and which were ordered to be countersigned by the Speaker of the Senate, and returned to the House of Commons.

Received from the House of Commons the following resignations, to wit: The resignation of Thomas Brown, colonel commandant, of the Ashe county regiment; the resignation of Elijah Walker, lieutenant colonel of 77th regiment; the resignation of Wilson G. Lamb, lieutenant colonel of the 2d regiment; the resignation of William Long, lieutenant colonel of the 76th regiment; and the resignation of Nat. L. Mitchell, major of the Onslow county militia; also the resignation of Christian Bringle, of the county of Rowan; the resignation of Daniel Alexander, of the county of Mecklenburg; the resignation of Henderson Forsythe, of the county of Iredell; the resignation of Thomas Wright, senr. of the county of Surry; and the resignation of Joseph Young, jr. Armistead F. Brackin and George F. Thomas, of the county of Rockingham, justices of the Peace for their respective counties, endorsed in that House, "read and accepted;" and which were severally read and accepted by the Senate.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

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FRIDAY, NOVEMBER 28, 1834.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed resolution, entitled a resolution requiring information from the commissioners appointed to superintend the building of the capitol, &c. in which they ask the concurrence of that House.

Mr. Spaight presented the certificates of allowance of the county court of Craven county, in favor of John Rhem, Thomas Ewell and Christopher Bexley, pensioners of the State; which were read, and, on motion of Mr. Spaight, ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. M'Cormick presented the certificate of allowance of the county court of Cumberland, in favor of Mrs. Ann Morrison, a pensioner of the State; which was read, and, on motion of Mr. M'Cormick, ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.



Mr. Hogan, from the committee on the Judiciary, to which was referred the bill to alter the name of, and legitimate Zadock Best, of Currituck county, reported the same without amendment, stating that in the opinion of the committee, no legislation is necessary on the subject. Whereupon, the said bill was read the third time, and resolved that the same shall not pass.

Mr. Hogan, from the same committee to which was referred the bill to provide for the payment of certain persons, for the performance of certain duties therein mentioned, made an unfavorable report thereon; which was read, and on motion of Mr. Caldwell, ordered, that the report together with the bill lie on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill supplemental to an act, passed in the year 1802, chapter 616, entitled an act to empower county courts within the State, to appoint patrols; and a bill granting to persons therein named, certain lands for the use of the Methodist Episcopal Church, at Franklin in Macon county; in which they ask the concurrence of the Senate. Whereupon, the first named bill was read the first time and passed, and on motion of Mr. Shipp, ordered to be referred to the committee on the Judiciary. The last named bill was thereupon read the first and second time and passed, and being read the third time, Mr. Edmonston moved to amend the bill by inserting after the word "to," in the fifth line of the first section, the words "cause to be issued;" which amendment was agreed to, and the bill as amended, was read the third time and passed, and a message sent to the House of Commons, asking the concurrence in the amendment.

Received also from the House of Commons a message, agreeing to the proposition of the Senate to ballot on to-day for a brigadier general, of the 6th brigade and 4th division, and stating that Messrs. Stockard and Rush, attend the Senate to conduct the balloting on the part of that House. Whereupon, Messrs. M<sup>c</sup>Cormick and Cowper of Gates, were appointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Hogan, the Senate proceeded to take up and consider the bill to provide for the payment of certain persons, for the performance of certain duties, and the bill being read the second time, Mr. Hogan moved to amend it, by striking out the whole thereof, except the enacting clause, and to insert in lieu thereof a substitute; which was read and agreed to, and the bill as amended, was read the second time and passed. The bill being thereupon read the third time, Mr. Shipp moved further to amend it, by striking out the last section, and Mr. Hogan moved to amend the title, so as to make it correspond with the provisions of the bill; which amendments were agreed to, and the bill as amended, was read the third time and passed. and ordered to be engrossed.

Received from the House of Commons a message, agreeing to the proposition of the Senate to raise a joint select committee, to examine the manner in which the moneys appropriated for rebuilding the capitol, have been expended and the reasons which led to the dismissal of William S. Drummond, superintendent of public buildings; also to inquire and report the probable amount of money which will be required to finish and furnish the

capitol, and when it will be ready for the reception of the Legislature, and stating further that Messrs. Daniel, Cansler, Cotton, Hutcheson and Harper, are appointed to form the committee on the part of that House. Whereupon, Messrs. M'Queen, Branch, Hogan, Mebane and Hawkins, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Cowper of Gates, from the committee appointed to conduct the balloting for brigadier general of the 6th brigade and 4th division, reported that Joseph Allison having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The bill to divorce Mary B. Cabe from her husband Joseph Cabe, was read the second time, and resolved, that the same shall not pass.

The bill to amend an act, entitled an act to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee river turnpike road, passed in 1826, chapter 36th; was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Cowper of Gates,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of changing the present mode of receiving lists of taxable property, and of amending the revenue laws of this State, and that they report by bill or otherwise.

Mr. Baker presented the petition of Rachel Edwards of Yancy county, stating that at October term 1830, of Buncombe superior court, a decree was made by said court, divorcing her from her husband Edmond Edwards, and praying the passage of an act, giving her permission to marry again. Ordered, that the said petition be referred to the committee on Propositions and Grievances.

A motion was made by Mr. Mebane, to reconsider the vote, rejecting the bill to divorce Mary B. Cabe, from her husband Joseph Cabe, and on the question, will the Senate reconsider the said vote? it was decided in the affirmative. Whereupon, on motion of Mr. Edmonston, ordered, that the said bill lie on the table.

Mr. Shipp presented the petition of Joseph Shepherd, praying the passage of an act, directing the Secretary of State to issue to him a grant for a tract of land, purchased at the sale of the Cherokee lands by John Woodyly, and by him sold to the petitioner. Ordered, that the said petition and accompanying papers, be referred to the committee on Cherokee Lands.

The Senate then adjourned until to-morrow morning, 11 o'clock.

#### SATURDAY, NOVEMBER 29, 1834.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to authorize and empower the Court of Pleas and Quarter Sessions, to allow compensation to commissioners who shall attend with a processioner, to establish disputed lines; and a bill to amend an act, entitled an act to establish a turnpike road, in the county of Haywood, to be called the Tennessee river turnpike road, passed 1826, chapter 36; in which they ask the concurrence of that House.

Mr. Sawyer presented the following preamble and resolution, to wit:

Whereas, the practice of trading with slaves in this State, is an increasing and most destructive evil, and ought to be diminished, therefore

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so altering or amending the law, prohibiting the trading with slaves, as more effectually to suppress the odious traffic, and that said committee report by bill or otherwise.

Which was read and adopted.

On motion of Mr. M<sup>o</sup>Williams,

*Resolved*, That the Military committee be and they are hereby instructed to inquire into the expediency of so amending the militia laws of this State, as to reduce or lessen the number of commissioned officers in each captain's company to three, (instead of five,) as under the former existing law; and that they report by bill or otherwise.

Mr. Beard presented a bill, entitled a bill concerning a convention to amend the Constitution of the State of North Carolina; which was read the first time and passed, and on motion of Mr. Beard, ordered to be referred to the committee on so much of the Governor's message, as relates to the subject of a State Convention, for amending the Constitution. On motion of Mr. Holmes, ordered, that the said bill be printed, one copy for each member of the Legislature.

Mr. Wilson presented a bill, entitled a bill, providing for a more efficient patrol; which was read the first time and passed, and on motion of Mr. Sawyer, ordered, that the said bill be referred to a select committee to consist of six members, one from each of the old judicial districts, and that it be printed, one copy for each member of the Legislature. Whereupon, Messrs. Wilson, Branch, Spaight, Howell, Kerr and Shipp, were appointed to form said committee.

Received from the House of Commons a message, proposing to ballot immediately for colonel commandant and lieutenant colonel of cavalry, attached to the 16th brigade, and stating that Joseph M. Stanfield, is in nomination for colonel commandant, and Henry R. Beard, for lieutenant colonel; which proposition was agreed to. Messrs. Kerr and Mebane, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon, a message was received from that House, stating that Messrs. Jones and Braswell, are appointed to superintend the balloting on their part.

Mr. Welborn presented a bill, entitled a bill to repeal in part an act, passed in the year 1831, to prevent obstruction to the passage of fish up the Pedee and Yadkin rivers; which was read the first, second and third times and passed, and ordered to be engrossed.

A message was received from the House of Commons, transmitting the annual report of the Adjutant General on the state of the militia, and accompanied by a proposition from that House that it be printed, one copy for each member of the Legislature, and that it be referred to the joint select committee on military affairs; which propositions were agreed to, and the House of Commons was informed thereof by message.

Mr. Klutts presented a bill, entitled a bill for the relief of widows in certain cases; which was read the first time and passed, and, on motion of Mr. Spaight, ordered to be referred to the Committee on the Judiciary.

Mr. Edwards presented the petition of Mary T. Epes, of the county of Warren, praying the passage of an act to divorce her from her husband Peter Epes. Ordered that the said petition, with the accompanying papers, be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message, stating that they have passed the engrossed resolution, requiring information from the Commissioners appointed to superintend the building of the Capitol, with an amendment; which was read and concurred in by the Senate, and the House of Commons was informed thereof by message.

Mr. Kendall, from the committee on Propositions and Grievances, to

which was referred the petition of John Sudderth and Patrick Hennessee, praying the passage of an act to authorize them to erect gates across the public road, on their own land in the county of Burke, made a favorable report thereon, accompanied by a bill, entitled a bill to authorize John Sudderth and Patrick Hennessee to erect Gates on their own lands, across the public road, in the county of Burke; which was read the first time and passed.

Mr. Kendall, from the same committee, to which was referred the petition of Susan Durham, of Burke county, praying to be divorced from her husband Archibald Durham, made a favorable report thereon, accompanied by a bill, entitled a bill to divorce Susan Durham from her husband Archibald Durham; which was read the first time and passed, and, on motion of Mr. McWilliams, ordered to lie on the table.

Mr. Kendall, from the same committee, to which was referred the petition of Theresa Brownrigg, of Wayne county, praying the passage of an act to secure to her such property as she may heretofore acquire, made a favorable report thereon, accompanied by a bill, entitled a bill to secure to Theresa Brownrigg such property as she may hereafter acquire; which was read the first time and passed, and, being read the second time, Mr. Sawyer moved that it lie on the table; which was not agreed to. The question then recurring on the passage of the bill the second time, it was decided in the affirmative—Ayes 41, Noes 16. The ayes and noes being demanded by Mr. Sawyer, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Baker, Beard, Brittain, Caldwell, Cooper of Martin, Dobson, Dowd, Durham, Edmonston, Edwards, Ennett, Fairley, Flyntt, Flowers, Gavin, Harrison, Howell, Hussey, Kendall, Kerr, Lindsay, Little, Lockhart, Lowry, McLeary, McQueen, McWilliams, Mast, Montgomery of H., Montgomery of O., Moore, Moyer of Pitt, Moyer of Greene, Parker, Phelps, Sherard, Staley, Stephens, Wellborn, Whitaker.

Those who voted in the negative, are Messrs. Branch, Cowper of Gates, Hogan, Holmes, Klutts, McCormick, McMillan, Martin, Mebane, Sawyer, Shipp, Spaight, Spencer, Wilder, Wilson, Whitehurst.

The bill was thereupon read the third time and passed, and ordered to be engrossed.

Mr. Kerr, from the committee appointed to conduct the balloting for Colonel and Lieutenant Colonel of Calvary attached to the 16th Brigade, reported that Joseph M. Stanfield, having received a majority of the whole number of votes, is duly elected Colonel; and that Henry R. Beard, having also received a majority of the whole number of votes, is duly elected Lieutenant Colonel; in which report the Senate concurred.

The Senate then adjourned until Monday morning, 10 o'clock.

#### MONDAY, DECEMBER 1, 1834.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to repeal in part an act, passed in the year 1831, to prevent obstruction to the passage of fish up the Pee Dee and Yadkin rivers, and a bill to secure to Theresa Brownrigg such property as she may hereafter acquire; in which they ask the concurrence of that House.

Mr. Sawyer announced to the Senate, the death of Ephraim Mann, Esq. Senator from the county of Tyrrell, who died this morning at his lodgings in this city, and thereupon presented the following resolutions, to wit:

*Resolved*, That a message be sent to the House of Commons, informing them of the demise of Ephraim Mann, Esq. Senator from the County of Tyrrell, and proposing that a joint select committee of three members on the part of each House, be appointed to make arrangements for the funeral of the deceased.

*Resolved further*, As a testimony of respect and regard for the deceased, we will wear the usual badge of mourning during the remainder of the session.

Which were read and unanimously adopted, and a message sent to the House of Commons accordingly. A message was thereupon received from that House, agreeing to the propositions of the Senate, and stating that Messrs. McCleese, J. H. Alexander and Davenport, are appointed to form the committee of arrangements on the part of that House. Messrs. Sawyer, Wilson and Mebane, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Mebane, ordered that a writ of election issue to the sheriff of Tyrrell county, commanding him to hold an election on Wednesday the 10th instant, for the purpose of electing some person qualified to represent said county in the Senate, to supply the vacancy occasioned by the death of Ephraim Mann, Esq.

The Senate then adjourned until to-morrow, 12 o'clock.

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TUESDAY, DECEMBER 2, 1834.

A quorum of the members not appearing on this day, on motion of Mr. Caldwell, ordered that the Senate stand adjourned until to-morrow morning, 10 o'clock.

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WEDNESDAY, DECEMBER 3, 1834.

Isham Edwards, the Senator elect from the county of Person, in the room and stead of Robert Vanhook deceased, appeared, produced his credentials, was sworn before the Senate, and took his seat.

Mr. Martin, from the committee on claims, to which was referred the petition of James Monk, made a favorable report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the Secretary of State be, and he is hereby directed, to issue a warrant to James Monk, a soldier of the Revolution, for six hundred and forty acres of land, agreeable to an act of the General Assembly, passed in 1782, entitled "an act for the relief of the officers and soldiers in the continental line, and for other purposes;"

Which was read the first time and passed.

Mr. Montgomery (of Orange,) from the committee on Privileges and Elections, to which was referred certain documents contesting the seat of the sitting member of the Senate from the county of Carteret, made a detailed report thereon, accompanied by the following resolution, to wit:

*Resolved*, That Otway Burns, the sitting member from the county of Carteret, is entitled to retain his seat;

Which being read, on motion of Mr. Wilson, ordered that the said resolution and report lie on the table.

On motion of Mr. Lockhart,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the laws relative to the marriage of infant females, so as to extend the age at which orphan females may marry, and to extend it to females whose fathers may be living, and who marry contrary to their fathers' will; and to make it penal for any clerk to issue license of marriage, and any person authorized to solemnize the rites of matrimony to perform that ceremony, without the consent of the father in writing; and that they report by bill or otherwise.

Mr. Sawyer presented a bill, entitled a bill prohibiting lotteries, which was read the first time and passed.

Mr. Whitehurst presented a bill, entitled a bill to alter the time of opening

and closing the polls of elections in the county of Pasquotank; which was read the first, second and third times, and passed, and ordered to be engrossed.

Mr. Cowper (of Gates,) presented a bill, entitled a bill to abolish the offices of county trustee and treasurer of public buildings in the county of Gates; which was read the first time and passed, and being read the second time, Mr. Spencer moved to amend it by extending its provisions to the county of Hyde; which amendment was agreed to, and, on motion of Mr. Edwards (of Warren,) ordered that the further consideration of the said bill be postponed until to-morrow.

Mr. Little presented a bill, entitled a bill to give exclusive jurisdiction to the Superior Courts of the county of Anson, in all cases where the intervention of a jury shall or may be necessary; which was read the first time and passed.

Mr. Baker presented a bill, entitled a bill for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Yancy; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, to wit: A bill to divorce Peter Ambrose, of Onslow county, from his wife Thirza Ambrose; a bill to alter the name of Julia Ann Thompson, of the county of Carteret; a bill to alter the name of, and legitimate Lurany Alexander; a bill for the better administration of justice, to the poor of Onslow county; and a resolution in favor of George R. Griffith, administrator of Elisha Brown; in which they ask the concurrence of the Senate. Whereupon, the said bills and resolution, were severally read the first time and passed.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to repeal an act passed in the year 1832, entitled an act concerning the inspection of fire wood, in the town of Newbern; a bill to legitimate and alter the name of Albert Spring, of the county of Hyde; a bill to amend the first section of an act, passed in 1831, chapter 52, entitled an act to abolish the offices of county Trustee, Treasurer of Public Buildings, in the county of Richmond, Columbus, Sampson and Robeson; a bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him; and a bill to emancipate Daniel, a slave; in which they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed.

The engrossed bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road, on his own land; was read the second time. Mr. M'Cormick moved to amend the bill, by adding the following as an additional section, to wit:

*And be it further enacted,* That it shall be the duty of the said Michael Brown to keep each of said gates open, or to have some person to open the same at all times, for the convenience of any person travelling said road on foot or otherwise; and if he fail to do so, that he shall be liable to indictment, either in the county or superior court, and fined at the discretion of said court:

Which amendment was not agreed to. The question then recurring on the passage of the bill the second time, it was decided in the affirmative. The bill being thereupon read the third time, Mr. Holmes moved to amend it, by adding the following proviso, to wit:

Provided, that no person or persons whatsoever, travelling on said road shall at any time be subject to action or indictment, for leaving either of said gates open;

Which amendment was not agreed to. The question then recurring on

the passage of the bill the third time, it was decided in the affirmative, and the bill was ordered to be enrolled.

Mr. Beard presented a bill, entitled a bill, giving the county courts of this State, authority to abolish the offices of county trustee and treasurer, or commissioner of public buildings; which was read the first time and passed.

Mr. Kendall presented a bill, entitled a bill to authorize the appointment of two surveyors, in the county of Montgomery; which was read the first time and passed. Mr. M'Cormick moved that the said bill be referred to the committee on Propositions and Grievances; which was not agreed to. The bill being thereupon read the second time, Mr. Edmonston moved to amend it by extending its provisions to the county of Haywood; which amendment was agreed to. The question then recurring on the passage of the bill the second time as amended, it was decided in the affirmative; and the bill was thereupon read the third time and passed, and ordered to be engrossed.

A message was received from the House of Commons, agreeing to the amendment made by the Senate to the engrossed bill granting to persons therein named, certain lands for the use of the Methodist Episcopal Church, at Franklin in Macon county. Ordered, that the said bill be enrolled.

Received also from the House of Commons a message, agreeing to the propositions of the Senate, that two additional copies of the annual report of the Public Treasurer, be printed for each member of the Legislature.

A message was also received from the House of Commons, transmitting a message from his Excellency the Governor, communicating the annual report of the President and Directors of the Literary fund, and accompanied by a proposition from that House, that the report be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

The bill for the better regulation of the Court of Pleas and Quarter Sessions, of the county of Yancy, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill for the better administration of justice to the poor of Onslow county, and the engrossed resolution in favor of George R. Griffith, administrator of Elisha Brown, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to alter the name of, and legitimate Lurany Alexander, was read the second time, and on motion of Mr. Hogan, ordered to lie on the table; and the engrossed bill to alter the name of Julia Ann Thompson, of the county of Carteret, was read the second time and resolved, that the same shall not pass.

Received from the House of Commons the certificate of allowance, of the county court of Cumberland, in favor of Ann Morrison, and the certificates of allowance, of the county court of Craven, in favor of John Rhem, Thomas Ewell and Christopher Bexley, pensioners of the State; endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons"

The engrossed bill to divorce Peter Ambrose, of Onslow county, from his wife Thirza Ambrose, was read the second time; Mr. Cowper of Gates, moved that the said bill be referred to the committee on the Judiciary, with

instructions to inquire if any, and what amenduents are necessary to the existing law, giving the superior courts jurisdiction of all cases of divorce; which motion was not agreed to. The question then recurring on the passage of the bill the second time, it was decided in the affirmative. Ayes 31. Noes 27. The ayes and noes being demanded by Mr. Cowper of Gates, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Baker, Barco, Beard, Brittain, Calawell, Cooper of Martin, Durham, Edmonston, Edwards of Person, Ennett, Fairley, Gavin, Harrison, Howell, Hussey, Kerr, Klutts, Lindsay, Lowry, M'Queen, McWilliams, Mast, Montgomery of Orange, Moore, Phelps, Sherard, Staley, Shipp, Spencer, Wellborn.

Those who voted in the negative are, Messrs. Cowper of Gates, Dobson, Dowd, Edwards of Warren, Flynt, Flowers, Hawkins, Hogan, Holmes, Kendall, Little, Lockhart, McCormick, McMullan, Martin, Mebane, Montgomery of Hertford, Moye of Pitt, Moye of Greene, Parker, Sawyer, Spaight, Stephens, Wilson, Whitaker, Whitehurst, Wyche.

Mr. Beard then moved that the said bill lie on the table; which was not agreed to. Whereupon, it was read the third time and passed and ordered to be enrolled.

Mr. Kerr presented the petition of Susannah Enoch, widow of Rees Enoch, deceased, late of Caswell county, praying the passage of an act to exempt her from the payment of taxes, on the estate of the said deceased. Ordered that the said petition be referred to the committee on Propositions and Grievances.

Mr. Baker presented the resignation of William G. Anderson, major of the third regiment of Buncombe county militia; which was read and accepted, and sent to the House of Commons.

The Senate then adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, DECEMBER 4, 1834.

A message was sent to the House of Commons stating that the Senate have passed the following engrosed bills, to wit: A bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Yancy; a bill to authorize the appointment of two surveyors in the counties of Montgomery and Haywood, and a bill to alter the time of opening and closing the polls of the elections in the county of Pasquotank; in which they ask the concurrence of that House.

Mr. Edmonston presented the petition of John Hyde, of Haywood county, praying the passage of an act, authorizing the Public Treasurer to receive from the said petitioner, his bonds with security, for the amount due for the purchase of a tract of land made by George Shuler, Jr. at the sales of the Cherokee Lands, in the room and stead of the bonds executed for the same, by the said George Shuler Jr. On motion of Mr. Edmonston, ordered that the said petition be referred to a select committee of three members: Messrs. Edmonston, Lowry and Brittain, were appointed to form said committee.

On motion of Mr. Lockhart,

*Resolved*, That the committee on Military Affairs be instructed to inquire into the expediency of amending the militia laws, so as to abolish the present company muster system, and in lieu thereof, to make it the duty of the commanding officers of regiments to review each company within his command, twice in each year, and at no other times but in the months of April and May, and in September and October, and for two successive days at each review, and to allow him a reasonable compensation per diem therefor, which shall include the pay of musicians, where there are none belonging to the company, to be paid out of the fines received; that the said committee further inquire into the expediency of so amending the militia laws, as to exempt the commandants of regiments from the duty of drilling the officers, preparatory to a general review, and making it the duty of the general to perform that



service in person; that said committee further inquire into the expediency of making it the duty of sheriffs to collect militia fines, and pay the same into the County Treasury, to be drawn out on the order of the Judge advocate of the Court Martial, by order of that Court: *Provided*, that the company reviews shall not affect volunteer companies, or interfere any way with General Regimental or Battalion reviews; and that said committee report by bill or otherwise.

On motion of Mr. Cooper of Martin,

*Resolved*, That the joint select committee on Military Affairs be instructed to inquire into the expediency of so amending the Militia Laws of this State, as to compel the several Captains of companies in the respective counties, to muster their said companies at least four times in each and every year; and that the committee have leave to report by bill or otherwise.

Mr. Lindsay presented the petition of Cartright Bell, of the county of Currituck, praying the passage of an act to authorize him to enter six hundred and forty acres of marsh and swamp lands in said county. Ordered that the said petition be referred to the committee on claims.

Mr. Wyche, from the committee on finance, made a detailed report on the state of the Public Treasury, which was read, and, on motion of Mr. Wyche, ordered to be transmitted to the House of Commons.

Mr. Wyche also presented a communication from William S. Mhoon, Public Treasurer, respectfully assigning the reasons which induced him to decline a re-election to that appointment; which being read, on motion of Mr. Wyche, ordered that said communication be transmitted to the House of Commons, with a proposition that the two Houses proceed to ballot on Monday next for Public Treasurer of the State. Whereupon Mr. Wellborn nominated for that appointment, Samuel F. Patterson, of the county of Wilkes, and Mr. Arrington moved to add to the nomination, the name of Samuel Spruill, of the county of Wake.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the memorial of Samuel Sherrill and others, praying permission to work a silver or lead mine, on the public lands in the county of Macon, reported that in the opinion of the committee the said petition had been improperly referred; and asked to be discharged from the further consideration of the subject. Ordered that the said committee be discharged accordingly. Whereupon, on motion of Mr. Edmonston, ordered that said petition be referred to the Committee on Cherokee Lands.

Mr. Kendall, from the same committee, to whom was referred the petition of sundry citizens of the county of Iredell, praying the passage of an act to restore Andy Baggardy, of said county, to the privileges of a citizen, made a favorable report thereon, accompanied by a bill, entitled a bill to restore to credit Andy Baggardy, of Iredell county; which was read the first time and passed.

Mr. Kendall, from the same committee, to which was referred the petition of Cyntha Sheets, praying to be divorced from her husband Solomon Sheets, made an unfavorable report thereon, and asked to be discharged from further consideration of the subject. Ordered that the said committee be discharged accordingly.

Mr. Kendall, from the same committee to which was referred the petition of Mary T. Eppes, of Warren county, praying to be divorced from her husband Peter Eppes, made a favorable report thereon accompanied by a bill, entitled a bill to divorce Mary T. Eppes, from her husband Peter Eppes; which was read the first time and passed. Mr. Martin moved that the said bill and report lie on the table and be printed. A division of the question being demanded, it was first taken on the motion to lay the said bill

and report on the table, and it was decided in the affirmative. The question then recurring on the motion to print, it was decided in the negative.

Mr. Hogan, from the committee on the Judiciary to which was referred the bill to authorize the payment of the patrol in certain counties, reported the same without amendment, and ask to be discharged from the further consideration of the subject, and recommending that the said bill be referred to the select committee on the subject of the Patrol Laws. Ordered, that the committee on the judiciary be discharged, and that the said bill be referred to the select committee on the Patrol Laws, accordingly.

Mr. Hogan, from the same committee to which was referred the bill defining and limiting the power of courts, in inflicting punishments for contempts, reported the same without amendment, and ask to be discharged from the further consideration of the subject. Ordered, that the committee be discharged accordingly, and on motion of Mr. Sawyer, ordered, that the said bill be made the order of the day for Monday next.

Mr. Montgomery of Hertford, on behalf of himself as the minority of the committee on Privileges and Elections, made a counter report on the communication from the county of Carteret, contesting the seat of the sitting member of the Senate, from that county; which was read, and on motion of Mr. Montgomery of Hertford, ordered to lie on the table.

A message was received from the House of Commons, transmitting a report from the commissioners appointed to superintend the building of the capitol, and proposing that the said report be referred to the committee on Public Buildings; there being no such committee on the part of the Senate, Mr. Wyche moved that the said report lie on the table, and that a message be sent to the House of Commons, proposing to raise a joint select committee on the Public Buildings, to which the said report shall stand referred; which motion was agreed to.

Mr. Edmonston presented a bill, entitled a bill concerning the county courts of Haywood county; which was read the first time and passed, and on motion of Mr. Shipp, ordered to lie on the table.

Mr. Branch presented a bill, entitled a bill to protect seine places on Roanoke river; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Ennett presented a bill, entitled a bill for the better administration of justice, in the county of Onslow, and for other purposes; which was read the first time and passed.

Mr. Lockhart presented a bill, entitled a bill to amend the road laws of this State; which was read the first time and passed, and on motion of Mr. M'Queen, ordered to be printed.

A message was received from the House of Commons, stating that they have passed the engrossed bill to amend an act, entitled an act to establish and regulate a turnpike road, in the county of Haywood, to be called the Tennessee river turnpike road, passed in 1826, chapter 36th, with an amendment; in which they ask the concurrence of the Senate. Whereupon, the said amendment was read and concurred in, and a message sent to the House of Commons informing them thereof.

Received also from the House of Commons a message, transmitting a communication from his Excellency the Governor, accompanied by a correspondence between the adjutant general of the State, and Major

Churchill of the army of the United States, in relation to a claim against the State, for services rendered at Smithville, in preserving the public arms deposited at that post, and accompanied by a proposition from that House, that the message of his Excellency, together with the papers referred to, be referred to the committee on Military Affairs; which proposition was agreed to, and the House of Commons was informed thereof by message.

The resolution in favor of James Monk, was read the second and third times and passed, and ordered to be engrossed.

The bill prohibiting lotteries, was read the second time, amended on motion of Mr. Beard, and passed, and being read the third time, Mr. Shipp moved that it lie on the table; which motion was agreed to.

The bill to abolish the offices of county Trustee and Treasurer of public buildings, in the counties of Gates and Hyde, was read the second and third times, amended on motion of Mr. Holmes, and passed, and ordered to be engrossed.

The bill to give exclusive jurisdiction to the superior courts, for the county of Anson, in all cases where the intervention of a jury may be necessary, was read the second time; Mr. Kendall moved to amend the bill by making its provisions extend to the county of Montgomery; which amendment was agreed to, and the bill as amended, was read the second and third times and passed, and ordered to be engrossed.

The Senate then adjourned until to-morrow morning, 10 o'clock.

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FRIDAY, DECEMBER 5, 1834.

Mr. Moye of Greene, presented the resignation of James Harper, colonel commandant of cavalry, attached to the second brigade of North Carolina militia; and Mr. Ennett presented the resignation of Joseph D. Ward, major of cavalry, attached to the third brigade, in the 6th division of militia; which were read and accepted, and sent to the House of Commons.

Mr. Brittain presented the petition of sundry citizens, of the county of Macon, protesting against the granting of the prayer of the petition of sundry citizens of said county, praying the passage of an act granting them permission to erect a meeting house, on a part of the public lands, in said county. Ordered, that the said petition be referred to the committee on Cherokee Lands.

Mr. Sherard, from the select committee appointed to wait on his Excellency the Governor elect, to inform him of his election, and to ascertain at what time it would be convenient for him to attend and take the oaths of qualification, reported that the committee was authorized to state that he would attend the two Houses, for that purpose on Wednesday next, at 12 o'clock.

Mr. Kendall presented the resignation of Eli Harris, a justice of the peace, for the county of Montgomery; which was read and accepted, and sent to the House of Commons.

Mr. Brittain presented the following preamble and resolution, to wit:

Whereas, there is a considerable portion of the four hundred acres of land, in the county of Macon, which was reserved for the future disposition of the Legislature, by the act of one thousand eight hundred and nineteen;

*Be it resolved*, That the committee on Cherokee Lands be instructed to inquire into the expediency of selling the same, and that they report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Lockhart,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the laws against gaming, so as to increase the penalties for a violation thereof, by itinerant or professed gamblers, commonly called black-legs, and those who afford them facilities in exhibiting their tables or hazard, or other instruments of gaming, and also against keepers of houses of entertainment, and others who exhibit gaming tables or engage in gaming themselves, in their own houses; and that said committee be further instructed to inquire into the expediency of prohibiting unusual and barbarous sports, which have a tendency to corrupt the public morals, and that they report by bill or otherwise.

A message was received from the House of Commons, agreeing to the proposition of the Senate, to ballot on Monday next, for Public Treasurer.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to repeal in part, an act passed in the year 1831, entitled an act to provide for the compensation of certain jurors of the counties of Perquimons, Pasquotank and Gates; a bill to establish Hannah Moore Academy, in the county of Duplin, and incorporate the trustees thereof; a bill to prevent obstructing the passage of fish up Roaring river, in the county of Wilkes; and a bill amendatory of an act, passed in the year 1829, entitled an act to authorize the forming of a fire engine company, in the town of Elizabeth city; in which they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed.

The bill giving the county courts of this State, authority to abolish the offices of county Trustee and Treasurer, or Commissioner of public buildings, was read the second time. Mr. Beard moved to amend the bill, by adding the following at the end thereof, to wit: "And if any sheriff or sheriffs, to whom the duties of county Trustee or Treasurer, or Commissioner of public buildings, shall be assigned, shall fail to perform such duties, he or they shall be liable to the same penalties that county Trustees are subject to, under existing acts of Assembly;" which amendment was agreed to. Mr. Beard moved further to amend the bill, by adding an additional section; which was read and agreed to. Mr. Holmes moved further to amend the bill, by adding the following as an additional section, to wit: "That the sheriffs of said counties in which the offices of county Trustee and Treasurer of public buildings are abolished, shall give bonds for the performance of said duties, as now required by law to be given by said county Trustee and Treasurer of public buildings;" which amendment was agreed to. Mr. Welborn moved further to amend the bill, by adding the following as an additional section, to wit: "And that this act shall be in force from and after the ratification thereof;" which amendment was also agreed to. And the bill as amended, was read the second time, and on motion of Mr. Hogan, ordered to lie on the table; and on motion of Mr. Wilson, ordered to be printed.

Mr. Cooper of Martin, presented a bill, entitled a bill to incorporate the Martin county Grays, in Martin county; which was read the first time and passed.

A message was received from the House of Commons, transmitting a report from the commissioners on the state of the capitol, and proposing that it be referred to a joint select committee on that subject, and that it be printed, without the exhibits accompanying the same. Mr. Montgomery of Orange, moved to amend the proposition of the House of Commons by proposing that the "exhibits," accompanying the said report be also print-

ed; which motion was agreed to, and the proposition as amended, was concurred in. A message was thereupon sent to the House of Commons, informing them thereof.

Mr. Montgomery (of Hertford,) presented a bill, entitled a bill to repeal a part of the third section of an act, passed in the year 1831, in addition to an act, passed in the year 1830, in relation to the burning of the records of the county of Hertford; which was read the first time and passed.

Mr. Mebane presented the following resolution, to wit:

*Resolved*, That William S. Mhoon, Esq. be allowed the sum of        dollars, for extra services rendered since the death of the late Comptroller, and for arranging and publishing the revenue laws, under a resolution of the last General Assembly; which amount shall be allowed in the settlement of the public accounts.

Which was read the first time and and passed, and, on motion of Mr. Mebane, ordered to be referred to the committee on finance.

A message was received from the House of Commons, transmitting a message from his Excellency the Governor, communicating a report from the Commissioners appointed to revise the Statute Laws of this State, together with sundry accompanying documents, and proposing that the said report be referred to a joint select committee of three members on the part of each House, and that the message and report be printed; which proposition was agreed to by the Senate: Messrs. Branch, Holmes and Sawyer, were appointed to form the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

The engrossed bill to amend the first section of an act, passed in 1831; Chapter 52, entitled "an act to abolish the offices of County Trustee and Treasurer of public buildings in the counties of Richmond, Columbus, Sampson, and Robeson, was read the second time, and, on motion of Mr. Martin, ordered to lie on the table.

The engrossed bill to alter and legitimate the name of Albert Spring; of the county of Hyde; and the engrossed bill to repeal an act, passed in the year 1832, entitled "an act concerning the inspection of fire wood in the Town of Newbern," were read the second time, and resolved that the same shall not pass.

A message was received from the House of Commons. stating that they have passed the following engrossed bills, to wit: A bill to establish Germanton Academy in the county of Stokes, and to incorporate the Trustees thereof; a bill to incorporate the Iredell Manufacturing Company; a bill to provide for the holding of a Superior Court in the county of Yancy; a bill to abolish the office of County Trustee of Granville, and for other purposes; and a bill concerning the appointment of commissioners of a public road in Haywood county; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed.

The engrossed bill to emancipate Daniel, a Slave, was read the second time and passed—Ayes 42, Noes 16 The ayes and noes being demanded by Mr. Wilson. are as follows, to wit:

Those who voted in the affirmative, are Messrs. Baker, Barco, Beard, Branch, Brittain, Burns, Caldwell, Cooper of Martin, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Fairley, Flynt, Gavin, Hawkins, Hogan, Howell, Kendall, Kerr, Klutts, Lindsay, Little, Lowry, McCormick, M'Queen, McWilliams, Martin, Mast, Montgomery of Hertford, Moore, Moye of Pitt, Moye of Greene, Parker, Phelps, Staley, Shipp, Stephens, Wellborn.

Those who voted in the negative are, Messrs. Arrington, Cowper of Gates, Flowers, Holmes, Lockhart, Mebane, Montgomery of Orange, Sawyer, Sherard, Spaight, Spencer, Wilder, Wilson, Whitaker, Whitehurst, Wyche.

The bill was thereupon read the third time and passed, and ordered to be enrolled.

Mr. Montgomery (of Hertford,) moved that the Senate do now proceed to consider the resolution, reported by the committee on Privileges and Elections, in favour of Otway Burns, the sitting member from the county of Carteret; which motion was agreed to, and the resolution having been read, on motion of Mr. Wilson, ordered that it be made the order of the day to-morrow.

The Senate then adjourned until to-morrow morning, 10 o'clock.

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SATURDAY, DECEMBER 6, 1834.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: A bill to abolish the offices of County Trustee and Treasurer of public buildings in the counties of Gates and Hyde; a bill to give exclusive jurisdiction to the Superior Courts for the counties of Anson and Montgomery, in all cases where the intervention of a Jury may be necessary; a bill to protect seine places on Roanoke river; and a resolution in favor of James Monk; in which they ask the concurrence of that House.

Mr. Hussey presented the petition of Sundry citizens of the county of Duplin, praying the passage of an act to restore to citizenship, David Evans of said county. Ordered that said petition be referred to the committee on Propositions and Grievances.

Mr. Montgomery (of Hertford,) presented the following resolution, to wit:

*Resolved*, That this Legislature adjourn on Saturday the 20th instant *sine die*, and that the Clerks make up the estimates; which being read, was on motion of Mr. Montgomery of Hertford, ordered to lie on the table.

On motion of Mr. Lockhart,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the laws in relation to Guardians and Wards, so as to restrict the trading with Orphans; and to prohibit proceedings at law against them without notice to their Guardians.

*Resolved*, That said committee be further instructed to inquire into the expediency of restricting the trading with minors generally; and that they report by bill or otherwise.

Mr. Wilson presented a bill, entitled a bill rewarding persons for taking up runaway Slaves, the property of citizens of this State beyond the boundaries of this State; which was read the first time and passed, and, on motion of Mr. Lockhart, ordered to be printed.

Mr. McWilliams presented a bill, entitled a bill to amend an act, passed in the year 1830, entitled an act, for the better regulation of the town of Washington; which was read the first time and passed.

The engrossed bill to alter the name of Isaac Bianchard of the county of Gates, and to legitimate him, was read the second time, and resolved that the same shall not pass.

The bill for the better administration of justice in the county of Onslow, and for other purposes, and the bill to restore to credit Andy Baggary of Iredell county, were read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: The bill to establish Germanton Academy in the county of Stokes, and to incorporate the trustees thereof; the bill to prevent obstructing the passage of fish up Roaring river, in the county of Wilkes; and the bill amendatory of an act passed in the year 1829, entitled an act to authorize the forming of a fire Engine Company in the town

of Elizabeth City; were severally read the second and third times and passed, and ordered to be enrolled.

On motion of Carson, the Senate proceeded to take up and consider the bill to divorce Susan Durham from her husband Archibald Durham; whereupon the said bill was read the second and third times and passed; and ordered to be engrossed—Ayes 34, Noes 24. The ayes and noes being demanded by Mr. Mebane, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Baker, Barco, Brittain, Caldwell, Carson, Cooper of Martin, Dobson, Durham, Edmonston, Edwards of Warren, Ennett, Fairley, Harrison, Hawkins, Hussey, Howell, Kerr, Klutts, Lindsay, Lowry, M'Queen, M'Williams, Mast, Montgomery of Hertford, Montgomery of Orange, Moore, Moye of Greene, Parker, Phelps, Sherard, Staley, Shipp, Spencer, Wellborn.

Those who voted in the negative, are Messrs. Arrington, Beard, Cowper of Gates, Dowd, Flynt, Flowers, Gavin, Hogan, Holmes, Kendall, Little, Lockhart, M'Cormick, M'Millan, Martin, Mebane, Moye of Pitt, Sawyer, Spaight, Stephens, Wilder, Wilson, Whitaker, Whitehurst.

A message was received from the House of Commons, agreeing to refer the report of the Commissioners appointed to superintend the building of the Capitol to a joint select committee, to be stiled the Committee on Public Buildings; and that Messrs. Haywood, Houlder, Brandon, Daniel, and Dudley, are appointed to form the said committee on the part of that House: Whereupon, Messrs. Welborn, Hawkins and M'Queen, Wilder and Whitaker, were appointed to form the committee on the part of the Senate. And the House of Commons was informed thereof by message.

Received also from the House of Commons, a message stating that William B. Lockart is added to the nomination for Public Treasurer.

On motion of Mr. Hussey, ordered that a message be sent to the House of Commons, proposing to ballot immediately for Major of Cavalry attached to the 3d Brigade and 6th Division; and stating that Owen R. Kenan is in nomination for the appointment.

On motion of Mr. Wilson, the Senate entered on the orders of the day, and proceeded to take up the resolution declaring that Otway Burns, the sitting member from the county of Carteret, is entitled to retain his seat; and the resolution being read, Mr. Montgomery of Hertford, moved to amend it by inserting after the word "is," the word "not." Mr. Mebane moved that the further consideration of the resolution and amendment be postponed until Monday next. Mr. Sawyer moved that the Senate do now adjourn until Monday morning 10 o'clock; which motion having precedence, the question thereon was first taken and decided in the negative. The question then recurring on the motion of Mr. Mebane, it was also decided in the negative. The question then recurred on the amendment offered by Mr. Montgomery of Hertford; which was also decided in the negative—Ayes 16, Noes 42. The ayes and noes being demanded by Mr. Montgomery of Hertford, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Barco, Edwards of Person, Ennett, Gavin, Holmes, Hussey, M'Millan, M'Williams, Montgomery of Hertford, Moye of Pitt, Spencer, Stephens, Wilder, Wilson, Whitehurst.

Those who voted in the negative, are Messrs. Baker, Beard, Britain, Caldwell, Carson, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Durham, Edmonston, Edwards of Warren, Fairley, Flynt, Flowers, Hawkins, Hogan, Howell, Kendall, Kerr, Klutts, Lindsay, Little, Lockhart, Lowry, M'Cormick, McQueen, Martin, Mast, Mebane, Montgomery of Orange, Moore, Moye of Greene, Parker, Phelps, Sawyer, Sherard, Staley, Shipp, Spaight, Wellborn, Whitaker.

Mr. Sawyer moved that the resolution and report, with the accompanying papers be recommitted to the committee on Privileges and Elections, with

power to send for persons and papers; which motion was not agreed to. Mr. Spaight moved to amend the resolution by striking out the whole thereof, except the word "resolved," and inserting the following: "That the committee on Privileges and Elections be discharged from the further consideration of the communication, from the county of Carteret, contesting the right of Otway Burns, the sitting member from that county, to a seat in the Senate;" which amendment was agreed to. Ayes 44, Noes 14. The ayes and noes being demanded by Mr. Wilson, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Baker, Beard, Brittain, Caldwell, Carson, Cooper of Martin, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Farley, Flynt, Flowers, Hawkins, Hogan, Howell, Kendall, Kerr, Klutts, Lindsay, Little, Lockhart, Lowry, M'Cormick, M'Queen, M'Williams, Martin Mast, Mebane, Montgomery of Orange, Moore, Moye of Greene, Parker, Phelps, Sherard, Staley, Shipp, Spaight, Wellborn, Whitaker.

Those who voted in the negative, are Messrs. Barco, Cowper of Gates, Gavin, Holmes, Hussey, M'Williams, Montgomery of Hertford, Moye of Pitt, Sawyer, Spencer, Stephens Wilder, Wilson, Whitehurst.

And the resolution as amended, was adopted.

Received from the House of Commons the resignation of J. H. Hooper, colonel commandant of the 33d regiment, and the resignation of J. G. Dickson, a justice of the peace, for the county of Duplin, endorsed in that House, read and accepted, and, which were read and accepted by the Senate.

The Senate then adjourned until Monday morning, 10 o'clock.

#### MONDAY, DECEMBER 8, 1834.

Mr. Parker presented the resignation of M. Young, colonel commandant of cavalry, attached to the 8th brigade and 4th division; and Mr. Howel presented the resignation of Samuel Watson, colonel commandant of the second regiment of Robeson county militia; which were read and accepted and sent to the House of Commons.

On motion of Mr. Durham,

*Resolved*, That Friday next be set apart for the election of Councillors of State, militia officers and justices of the peace.

Mr. Wilson presented the resignation of Elisha Burke, colonel; Wilson Reed, lieutenant colonel, and John Layden, major of the Perquimons county militia; which were severally read and accepted, and sent to the House of Commons.

Mr. Cooper of Martin, presented the following resolution, to wit:

*Resolved*, That a joint select committee consisting of four members from each House, be raised to inquire into the expediency of reducing the salaries of the Supreme Court Judges, Treasurer and Comptroller of public accounts; and that they report by bill or otherwise.

Which being read, Mr. Wilson moved an amendment thereto, by inserting after the word "reducing," the words "or increasing;" which amendment was agreed to, and the resolution as amended, was read and adopted.

The bill to amend an act, passed in the year 1830, entitled an act for the better regulation of the town of Washington, was read the second time and passed, and on motion of Mr. Caldwell, ordered to lie on the table.

Received from the House of Commons a message, stating that Messrs. Manney and Waugh, attend the Senate to conduct the balloting for Public Treasurer, on the part of that House, heretofore agreed on to take place this day. Whereupon, Messrs. Caldwell and Mebane, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.



The bill to incorporate the Martin County Grays, in Martin county, was read the second time, and on motion of Mr. Dowd, ordered to lie on the table.

The bill to repeal a part of the third section of an act, passed in the year 1831, in addition to an act passed in the year 1830, in relation to the burning of the records of the county of Hertford, was read the second and third times and passed, and ordered to be engrossed.

The bill giving the county courts of this State, authority to abolish the offices of county trustee and treasurer, or commissioner of public buildings, was read the second time; amended on motion of Mr. Beard, and on motion of Mr. Shipp, ordered to be referred to the committee on the Judiciary.

The Speaker laid before the Senate a communication from Hannah C. Backhouse, proposing to hold a religious meeting with the members of the two Houses of the Legislature, exclusively, in the Hall of the House of Commons, at half after six o'clock this evening; which, being read, on motion of Mr. Hogan, ordered that the said communication be transmitted to the House of Commons, with a notification of the acceptance of the invitation by the Senate.

Mr. Mebane, from the committee appointed to conduct the balloting for Public Treasurer, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

The bill to amend the road laws of this State, was read the second time, and, on motion of Mr. Shipp, ordered to be referred to the committee on Internal Improvements.

The following engrossed bills, to wit: The bill concerning the appointment of commissioners of a public road in Haywood county; the bill to provide for the holding of a superior court in the county of Yancey; the bill to repeal in part an act passed in the year 1831, entitled an act, to provide for the compensation of certain jurors of the counties of Perquimons, Pasquotank and Gates; the bill to incorporate the Iredell Manufacturing Company; and the bill to establish Hannah Moore Academy, in the county of Duplin; and to incorporate the trustees thereof, were severally read the second and third times, and ordered to be enrolled.

Received from the House of Commons a message, proposing to ballot again immediately for Public Treasurer; which proposition was agreed to, and Messrs. Wilson and M<sup>c</sup>Cornick, were appointed to superintend the balloting on the part of the Senate; and the House of Commons was informed thereof by message. Whereupon a message was received from that House, stating that Messrs. Marsteller and Crump were appointed to conduct the balloting on their part.

The Speaker laid before the Senate the petition of Isabella A. Potter, of the county of Granville, praying the passage of an act to divorce her from her husband, Robert Potter. On motion of Mr. Montgomery, of Orange, ordered, that the said petition be referred to the Committee on Propositions and Grievances.

A message was received from the House of Commons agreeing to the proposition of the Senate, of Saturday last, to ballot for major of cavalry in the third brigade and sixth division, and stating that Messrs. Hill and Monk attend the Senate, to conduct the balloting on the part of that House. Whereupon, Messrs. Edmonston and Montgomery of Hertford, were ap-

pointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Martin, the Senate proceeded to take up and consider the resolution introduced by him, on the 22d of November. Whereupon, the resolution was read and adopted.

The bill concerning the county courts of Haywood county, was read the second and third times and passed, and ordered to be engrossed.

Mr. Edmonston, from the committee appointed to conduct the balloting for major of cavalry, attached to the third brigade and 6th division, reported that Owen R. Kenan having received a majority of the whole number votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Caldwell, the Senate proceeded to take up and consider the bill to amend an act, passed in the year 1830, entitled an act for the better regulation of the town of Washington. Whereupon, the bill was read the third time, and resolved that the same shall not pass.

Mr. M'Cormick, from the committee appointed to conduct the balloting for Public Treasurer, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Carson, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for Public Treasurer, and, on motion of Mr. Arrington, the name of Samuel Spruill was withdrawn from the nomination.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to print the exhibits accompanying the report of the Commissioners appointed to rebuild the capitol.

Received also from the House of Commons, a message stating that, Messrs. Barringer, Poindexter and Clark, are appointed to form the joint select committee on the part of that House, on the report of the commissioners appointed to revise the Statute laws of the State.

The bill to incorporate the Martin County Grays in Martin county, was read the second and third times; amended on motion of Mr. Caldwell and passed, and ordered to be engrossed.

On motion of Mr. M'Queen,

*Resolved* That the Committee on Education be instructed to inquire into the expediency of providing by legislative enactment, for the enlargement of the Literary Fund, and to examine the different sources of the public revenue, for the purpose of ascertaining whether or not, there be any of its branches which can be safely diverted from the object to which they are applied at present; and added to the Literary Fund.

*Resolved further*, That the Committee on Education be instructed to inquire into the expediency of providing by law, for the attainment of such information as will enlighten the Legislature in regard to the present facilities of instruction, possessed by the people of North Carolina.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, to wit: A bill to restore to credit, John Bates of Macon County; a bill to alter the names of James Morris and Nancy Morris, and to legitimate them; a bill to alter the name of Eli L. Lewis of New Hanover county, and to legitimate him; a bill directing the manner in which land shall be sold for taxes in the county of Washington; and a bill to authorize the commissioners of the town of Louisburg, to sell a part of the town commons; in which, they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed.

Mr. Little presented a bill, entitled a bill to repeal the several procession-

ing laws now in force in this State; which was read the first time and passed.

The bill to authorize John Sudderth and Patrick Hennessee, to erect gates on their own lands, across a public road in the county of Burke, was read the second and third times and passed, and ordered to be engrossed—Ayes 52, Noes 2. The ayes and noes being demanded by Mr. McCormick, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Baker, Barco, Beard, Brittain, Burns, Caldwell, Carson, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Fairley, Flynt, Flowers, Gavin, Harrison, Hawkins, Hogan, Holmes, Howell, Kendall, Kerr, Lindsay, Little, Lockhart, Lowry, M'Leary, M'Queen, McWilliams, Martin, Mast, Montgomery of Orange, Moore, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Staley, Shipp, Spaight, Spencer, Stephens, Wellborn, Wilder, Whitaker, Whitehurst.

Those who voted in the negative are, Messrs. Hussey and McCormick.

Received from the House of Commons, a message stating that they have passed the engrossed bill to authorize the appointment of two surveyors in the counties of Haywood and Montgomery, with an amendment; in which they ask the concurrence of the Senate. Whereupon, the amendment was read and concurred in; and a message sent to the House of Commons informing them thereof.

Mr. Gavin presented the resignation of Bedreaddon Caraway, a justice of the Peace for the county of Sampson. And Mr. Edmonston presented the resignation of John T. Chambers, Lieutenant colonel of the Haywood county militia; which were read and accepted, and sent to the House of Commons.

The bill prohibiting lotteries, was read the second and third times and passed, and ordered to be engrossed—Ayes 51, Noes 2. The ayes and noes being demanded by Mr. Moye of Pitt, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Baker, Barco, Beard, Brittain, Caldwell, Cooper of Martin, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Fairley, Flynt, Flowers, Gavin, Hawkins, Hogan, Holmes, Howell, Hussey, Kendall, Kerr, Lindsay, Little, Lockhart, Lowry, M' McCormick, M'Leary, M'Millan, M'Williams, Mast, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Moye of Greene, Parker, Phelps, Sawyer, Sherard, Staley, Spaight, Spencer, Stephens, Wellborn, Wilder, Wilson, Whitaker, Whitehurst.

Those who voted in the negative, are Messrs. Klutts and Shipp.

Received from the House of Commons the following resignations, to wit: The resignation of John F. McCorkle, lieutenant colonel of the 63d regiment of North Carolina militia; the resignation of R. D. Gillis, lieutenant colonel of the first regiment of the Cumberland county militia; the resignation of Elijah Jacobs, a justice of the peace for the county of Person; and the resignation of Jonathan Wood, a justice of the peace for the county of Johnston. Endorsed in that House; read and accepted, and which were severally read and accepted by the Senate.

Mr. Montgomery of Hertford, moved that the Senate do now proceed to take up and consider the resolution presented by him, proposing that the two Houses adjourn *sine die* on the 20th instant; which motion was not agreed to.

The Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 9, 1834.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit; A bill to restore to credit,

Andy Baggary of the county of Iredell; a bill to authorize John Sudderth and Patriek Hennessee, to erect gates on their own land, across a public road in the county of Burke; a bill to repeal a part of the third section of an act passed in the year 1831, in addition to an act, passed in the year 1830, in relation to the burning of the records of the county of Hertford; a bill concerning the county courts of Haywood county; a bill to divorce Susan P. Durham, from her husband Archibald Durham; a bill prohibiting lotteries; and a bill to incorporate the Martin county grays, in the county of Martin; in which they ask the concurrence of that House.

Mr. Lowry presented the petition of Silas L. Helleran, Attorney at law, of the State of South Carolina, praying the passage of an act to authorize and permit him to practice law in the several courts of this State; ordered that the said petition be referred to the committee on the judiciary.

Received from the House of Commons a message, agreeing to the proposition of the Senate of yesterday, to ballot again for public Treasurer, and stating that Messrs Howard and Perkins attend the Senate to conduct the balloting on the part of that House: Whereupon, Messrs. Edmonston and Barco, were appointed to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Sherard asked leave to introduce the memorial and petition of the Religious Society of Friends, convened at New Garden in Guilford county, North Carolina, in the month of November last, praying the legislature to repeal all the acts of Assembly, prohibiting the literary instruction of slaves; and also prohibiting all coloured persons in this State, bond or free, from preaching and exhorting in their respective religious congregations or societies. Leave being objected to by Mr. Carson, the question thereon was put, and decided in the affirmative—Ayes 39, Noes 23. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Baker, Barco, Beard, Branch Britain, Burns, Caldwell, Dobson, Dowd, Edmonston, Fairley, Gavin, Harrison, Hogan, Howell, Hussey, Kendall, Klutts, Lindsay, Little, Lockhart, Lowry, M'Cormick, M'Leary, M'Millan, M'Queen, Martin, Mast, Montgomery of Hertford, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Staley, Shipp, Spencer, Wellborn, Whitaker.

Those who voted in the negative, are Messrs. Arrington, Carson, Cooper of Martin, Cowper of Gates, Durham, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Hawkins, Holmes, Kerr, Mebane, Montgomery of Orange, Moore, Moye of Greene, Spaight, Stephens, Wilder, Wilson, Whitehurst, Wyche.

Mr. Sherard thereupon moved that the said memorial lie on the table; which motion was agreed to—Ayes 48, Noes 14. The ayes and noes being demanded by Mr. Dobson, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Baker, Barco, Beard, Branch, Britain, Burns, Caldwell, Carson, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Ennett, Fairley, Flynt, Flowers, Gavin, Harrison, Hogan, Howell, Kendall, Klutts, Lindsay, Little, Lockhart, Lowry, M'Cormick, M'Leary, M'Millan, M'Queen, Martin, Mast, Montgomery of Hertford, Moore, Moye of Greene, Parker, Phelps, Sawyer, Sherard, Staley, Shipp, Wellborn, Whitaker.

Those who voted in the negative, are Messrs. Edwards of Warren, Hawkins, Holmes, Hussey, Kerr, Mebane, Montgomery of Orange, Spaight, Spencer, Stephens, Wilder, Wilson, Whitehurst, Wyche.

Mr. Edmonston, from the committee appointed to conduct the balloting for public Treasurer for the ensuing year, reported that Samuel F. Patterson having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Moye of Pitt, from the committee on Propositions and Grievances, to which was referred the petition of Isabella A. Potter, of the county of

Granville, praying to be divorced from her husband Robert Potter, made a favorable report thereon, accompanied by a bill, entitled a bill to divorce Isabella A. Potter from her husband Robert Potter; which was read the first second and third times and passed, and ordered to be engrossed.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of the county of Duplin, praying the passage of an act, to restore David Evans of said county to the right of citizenship, made a favorable report thereon, accompanied by a bill, entitled a bill to restore David Evans to the rights of a freeman; which was read the first time and passed.

Mr. Hogan, from the committee on the Judiciary, to which was referred the bill supplemental to an act passed in the year 1802, entitled "an act to empower the county courts within this State to appoint patrols, reported the same without amendment; and recommended that the said bill be referred to the select committee, to which is referred the bill to amend the patrol laws; in which report the Senate concurred, and the bill was referred accordingly.

Mr. Hogan, from the same committee, to which was referred the resolution, instructing them to enquire into the expediency of altering the law, so that Executors and Administrators may be garnisheed, reported that the object of the resolution is embraced in the bill reported, entitled "a bill to subject legacies, distributive shares," &c. to attachment; and asked to be discharged from the further consideration of the subject. Ordered, that the committee be discharged accordingly.

Mr. Hogan, from the same committee, to which was referred the bill to subject legacies, distributive shares, &c. to attachment in like manner as other property, reported the same with sundry amendments, which were read. Ordered, that the said bill be made the order of the day for to-morrow.

Mr. Hogan, from the same committee, to which was referred the following resolutions, to wit: The resolution to inquire into the expediency of prohibiting owners of slaves from settling negroes upon plantations, without a white overseer; the resolution to inquire into the expediency of repealing or amending the act of 1822, entitled "an act for the relief of honest insolvent debtors;" the resolution to inquire into the expediency of amending the laws relative to the marriage of infant females; the resolution to inquire into the expediency of amending the laws in relation to Guardians and wards; the resolution to inquire into the expediency of amending the laws against gaming: made a report thereon, stating that in the opinion of the committee, no legislation is necessary upon those subjects; and ask to be discharged from the further consideration of them. On motion of Mr. Sawyer, ordered that the said report lie on the table.

Mr. Hogan, from the same committee, to which was referred the bill for the relief of widows in certain cases, reported the same without amendment. Ordered that the said bill be made the order of the day for to-morrow.

Mr. Wilson presented the following resolutions, to wit:

*Resolved*, That the Secretary of State be required to compile and prepare for publication, the names and grades of all the officers of the Continental line of the State of North Carolina, in the Revolutionary War, from Ensigns upwards, who served to the close of the war; together with those killed in service, and who do not appear to have received commutation.

*Resolved*, That the Public Printer be required to print and publish, as an appendix

to the acts of Assembly, which may be passed during the present session, the list of names and grade of all the officers of the continental line of the State of North Carolina in the revolutionary war, from ensigus upward, who served to the close of the war; together with those killed in service, and do not appear to have received commutation. The said list to be furnished said printer by the Secretary of State.

*Resolved*, That the Secretary of State be allowed the sum of ten cents per copy sheet, for compiling and preparing for publication, the aforesaid list.

Which were read the first time and passed; and being read the second time, Mr. Hogan moved to amend the second resolution, by inserting after the word "commutation," the following words: "also such officers as served during the war and were ruled out;" which amendment was agreed to. Whereupon, on motion of Mr. Wilson, ordered that the resolutions lie on the table.

Mr. Montgomery of Orange, presented the following resolution, to wit:

*Resolved*, That a committee be appointed to make such examination into the condition of the bank, established at the last Legislature, which has gone into operation at the seat of government, as is provided for in the fifteenth section of the act of incorporation, and report the same to this House.

Which being read, was on motion of Mr. Edwards, ordered to lie on the table.

On motion of Mr. Edwards of Warren, the Senate proceeded to take up and consider the bill to divorce Mary T. Eppes, from her husband Peter Eppes. Whereupon, the said bill was read the second and third times and passed, and ordered to be engrossed. Ayes 33, Noes 20. The ayes and noes being demanded by Mr. Mebane, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Baker, Barco, Brittain, Caldwell, Carson, Cooper of Martin, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Fairley, Flynt, Hawkins, Howell, Hussey, Klutts, Lindsay, Lowry, M'Leary, M'Queen, Mast, Montgomery of Hertford, Montgomery of Orange, Moore, Parker, Phelps, Sherard, Staley, Shipp, Stephens, Welborn, Whitehurst.

Those who voted in the negative, are Messrs. Beard, Dobson, Dowd, Flowers, Gavin, Hogan, Holmes, Kendall, Little, Lockhart, M'Cormick, Mebane, Moye of Pitt, Moye of Greene, Sawyer, Spaight, Spencer, Wilder, Wilson, Wyche.

On motion of Mr. Edmonston, the Senate proceeded to take up and consider the bill to divorce Mary B. Cabe, from her husband Joseph Cabe. Whereupon, the said bill was read the second and third times and passed, and ordered to be engrossed. Ayes 23, Noes 19. The ayes and noes being demanded by Mr. Holmes, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Baker, Brittain, Caldwell, Carson, Cooper of Martin, Durham, Edmonston, Edwards of Warren, Ennett, Hawkins, Howell, Hussey, Klutts, Lindsay, Lowry, M'Leary, Mast, Montgomery of Orange, Moore, Parker, Sherard, Staley, Welborn.

Those who voted in the negative, are Messrs. Dowd, Flynt, Flowers, Gavin, Holmes, Kendall, Lockhart, M'Cormick, Montgomery of Hertford, Moye of Pitt, Moye of Greene, Sawyer, Spaight, Spencer, Stephens, Wilder, Wilson, Whitehurst, Wyche.

A motion was made by Mr. Phelps, to reconsider the vote taken on yesterday, on the third reading of the bill prohibiting lotteries. And on the question, will the Senate reconsider the said vote? it was determined in the affirmative. Whereupon, on motion of Mr. Spaight, ordered, that the said bill lie on the table.

On motion of Mr. Sawyer, the Senate proceeded to take up and consider the engrossed bill to alter the name of, and legitimate Lurany Alexander. Whereupon, the said bill was read the second and third times and passed, and ordered to be enrolled.

Mr. Durham presented a bill, entitled a bill to legitimate Sarah C. Baxter, Wm. G. M. Baxter and James N. Baxter of Rutherford county; which

was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Montgomery of Hertford, moved that the Senate do now proceed to take up and consider the resolution, fixing on the 20th instant, as the day on which the Legislature should adjourn *sine die*; which motion was agreed to. Ayes 28, Noes 20. The ayes and noes being demanded by Mr. Montgomery of Hertford, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Barco, Cooper of Martin, Edwards of Person, Edwards of Warren, Eanett, Flynt, Holmes, Howell, Kendall, Kerr; Lindsay, Lockhart, M'Cormick, Mast, Montgomery of Hertford, Montgomery of Orange, Moore, Moye of Pitt, Moye of Greene, Parker, Sherard, Spencer, Stephens, Wilder, Wilson, Whitehurst, Wyche.

Those who voted in the negative, are Messrs. Baker, Caldwell, Carson, Dobson, Dowd, Durham, Edmonston, Fairley Flowers, Gavin, Hawkins, Hogan, Hussey, Klutts, Lowry, M'Leary, Phelps, Staley, Spaight, Wellborn.

The Senate then adjourned until to-morrow morning, 10 o'clock.

### WEDNESDAY, DECEMBER 10, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill to divorce Mary B. Cabe, from her husband Joseph Cabe; A bill to divorce Mary P. Eppes, from her husband Peter Eppes; a bill for the better administration of justice, in the county of Onslow, and for other purposes; and a bill to legitimate Sarah C. Baxter, Wm. G. M. Baxter and James N. Baxter, of Rutherford county; in which they ask the concurrence of the House of Commons.

The Speaker laid before the Senate the following letter of resignation, from Samuel F. Patterson, principal clerk of the Senate, to wit:

*To the Honorable Speaker of Senate.*

SIR,—I beg leave to tender through you, to the Senate, my resignation as principal clerk of that body. In thus dissolving my connection with the Senate, I cannot permit the occasion to pass, without expressing an acknowledgment of the gratitude I feel for the many favors received at the hands of its members; a gratitude which I trust, will be more fully manifested by an earnest endeavor, on my part, to discharge the duties of the important appointment to which I have been called by the Legislature, with honesty and fidelity.

I have the honor to be, very respectfully, your most obedient servant,

SAMUEL F. PATTERSON.

Which was read and accepted. Whereupon, on motion of Mr. Spaight, Wm. J. Cowan was appointed principal clerk of the Senate.

On motion of Mr. Wellborn, the Senate proceeded to the election of assistant clerk, in place of Wm. J. Cowan, appointed principal clerk, and on motion of Mr. Wellborn, J. R. Dodge was nominated for the appointment. On motion of Mr. Edwards of Warren, the name of Louis H. Marsteller, was added to the nomination. On motion of Mr. Edmonston, the name of Daniel Coleman was added to the nomination, and on motion of Mr. Arrington, the name of Thomas G. Stone was added to the nomination, and Messrs. Edmonston and Arrington, were appointed superintendants of the balloting.

Mr. Martin, from the committee of claims, to which was referred the petition of Cartwright Bell, praying the legislature to grant him the privilege of entering 640 acres of swamp land, made a report thereon unfavorable to the prayer of the petitioner, and ask leave to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly.

Mr. Wyche presented the following resolution, to wit:

*Resolved*, That the Treasurer elect, be allowed until the first day of January 1835, to commence the duties of his office, and that the Public Treasurer now in office, continue to discharge the duties until that day.

Which was read, and on motion of Mr. Wyche, ordered to lie on the table.

Mr. Montgomery of Orange, presented the following resolution, to wit:

*Resolved*, That the committee on the Judiciary be instructed to inquire into, and report to the Senate the propriety and the manner of amending the laws, giving the courts of the State jurisdiction in cases of divorce and alimony.

Which was read and adopted.

Mr. Edmonston, from the committee appointed to conduct the balloting for assistant clerk, reported that no person in nomination had received a majority of votes. Whereupon, on motion of Mr. Edmonston, another balloting was ordered, and conducted by the same superintendents.

Mr. Edmonston, from the committee appointed to conduct the balloting for assistant clerk, reported that no person in nomination had received a majority of votes. Whereupon, on motion of Mr. Edmonston, another balloting was ordered and conducted by the same superintendents: On motion of Mr. Arrington, the name of Thomas G. Stone, was withdrawn from the nomination.

Mr. Edmonston, from the committee appointed to superintend the balloting for assistant clerk, reported that no person in nomination had received a majority of votes. Whereupon, on motion of Mr. Edmonston, another balloting was ordered and conducted by the same superintendents.

Mr. Arrington, from the committee appointed to conduct the balloting for assistant clerk, reported that no person in nomination had received a majority of votes. Whereupon, on motion of Mr. Mebane, another balloting was ordered, and conducted by Messrs. Dowd and Caldwell. On motion of Mr. Wellborn, the name of James R. Dodge was withdrawn from the nomination.

Mr. Ennett presented a bill for the better regulation of the militia of Orlow county; which was read the first second and third times, passed, and ordered to be engrossed.

Mr. Sawyer presented the certificate of pensions of the County Court of Perquimons, in favor of Priscilla Goodwin; which was read, and on motion of Mr. Sawyer, ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

A message was sent to the House of Commons, stating that the Senate has passed the engrossed bill to divorce Isabella A. Potter from her husband Robert Potter; in which they ask the concurrence of that House.

A message was received from the House of Commons, proposing to refer to a joint select committee so much of the message of his Excellency, the Governor, as relates to the interest of North Carolina in the public lands; which proposition was concurred in: and Messrs. Branch, Spaight, Sawyer, Holmes and Mebane, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Parker presented a bill, requiring the Register of Guilford county to keep his office at the court house in the said county; which was read the first and third times and passed, and ordered to be engrossed.

The hour designated by the Governor elect for his qualification, having arrived, and the Senate being informed that the House of Commons is in readiness to receive them on the occasion, the two Houses of the Legislature



convened in the Commons Hall, where the oaths of office prescribed by law to be taken by the Governor before entering on the duties of his appointment, were administered in the presence of both branches of the Legislature to David L. Swain, by the Hon. Henry Seawell, one of the Judges of the Superior Courts of Law and Equity in this State. Whereupon, the Senate returned to their Chamber, for the purpose of Legislation.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit : A bill to divorce Elizabeth M. Haraes of Macon county ; A bill to incorporate the Burke county Gold Mining company ; and a bill to alter the name of Phineta Parker, and to legitimate her, and Josiah Wilson Pollard, of the county of Pitt. Whereupon, the said bills were severally read the first time and passed, and on motion of Mr. Edmonston, the first named bill was ordered to lie on the table. The bill to alter the name of Phineta Parker, and to legitimate her and Josiah Wilson Pollard of the county of Pitt, was read the first, second, and third times and passed, and ordered to be enrolled—Ayes 39, Noes 16. The ayes and noes being demanded by Mr. Klutts on the second reading of the bill, are as follows, to wit :

Those who voted in the affirmative, are Messrs. Arrington, Baker, Barco, Beard, Caldwell, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Fairley, Flynt, Flowers, Gavin, Harrison, Hawkins, Howell, Hussey, Kendall, Kerr, Lindsay, Lowry, M'Cormick, M'Queen, Mast, Montgomery of Hertford, Montgomery of Orange, Moore, Moye of Pitt, Moye of Greene, Parker, Phelps, Sherard, Stephens, Wellborn, Whitaker.

Those who voted in the negative, are Messrs. Hogan, Holmes, Klutts, Little, Lockhart, McMillan, Martin, Mebane, Sawyer, Shipp, Spaight, Spencer, Wilder, Wilson, Whitehurst, Wyche.

Mr. Caldwell, from the committee appointed to conduct the balloting for assistant Clerk, reported that Daniel Coleman had received a majority of the whole number of votes, and was duly elected ; in which report the Senate concurred. Whereupon, the resignation of the said Daniel Coleman, as one of the Engrossing Clerks, was read and accepted, and ordered to be transmitted to the House of Commons.

Mr. Montgomery of Orange, presented a bill to alter and amend the Judiciary system of North Carolina ; which was read the first time and passed, and on motion of Mr. Edwards of Warren, ordered to be referred to the Judiciary committee and be printed.

On motion of Mr. Cowper of Gates, the bill to alter the name of Martha Ann Williams, and to legitimate her, heretofore laid upon the table, was taken up and read the second and third times, passed and ordered to be engrossed—Ayes 36, Noes 15. The ayes and noes being demanded on the second reading of the bill by Mr. Klutts, are as follows, to wit :

Those who voted in the affirmative, are Messrs. Arrington, Baker, Barco, Britain, Caldwell, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Edmonston, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Howell, Hussey, Kendall, Kerr, Lindsay, Lowry, M'Cormick, McQueen, Mast, Montgomery of Hertford, Montgomery of Orange, Moore, Moye of Pitt, Moye of Greene, Parker, Phelps, Sherard, Stephens, Wellborn, Whitaker.

Those who voted in the negative, are Messrs. Hogan, Holmes, Klutts, Little, Lockhart, McMillan, Mebane, Sawyer, Shipp, Spaight, Spencer, Wilder, Wilson, Whitehurst, Wyche.

The engrossed bill to restore to credit John Bates of Macon county, was read the second and third times and passed, and ordered to be enrolled.

Mr. Wilson, from the select committee, to which was referred the bill providing a more efficient Patrol, reported the same with an amendment, to wit : Strike out the whole thereof, except the words "a bill," and insert in lieu

thereof a substitute ; which was read, and on motion of Mr. Sawyer, made the order of the day for Friday next, and ordered to be printed.

Received from the House of Commons, the resignation of J. W. Covington, a Justice of the Peace for the county of Richmond ; and the resignation of John B. Jordan, a Justice of the Peace for the county of Northampton, endorsed in that House, read and accepted ; and which were severally read and accepted by the Senate.

The Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 11, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill requiring the Register of Guilford County to keep his office at the Court House in said county ; a bill to alter the name of Martha Ann Williams, and to legitimate her ; and a bill for the better regulation of the militia of Onslow county ; in which they ask the concurrence of that House.

Mr. Wyche, from the committee of Finance, to which was referred the message of his Excellency the Governor, relative to the resolution of the last General Assembly, directing the Governor to have suitable grave stones placed at the graves of members of the Legislature, interred at the City of Raleigh, reported the following resolution, to wit :

*Resolved*, That the public square, in the City of Raleigh, known and designated in the plan of the city, by the name of " Moore Square," on the side next to Martin Street on the South, and towards Person street on the East, be appropriated to the burial of members of the General Assembly, and officers of the State, who may die near to the Seat of Government. And when any member or officer, shall be interred on said square, it shall be the duty of the Secretary of State, to have the graves enclosed, and have suitable grave Stones placed at each grave ; and the Public Treasurer, for the time being, is hereby authorized and required, to pay on the warrant of the Governor, a sum sufficient to pay the necessary expense.

Which was read the first time and passed, and on motion of Mr. Welborn, ordered to lie on the table.

Mr. Wyche presented the memorial of the heirs of Jeremiah Bullock, setting forth his claims to land for revolutionary services ; which, on motion of Mr. Wyche, was ordered to be referred to the committee on claims.

Mr. Welborn presented the resignation of Samuel F. Patterson, Major General of the ninth division of North Carolina militia ; which was read and accepted, and sent to the House of Commons.

Mr. Carson, from the select committee, on so much of the Governor's Message as relates to a Convention, to which was referred a bill, entitled a bill concerning a convention to amend the Constitution of the State of North Carolina, reported the bill with the following amendments, to wit : At the end of the third clause of the 13th section, add the words, " and that only free white men shall be allowed to vote for members thereof ;" and to insert a section immediately preceding the 14th section, which shall be the 14th section in the following words, to wit : " 14th. *Be it further enacted*, That the said Convention, after having adopted amendments to the Constitution, in any or all of the above particulars, shall prescribe some mode for the ratification of the same by the people ; and shall prescribe all necessary ordinances and regulations for the purpose of giving full operation and effect to the Constitution as altered or amended ;" and the 14th section, which now stands the 14th, shall stand the 15th section of the bill. On motion of Mr. Carson, ordered that the bill, together with the amendments, be made the order of the day for Monday next.

A message was received from the House of Commons, proposing to ballot immediately for an Engrossing Clerk, and stating that Joseph Ward, James R. Dodge, and Thomas L. West are in nomination for the appointment. The proposition of the House of Commons was concurred in, and Messrs. Whitaker and Cooper of Martin, were appointed to conduct the balloting on the part of this House; and the House of Commons was informed thereof by message.

Mr. Edmonston, from the select committee, to which was referred the petition of John Hyde of Haywood county, praying to have his bonds placed in the Treasurer's office, in lieu of the bonds of George Shuler, which were given for the purchase of Cherokee lands, reported the following resolution, to carry into effect the prayer of the petitioner, to wit:—

*Resolved.* That the Public Treasurer be authorized to deliver to George Shuler, or his agent, N. Edmonston, his bonds for the purchase of sections Nos. 15 and 17 in the District No. 1, of the Cherokee lands, and receive in lieu thereof, the bonds of John Hyde, with such sureties as may be considered ample to secure the payment of the sum now due and owing to the State from the said George Shuler, Jr.

Which was read the first, second, and third times, passed, and ordered to be engrossed.

The bill to restore Daniel Evans to the rights of a freeman, was read the first time and passed, and being read the second time, it was resolved that the same shall not pass.

A message was received from the House of Commons, stating that Messrs. Baker and Smallwood attend the Senate as superintendants of the balloting for Engrossing clerk, on the part of that House.

The following engrossed bills, to wit: A bill to abolish the office of county trustee of Granville county, and for other purposes; a bill to alter the names of James Morris, and Nancy Morris, and to legitimate them; a bill to authorize the commissioners of the town of Louisburg, in the county of Franklin, to sell a part of the town commons; and a bill to incorporate the Burke county Gold Mining Company, were severally read the first, second, and third times, passed, and ordered to be enrolled.

The engrossed bill to alter the name of Eli L. Lewis of New Hanover county, and to legitimate him, was read the second time, and resolved that the same shall not pass.

On motion of Mr. Arrington, a message was sent to the House of Commons, proposing to ballot immediately for Major General of the 9th Division of North Carolina militia, and stating that Philip Irion and Harrison M. Waugh, are in nomination for the appointment.

A message was received from the House of Commons, agreeing to ballot immediately for Major General of the 9th Division of militia; and stating that Messrs. Littleton A. Guinn and William Horton, attend the Senate, to conduct the balloting on the part of that House. Whereupon, a message was sent to the House of Commons, stating that Messrs. Arrington and Martin, are appointed to conduct the balloting on the part of the Senate.

Received from the House of Commons, a message, proposing to ballot for Cavalry officers of the 11th Brigade and 4th Division, and stating that William M. Grier is in nomination for Colonel Commandant, James A. Dunn for Lieutenant Colonel, and Robert B. Houston for Major; which proposition was agreed to, and Messrs. McLeary and Howell, were appointed to conduct the balloting on the part of the Senate, and a message sent to the House of Commons, informing them thereof. Whereupon, a mes-

sage was received from the House of Commons, stating that Messrs. Hutchison and Locke, are appointed to conduct the balloting on the part of that House.

Mr. Cooper of Martin, from the committee appointed to conduct the balloting for an Engrossing Clerk, reported that no person in nomination had received a majority of votes; in which report, the Senate concurred.

A message was received from the House of Commons, proposing to ballot again immediately for an Engrossing Clerk, and stating that Thomas L. West is withdrawn from the nomination; which proposition was agreed to, and Messrs. Moyer of Pitt, and Ennet, were appointed to conduct the balloting on the part of the Senate. Whereupon, a message was received from the House of Commons, stating that Messrs. Flemming and Sanders, are appointed to conduct the balloting on the part of that House.

The bill directing the manner in which lands shall be sold for taxes in the county of Washington, was read the second time and passed; read the third time, and on motion of Mr. Phelps, ordered to lie upon the table.

Mr. Moyer of Pitt, from the committee appointed to superintend the balloting for an Engrossing Clerk, reported that Joseph D. Ward had received a majority of the whole number of votes, and is duly elected; in which report, the Senate concurred.

Mr. Martin, from the committee appointed to conduct the balloting for Major General of the 9th Division, reported that Philip Irion had received a majority of the whole number of votes, and is duly elected; in which report the Senate concurred.

The bill to prohibit lotteries in this State, was read the third time: Mr. Phelps moved to amend the bill, by adding the following proviso, to wit: "Provided, that nothing in this act contained, shall be so construed, as to prevent the drawing of any lottery authorized by the laws of this State, or the sale of any tickets in such lottery so authorized to be drawn;" which amendment was agreed to—Ayes 31. Noes 21. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Baker, Beard, Brittain, Caldwell, Carson, Dobson, Dowd, Durham, Edwards of Person, Edwards of Warren, Ennett, Fairley, Harrison, Hawkins, Hogan, Holmes, Howell, Hussey, Kendall, Kerr, Klutts, Little, Lowry, McCormick, McLeary, McMillan, Martin, Moyer of Greene, Phelps, Shipp, Spaight, Spencer, Stephens, Wellborn, Wilson, Wyche.

Those who voted in the negative, are Messrs. Barco, Cooper of Martin, Cowper of Gates, Edmonston, Flynt, Flowers, Gavin, Lindsay, Lockhart, McQueen, Mast, Mebane, Montgomery of Hertford, Montgomery of Orange, Moyer of Pitt, Parker, Sawyer, Sherard, Wilder, Whitaker, Whitehurst.

Mr. Edwards moved further to amend the bill, by adding a proviso in the following words, to wit: "*Provided further*, That companies and corporations heretofore authorized by law, to raise by lotteries, a certain sum of money; without any limitations as to the time they shall have for drawing said lotteries, shall be allowed for such purpose, ten years from the first day of January next, 1835."

Mr. Wyche moved to amend the amendment, by striking out the word "ten," in the fifth line, and inserting the word "five;" which was agreed to, and the amendment as amended was adopted.

A motion was made by Mr. Whitaker, to reconsider the vote taken on the amendment proposed by Mr. Phelps, and Mr. Wyche moved to lay said amendment on the table; which was not agreed to, and on the question,

will the Senate re-consider the vote? it was decided in the affirmative. Mr. Beard then moved, that the bill, together with the amendments, be indefinitely postponed; which was not agreed to—Ayes 17, noes 37. The ayes and noes being demanded by Mr. Moye of Pitt, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Baker, Beard, Caldwell, Carson, Dobson, Edwards of Warren, Fairley Hogan, Holmes, Kerr, Klutts, Little, M'Cormick, M'Millan, Parker, Phelps, Wellborn.

Those who voted in the negative, are Messrs. Arrington, Barco, Brittain, Cooper of Martin, Dowd, Durham, Edmenston, Edwards of Person, Eanett, Fynt, Flowers, Gavin, Hawkins, Howell, Kendall, Lindsay, Lockhart, Lowry, M'Leary, M'Queen Martin, Mast, Mebane, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Moye of Greene, Sawyer, Sherard, Spaight, Spencer, Stephens, Wilder, Wilson, Whitaker, Whitehurst, Wyche.

Whereupon, on motion of Mr. Dowd, the further consideration of the bill and amendments was postponed until to-morrow.

Mr. Carson presented a bill, entitled a bill more effectually to prevent litigation, and to avoid suits in law; which was read the first time and passed, and on motion of Mr. Shipp, ordered to be referred to the committee on the Judiciary.

Mr. Howell, from the committee appointed to conduct the balloting for Cavalry officers of the 11th Brigade and 4th Division, reported that W. M. Grier received a majority of votes for Colonel Commandant, James A. Dunn for Lieutenant Colonel, and Robert B. Houston for Major, and are duly elected; in which report the Senate concurred.

The Senate then adjourned until to-morrow morning, 10 o'clock.

#### FRIDAY, DECEMBER 12, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed resolution, to wit: A resolution in favour of John Hyde of Haywood county; in which they ask the concurrence of that House.

Mr. Holmes presented a letter from Sarah Fitzgerald, praying the Legislature to legalize her acts in the settlement of her husband's estate, together with a document signed by Edward B. Dudley and others, certifying to the facts set forth in said letter; which, on motion of Mr. Holmes, was ordered together with said documents, to be referred to a select committee consisting of Messrs. Holmes, Beard, Wyche, Hogan and M'Cormick.

Mr. Lowry presented the petition of George B. Grier, setting forth that he had been convicted on an indictment for counterfeiting, and praying to be restored to credit. Ordered to be referred to the committee on Propositions and Grievances.

Mr. Carson presented the memorial of sundry citizens of Burke county, praying the Legislature to alter the boundary line between the first and second Regiments of Burke County Militia. Ordered to be referred to the committee on military affairs.

Mr. Hawkins, from the committee on Internal Improvement, to which was referred the petition of the Petersburg Rail Road Company, made a report unfavorable to the prayer of the petitions; which was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Kendall, from the committee on Propositions and Grievances, to whom was referred the petition of Catharine Parks, praying to be divorced from her husband, Gabriel Parks, made a report accompanied by a bill to carry into effect the prayer of the petitioner. Whereupon, the said bill was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Kendall, from the same committee, made a further report on the petition of Rachael Edwards, praying the Legislature to grant her the privilege of again entering into the marriage state; recommending that it is inexpedient to legislate upon the subject, and asked to be discharged from the further consideration of the subject; which was read and concurred in.

A message was received from the House of Commons, proposing to ballot immediately for lieutenant colonel of cavalry of the 9th brigade, and stating that George Phillips and William W. Peyton, are in nomination for the appointment; which proposition was agreed to, and Messrs. Stephens and Wilder, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon, a message was received from the House of Commons, stating that Messrs. J. Horton and Loudermilk, are appointed to conduct the balloting on the part of that House.

Mr. Cowper of Gates, presented a bill, entitled a bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him.

Mr. Shipp presented a bill, entitled a bill to incorporate the Lincolnton Light Infantry company; whereupon, the said bills were severally read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Wilson presented a bill, entitled a bill giving compensation to Sheriffs and Coroners, for executing writs of *capias ad satisfaciendum* in certain cases; which was read the first time and passed, and on motion of Mr. Carson, ordered to be referred to the committee on the judiciary.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to incorporate the Fayetteville Mechanics' and Benevolent society; a bill to alter the name of Mason Holmes, and to legitimate him; a bill to amend an act passed in the year 1831, for the better regulation of the town of Wanesborough; and a bill to restore to credit, John Masters of Yancy county; in which, they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed.

Mr. Wyche presented a bill, entitled a bill fixing the punishment for the crime of bigamy; which was read the first time and passed.

Received from the House of Commons a message, proposing to print a communication from the Public Treasurer, with the accompanying documents; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons, a message proposing to set apart Saturday evening next, for the purpose of recommending field officers of militia, and justices of the peace, in the several counties in this State; which proposition was concurred in, and the House of Commons was informed thereof by message.

Received also from the House of Commons, a message proposing that the message of his Excellency, the Governor, with the report of the Board of Internal Improvement, accompanying the same, be printed; which proposition was agreed to, and the House of Commons informed thereof by message.

Received from the House of Commons, a certificate of pension, in behalf of Priscilla Goodwin; endorsed in that House, read, and on motion of Mr. \_\_\_\_\_, countersigned by the Speaker of the House of Commons, and returned to the Senate.

The bill, entitled a bill for the relief of widows in certain cases, was read the second time, and it was resolved that the same shall not pass.

The Senate then proceeded to the consideration of the unfinished business of yesterday; to the bill prohibiting lotteries, on the adoption of the amendment proposed by Mr. Edwards, as amended on the motion of Mr. Wyche, when the question being taken thereon, it was decided in the negative. The question then recurring on the passage of the bill the third and last time, it was decided in the affirmative, and the bill ordered to be engrossed.

The Senate then proceeded to the consideration of the orders of the day; when the bill, entitled a bill providing for a more efficient patrol was read, and on motion of Mr. Wyche, the consideration thereof was postponed until to-morrow.

Received from the House of Commons, a message stating that Messrs. Henderson, Marsteller, Graham, Daniel and Harper, form the committee on the part of that House, on so much of the message of his Excellency the Governor, as relates to the interest of North Carolina in the public lands.

Received from the House of Commons, a message stating that they have passed the engrossed bill to alter the time of opening and closing the polls of the elections in the county of Pasquotank, with an amendment, to wit: Extend the provisions of the bill to the county of Perquimons; in which they ask the concurrence of the Senate. On motion of Mr. Wilson, ordered that the message, together with the bill and the amendment thereto, lie on the table.

The bill entitled a bill to subject legacies, distributive shares, &c. to attachment, was read the second time. On motion of Mr. Wellborn, ordered, that the further consideration of said bill be postponed indefinitely. Ayes 33, Noes 26. The ayes and noes being demanded by Mr. Cooper of Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Baker, Barco, Burns, Cowper of Gates, Edmonston, Edwards of Warren, Ennett, Fairley, Flynt, Flowers, Hogan, Howell, Hussey, Lindsay, Little, Lowry, M'Cormick, M'Leary, M'Millan, Mast, Mebane, Moore, Moye of Pitt, Moye of Greene, Sawyer, Shipp, Spaight, Stephens, Wellborn, Wilder, Whitaker, Whitehurst.

Those who voted in the negative, are Messrs. Beard, Branch, Caldwell, Carson, Cooper of Martin, Dobson, Dowd, Durham, Edwards of Pitt, Gavin, Hawkins, Holmes, Kendall, Kerr, Klutts, Lockhart, M'Queen, Martin, Montgomery of Hertford, Montgomery of Orange, Parker, Phelps, Steward, Spencer, Wilson, Wyche.

Mr. Wilder, from the committee appointed to conduct the balloting for lieutenant colonel of cavalry of the 9th brigade, reported that George Phillips having received a majority of votes, is duly elected; in which report the Senate concurred.

The Senate then adjourned until to-morrow morning, 10 o'clock.

#### SATURDAY, DECEMBER 13, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: a bill prohibiting lotteries; a bill to incorporate the Lincolnton light infantry company; a bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him; and a bill to divorce Catharine Parks, from her husband Gabriel Parks; in which they ask the concurrence of that House.

Mr. Wyche, from the committee of Finance to whom was referred the following resolution, to wit:

*Resolved*, That William S. Moon, Esq. be allowed the sum of \_\_\_\_\_ dollars, for extra services, rendered since the death of the late Comptroller; and for arranging and publishing the revenue laws under a resolution of the last General Assembly, which amount shall be allowed in the settlement of the public accounts.

Reported the same with an amendment, to wit: fill up the blank with the words "two hundred;" which was adopted, and the resolution as amended, was read the first, second and third times, passed and ordered to be engrossed.

Mr. Phelps presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to Mark H. Hill, forty dollars, being the sum to which he is entitled by law, for carrying a writ of election to the sheriff of Tyrrell county, commanding to hold an election to supply the vacancy in the Senate, occasioned by the death of Ephraim Mann, Esq. the late Senator, from said county; and that the Treasurer be allowed the same in the settlement of his public accounts.

Which was read the first, second and third times, and ordered to be engrossed.

Mr. Caldwell presented the following resolution, to wit:

*Resolved*, That a committee of five be appointed on the part of the Senate, to inquire into the expediency of altering the times of holding the Superior Courts, in certain counties in the sixth Judicial circuit; and to inquire further if it be not expedient to attach some one county in the sixth Judicial circuit, to the fourth or fifth Judicial circuit, and that they report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Wilson, the message from the House of Commons, proposing an amendment to the engrossed bill, to alter the time of opening and closing the polls of the elections in the county of Paquotank, heretofore laid on the table, was taken up, the amendment concurred in, and the House of Commons informed thereof by message.

Received from the House of Commons, a message stating that they have passed the engrossed resolutions entitled, "political resolutions;" in which they ask the concurrence of the Senate, which were read, and on motion of Mr. Edwards, ordered that the consideration thereof be postponed until Tuesday next, and be made the order of the day for that day.

The engrossed bill, entitled a bill to amend an act passed in the year 1831, for the better regulation of the town of Wadesborough, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill, entitled a bill to alter the name of Moses Holmes, and to legitimate him, was read the second time. Mr. Edwards of Warren, moved the following amendment, to wit: After the word "Hobues," in the fourth line of the bill, insert the words, "of the county of Brunswick;" which was agreed to, and the question recurring on the passage of the bill as amended, it was decided in the affirmative. Whereupon, the bill was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill, entitled a bill to restore to credit, John Masters of Yancy county, was read the second time and resolved that the same shall not pass—Ayes 24, Noes 35. The ayes and noes being demanded by Mr. Mebane, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Baker, Brittain, Burns, Caldwell, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Emmett, Fairley, Hawkins, Howell, Kerr, Klutts, Lindsay, Lowry, M'Leary, M'Queen, Mast, Moore, Parker, Phelps, Wellborn.

Those who voted in the negative, are Messrs. Arrington, Barco, Beard, Dowd, Edwards of Person, Edwards of Warren, Frynt, Flowers, Gavin, Harrison, Hagan, Holmes, Hussey, Kendall, Little, Lockhart, M'Cormick, M'Mullan, Martin, Mebane, Montgomery of Hertford, Moyer of Pitt, Moyer of Greene, Sawyer, Sherard, Staley, Shipp, Spaight, Spencer, Stephens, Wilder, Wilson, Whitaker, Whitehurst, Wyche.



Mr. Arrington moved to reconsider the bill, entitled a bill to subject legacies, distributive shares, &c. to attachment, in like manner as other property; and on the question, will the Senate reconsider the bill, it was decided in the affirmative. Whereupon, on motion of Mr. Wyche, the bill was ordered to lie upon the table.

The engrossed bill, entitled a bill to incorporate the Fayetteville Mechanics' Benevolent Society, was read the second time, and on motion of Mr. Edwards of Warren, was ordered to lie on the table.

The bill to authorise the Petersburg Rail Road Company, to erect a bridge across the Roanoke river, at the town of Blakely; and in the mean time to establish a ferry at the same place: Mr. Mebane moved to lay the bill on the table; which motion was not agreed to, and the question recurring on the passage of the bill, it was decided in the negative.

The Senate then entered upon the orders of the day, and proceeded to consider the bill limiting the power of courts, in inflicting punishments for contempts; which being read the second time, Mr. Sawyer moved to amend said bill by striking out the word "information," in the last section of the bill. Mr. Sawyer moved further to amend the bill, by inserting in the fifth line of the first section, after the word "judges," the words "in punishing for contempts." Mr. Beard moved further to amend the bill, by inserting in the third line of the last section, after the word "force," the words "or bribery," and in the seventh line of the same section, after the word "force," by inserting the words "or bribery endeavor to;" which amendments were severally agreed to, and the question recurring on the passage of the bill as amended, it was decided in the affirmative. Ayes 40, Noes 21.

Those who voted in the affirmative, are Messrs. Arrington, Baker, Barco, Beard, Branch, Burns, Caldwell, Cowper of Gates, Dowd, Durham, Edmonston, Edwards of Person, Ennett, Flynt, Flowers, Gavin, Harrison, Hussey, Kendall, Klutts, Kerr, Lindsay, Lockhart, Lowry, M'Leary, M'Queen, Mast, Mebane, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Staley, Spencer, Wellborn, Wilson, Wyche.

Those who voted in the negative are, Messrs. Brittain, Cooper of Martin, Dobson, Edwards of Warren, Fairley, Hawkins, Hogan, Holmes, Howell, Little, McCormick, M'Millan, Martin, Moore, Moye of G., Shipp, Spaight, Stephens, Wuder, Whitaker, Whitehurst

Mr. Hogan, from the committee on the Judiciary to which was referred the petition of Silas L. Heiler, of South Carolina, praying the Legislature to grant him a license to practice law in this State, made a report thereon, unfavorable to the prayer of the petitioner, and asking to be discharged from the further consideration of the subject; which was concurred in, and the committee discharged accordingly.

Mr. Hogan, from the same committee, also, made a report on the bill giving the County Courts of this State, authority to abolish the offices of the county trustee and treasurer, or commissioner of public buildings, with sundry amendments; and the said bill together with the amendments, on motion, ordered to be made the order of the day for Monday next.

Mr. Hogan, from the same committee, also reported the bill giving compensation to sheriffs and coroners, for executing writs of *capias ad satisfaciendum* in certain cases, without amendment. Ordered, that said bill be the order of the day for Monday next.

Messrs. Caldwell, Shipp, Dobson, Klutts and Durham, were appointed to form the select committee to which the resolution presented by Mr. Caldwell, concerning an alteration in the 6th Judicial circuit was referred.

The Senate then adjourned until Monday morning, 10 o'clock.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed resolutions, to wit: Resolution in favor of William S. Moon, Esq.; resolution in favor of Mark H. Hill; in which they ask the concurrence of that House.

Mr. Martin presented a bill, entitled a bill to authorise the Governor to procure a new great seal of State; which was read the first time and passed.

Mr. Brittain presented a bill, entitled a bill authorising A. R. H. Hunter of Macon county, to erect a bridge across the Hiwassee river, near the mouth of Valley river; which was read the first time and passed.

The Senate then entered upon the orders of the day, and proceeded to consider the bill fixing the punishment for the crime of bigamy; which was read the second time and passed.

The bill, entitled a bill giving the County Courts of this State, authority to abolish the offices of county trustee and treasurer, or commissioner of public buildings; was read the second time, and the amendments reported by the committee on the Judiciary agreed to, and the bill as amended, passed the second time.

The bill defining and limiting the power of courts, in inflicting punishments for contempts; was read the third time, and on motion of Mr. Sawyer, ordered to lie upon the table.

Daniel Bateman the Senator elect from the county of Tyrrell, to supply the vacancy occasioned by the death of Ephraim Mann, appeared, produced his credentials, was qualified and took his seat.

Mr. Wilson moved that the consideration of the bill, entitled a bill concerning a convention to amend the Constitution of North Carolina, heretofore by a vote of this House made the order of the day for to-day, be postponed until Saturday next; which was not agreed to.

Received from the House of Commons, a message announcing to the Senate the death of William Adams, one of the members of that House, from the county of Guilford, and proposing that the two Houses appoint a joint select committee of three persons, to make the necessary arrangements for the funeral this evening, at 3 o'clock, and stating that Messrs. Lindsay, Waugh and Rush, form the committee on the part of that House. The proposition of the House of Commons was concurred in, and Messrs. Parker, Dowd and Moyer of Greene, were appointed to form the committee of arrangements on the part of the Senate, and the House of Commons was informed thereof by message.

The Senate then adjourned until to-morrow morning, 10 o'clock.

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TUESDAY, DECEMBER 16, 1834.

Mr. Arrington presented the resignation of Philip Irion, colonel commandant of the 91st regiment of the North Carolina militia; which was read and accepted.

Mr. Moyer, from the joint select committee on Military Affairs, to whom was referred the bill to amend the militia laws; reported the bill without amendment, with a recommendation that it be rejected. Ordered, that it be the order of the day for to-morrow.

Mr. Moyer of Greene, from the same committee to which was referred a resolution, instructing them to inquire into the expediency of reducing the number of commissioned officers, in each company of militia; made an

unfavorable report thereon, and asked to be discharged from the further consideration of the subject; which was concurred in.

Mr. Spencer presented a bill to repeal an act, passed at the last session of the General Assembly, entitled an act to create one additional wreck district, in the county of Hyde, and for other purposes; which was read the first time and passed.

Mr. Durham presented a bill, entitled a bill providing for the payment of justices of the peace, for Rutherford county, for the performance of official duties in certain cases; which was read the first and second times and passed; read the third time, and resolved that the same shall not pass.

On motion of Mr. Edwards of Warren, the Senate proceeded to consider the political resolutions; which were by special order, made the order of the day for to-day. Mr. Wellborn moved a call of the House; which was ordered. The resolutions were then read the first time, and Mr. Wilson moved to lay them upon the table; which motion was not agreed to. Ayes 29, Noes 35. The ayes and noes being demanded by Mr. Mebane, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Baker, Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, M'Queen, M'Williams, Martin, Mast, Montgomery of Hertford, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, M'Cormick, M'Leary, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

The question then recurring on the passage of the resolutions, it was decided in the affirmative. Mr. Carson moved that the Senate resolve itself into a committee of the whole House on said resolutions, and that they be made the order of the day for to-morrow; which motion was not agreed to. Ayes 30, Noes 33. The ayes and noes being demanded by Mr. Cooper of Martin, are as follows:

Those who voted in the affirmative, are Messrs. Baker, Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, M'Queen, M'Williams, Martin, Mast, Montgomery of Hertford, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.

Those who voted in the negative, are Messrs. Arrington, Brittain, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, M'Cormick, M'Leary, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Sawyer then moved to postpone the consideration of the resolutions till to-morrow; which motion was not agreed to. Whereupon, on motion of Mr. Edwards of Warren, the resolutions were read the second time, and Mr. Martin moved to amend them by offering the following preamble and resolutions, as a substitute, to wit:

Whereas, the declaration of rights made by the freemen of North Carolina, affirms "that a frequent recurrence to fundamental principles, is absolutely necessary to preserve the blessings of liberty;" and regarding the present crisis as one of deep and vital interest, it is believed that this solemn injunction, has become peculiarly applicable to the present General Assembly:

*Therefore resolved,* As the opinion of this General Assembly, that the preservation of the liberties of this republic, depends not only on confining the operations of the General Government, to the exercise of such powers as are expressly granted by the Constitution; but that it is necessary to guard with equal caution, against destroying the constitutional balance of power, in the General Government itself; that all the powers granted or intended by the people of the States to the Federal Government, or either of its branches, are specifically delegated and sufficiently defined, to keep each in its proper sphere; that the resid-

ary powers given to Congress, to make all laws which shall be necessary and proper, for carrying into execution, the foregoing powers and all other powers, vested by this constitution in the Government of the United States, or in any department or office thereof, forbids the exercise of any constitutional powers, by either of the other branches of the government.

*Resolved*, That in accordance with these views, this General Assembly cannot sanction the doctrines avowed by the President of the United States, in the manifesto read to the Cabinet, on the 18th of September, 1833, or in the protest transmitted to the Senate of the United States, on the 30th of April, 1834; that we are of opinion that the President has no right to take or to assume any responsibility, other than such as is imposed on him as a duty, by the Constitution and laws of the United States; that the Secretary of the Treasury, as well as the other heads of department, is an officer of the government, and that the President has no rightful authority to direct or control said officer, in the exercise of a discretionary duty specially confided to him, by a law of the United States.

*Resolved*, That this General Assembly is opposed to a renewal of the charter of the United States bank; and as it is at all times the duty of the officers of the republic, to keep a watchful eye over its monied concerns, we approve of the message of the President to the last session of the 22nd Congress, recommending that body to inquire into the safety of the public monies, deposited in that institution; that as we consider Congress to have the only legitimate control over the subject, we deeply regret that the President did not suspend its removal, until the meeting of the succeeding Congress, and if deemed necessary, present the subject again to that body, with such disclosures and additional facts as might have transpired in its recess.

*Resolved*, That we deem it unnecessary to give an opinion on the policy of removing the public money from the bank of the United States, but feel constrained to express our entire dissent from the exercise of the power by the President of the United States, and without law to place it in the custody, and under the control of the State banks; the safety of the public money is in the estimation of this General Assembly, of very little consequence to the dangerous tendency of the powers claimed by the President, throughout the protest message, and more particularly in the following paragraph: "Congress cannot therefore take out of the hands of the Executive department, the custody of public property or money, without an assumption of executive power, and a subversion of the first principles of the Constitution;" to concede this power to the Executive Department, would subvert the form, as well as the fundamental principles of our government, and the doctrine cannot be recognized by the freemen of North Carolina.

*Resolved*, That notwithstanding these alarming claims of power, our confidence in the integrity of the President of the United States, remains unimpaired; that we believe he was ill advised in the premises, and are happy to perceive in his late annual message to Congress, the assertion of principles more congenial to the true basis on which our government is founded.

On motion of Mr. Sawyer, the Senate then adjourned until to-morrow morning, 10 o'clock. Ayes 34, Noes 29. The ayes and noes being demanded by Mr. Gavin, were as follows, to wit:

Those who voted in the affirmative, are Messrs. Barco, Bateman, Beard, Branch, Burns, Caldwell, Carson, Dowd, Edwards of Warren, Edmonston, Fairley, Harrison, Hogan, Hussey, Kendall, Klutts, Little, Lockhart, Lowry, M'Leary, M'Millan, M'Queen, M'Williams, Martin, Mast, Montgomery of Hertford, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edwards of Person, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Kerr, Lindsay, M'Cormick, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

### WEDNESDAY, DECEMBER 17, 1834.

Mr. Welborn, from the select committee on Cherokee lands, to which was referred the petition of Joseph Shepperd, that a grant for one hundred and sixteen acres of land be issued to him, reported the following resolution to carry into effect the prayer of the petitioner, to wit:

*Resolved*, That the Secretary of State be directed to issue a grant to Joseph Shepperd, for one hundred and sixteen acres of land: Tract No. 6, District No. 16; which tract was bid off by John B. Woody, at the land sales in October 1820.

Which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Wellborn, from the same committee, to which was referred the resolution requiring them to inquire into the expediency of selling four hundred acres of land in the county of Macon, reserved for the future disposition of the Legislature, by the act of 1819, made a report thereon, accompanied by a bill, entitled a bill directing the conveyance of commons adjoining the town of Franklin, to the chairman of Macon county court, with a recommendation that it be passed into a law; whereupon, the bill was read the first time and passed.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the memorial of Susanna Enoch, praying the Legislature to pass an act relieving her from the payment of taxes on the estate of her deceased husband Rees Enoch, made an unfavourable report thereon, and asked to be discharged from the further consideration of the subject, which was agreed to, and the committee discharged accordingly.

Mr. Montgomery of Orange, presented the following resolution, to wit:

*Resolved*, That the committee on Internal Improvement, be instructed to inquire into the expediency of granting a charter for a Rail Road from the Sea Board to the Seat of Government; and thence to the Yadkin River, to the most eligible points above Beard's Bridge; and of providing that the Public Treasurer shall (as soon as three fifths of the stock necessary to construct it shall be subscribed, and the payment thereof secured by individuals,) subscribe for the remaining two-fifths, on behalf of the State; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Durham presented a bill, entitled a bill to provide for running and establishing the boundary line between the counties of Burke and Rutherford. Whereupon, the said bill was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Phelps presented a bill, entitled a bill to regulate Attorneys' fees, and state tax fees, in the county of Washington, in certain cases; which was read the first time and passed.

Mr. Moyer of Green, presented a bill, entitled a bill to alter the name of Jacky Ann Moring, and to legitimate her; which was read the first, second, and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message proposing to refer a communication from his Excellency the Governor, concerning the contract with Ball Hughes, for the restoration of the Statue of Washington, together with the accompanying documents, to a joint select committee of three on the part of each House; which proposition was agreed to. Whereupon, Messrs. Little, Lockhart, and Kerr, were appointed to compose the committee on the part of the Senate, and the House of Commons informed thereof by message.

Received from the House of Commons, a message stating that they have agreed to the amendment proposed by the Senate, to the bill to alter the name of Moses Holmes, and to legitimate him. Ordered that said bill be enrolled.

Received from the House of Commons, a message stating that they have passed the following engrossed resolutions, to wit: A resolution in favor of William Kenly of Davidson county; and a resolution authorizing a grant to issue to William Wilson; in which they ask the concurrence of the Senate. Whereupon, the first named resolution was read the first time and passed. Mr. Sawyer moved that it be indefinitely postponed, which was not agreed to. The question then recurring on the passage of the resolu-

tion, it was decided in the affirmative. Read the third time, passed, and ordered to be enrolled.

The engrossed resolution, authorizing a grant to issue to William Wilson, was read the first, second, and third times, passed, and ordered to be enrolled.

Received from the House of Commons, a message proposing to ballot immediately for cavalry officers attached to the 18th brigade, and stating that Joseph B. G. Roulhac, is in nomination for colonel commandant, Alexander W. Mebane, and James Southall, for lieutenant colonel, and John R. Gilliam for major. The proposition of the House of Commons was agreed to. Whereupon, Messrs. McMillan and Moye of Green, were appointed to conduct the balloting on the part of the Senate, and the House of Commons informed thereof by message. A message was received from that House, stating that Messrs. Jordan and Henderson, are appointed to conduct the balloting on their part.

Received from the House of Commons, a message transmitting a message from his Excellency the Governor, accompanied by such resignations of justices of the peace, and militia officers, as have been tendered for acceptance through the Executive department.

Mr. Carson presented the following resolution, to wit :

*Resolved*, That the Public Treasurer of the State be, and he is hereby directed to pay to Jesse Hulsey, now of the State of Georgia, or his agent, N. Edmonston, all arrears of a pension allowed said Hulsey, by an act of the Legislature passed in 1824; and that he continue to pay said pension for and during the life of said Hulsey.

Which was read the first, second, and third times, passed, and ordered to be engrossed.

Received from the House of Commons, the resignation of Joseph J. Ward, major of the regiment of Warren county militia, which was endorsed, read and accepted in that House; and which was read and accepted by the Senate: Also, the resignations of Mitchell R. Moore, major of the volunteer regiment of Guilford county militia; of Solomon Loudermilk, lieutenant colonel of the second regiment of the militia of Iredell county; of Jeremiah Sanderlin, lieutenant colonel of the 31st regiment of North Carolina militia; and of John E. Hussey, colonel commandant of the 31st regiment of the North Carolina militia; which were severally endorsed in that House, read and accepted, and were read and accepted by the Senate.

The Senate then entered upon the orders of the day, and resumed the unfinished business of yesterday; and the question depending at the time of adjournment, to wit: On the adoption of the amendment proposed by Mr. Martin, to the political resolutions was stated, and the amendment was again read. Whereupon, Mr. Martin moved that the Senate do now resolve itself into a committee of the whole House, and that the resolutions with the amendments, be committed to said committee; which motion was not agreed to. Mr. Martin then called for a division of the question, and that the question be first taken on striking out the whole of the resolutions, after the word "Resolved."

After some time spent in discussion, the Senate adjourned till to-morrow morning 10 o'clock.

THURSDAY, DECEMBER 18, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following bills and resolutions, to wit: A bill to provide for

running and establishing a part of the dividing line between the counties of Burke and Rutherford; a bill to alter the name of Jacky Ann Moring, and to legitimate her; a resolution in favour of Joseph Shepperd; and a resolution in favour of Jesse Hulsey; in which they ask the concurrence of the House of Commons.

Mr. Harrison presented the resignation of John Houston, lieutenant colonel of the militia of Jones county; which was read and accepted.

Mr. Caldwell, from the select committee, to which was referred the resolution directing the inquiry into the expediency of altering the times of holding the Superior Courts in certain counties in the sixth Judicial Circuit, made a report thereon, accompanied by a bill, entitled a bill to regulate the times of holding the Superior Courts in the fourth and sixth Judicial Circuits, and to attach the county of Surry to the fourth Judicial Circuit; and recommending that said bill be passed into a law. Whereupon the said bill was read the first time and passed.

Mr. Howell presented a resolution in favour of Archibald S. Brown, which was, on motion of Mr. Howell, ordered to be referred to the committee on claims.

Mr. Moye of Green, from the committee appointed to conduct the balloting for cavalry officers of the 18th brigade, reported that Joseph B. G. Roulhac, having received a majority of votes for colonel commandant, Alexander W. Mebane, lieutenant colonel, and John R. Gilliam for major, are duly elected. In which report the Senate concurred.

Received from the House of Commons, a message stating that they have passed the engrossed bill, for the better government of the town of Lawrenceville in Montgomery county. In which they ask the concurrence of the Senate; whereupon, the said bill was read the first and second times and passed.

Received from the House of Commons, a message stating that they have passed the engrossed resolution in favour of John Hyde of Haywood county, with an amendment, in which they ask the concurrence of the Senate. Whereupon, the amendment was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message proposing to ballot immediately for colonel and lieutenant colonel of cavalry; and stating that Joseph Abernathy is in nomination for colonel, and Richard Rankin, for lieutenant colonel, attached to the 10th brigade and third division; which, on motion of Mr. Beard, was ordered to lie on the table.

Received from the House of Commons, a message stating that they have passed the following engrossed bills and resolutions, to wit: A bill to incorporate Washington Academy, in the town of Washington, Beaufort county, and to appoint trustees thereof; a bill to incorporate the Northampton blues; a bill to prevent the obstructing the passage of fish up Hiwassee, Nattaly, and Valley rivers, in Macon county; a bill authorizing the county courts of Burke and Yancy, to appoint commissioners for laying off roads; and a resolution in favour of Lewis Dupree; in which they ask the concurrence of the Senate. Whereupon, the first named bill was read the first and second times and passed.

The bill to incorporate the Northampton blues, and the bill authorizing the county courts of Burke and Yancy, to appoint commissioners for laying off roads, &c. were read the first, second, and third times and pas-

sed, and ordered to be enrolled. The bill to prevent obstructing the passage of fish up Hiwassee, Nattaly, and Vally rivers in Macon county, was read the first and second times and passed, and on motion of Mr. Edmondston, was ordered to lie on the table; and the resolution in favor of Lewis Dupree, was read the first, second and third times, passed and ordered to be enrolled.

The Senate then entered upon the order of the day, and resumed the consideration of the unfinished business of yesterday. The question still depending on Mr. Martin's call, for a division of the question, on his motion to strike out the original Resolutions entitled "political resolutions" and insert the amendment offered by him as a substitute. Mr. Sawyer moved that the further consideration of the subject be postponed until to-morrow, which was not agreed to, and after some time spent in discussion;

The Senate adjourned until to-morrow morning, 10 o'clock.

#### FRIDAY, DECEMBER 19, 1834.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the petition of George B. Grier, praying to be restored to credit, made a favorable report thereon, accompanied by a bill entitled a bill to restore George B. Grier, of the county of Buncombe, to the privileges of a free citizen. Whereupon the said bill was read the first time and passed; read the second time, and resolved, that the same shall not pass.

Mr. Moye, from the committee on Military Affairs, to which was referred the memorial of sundry citizens of the county of Burke, praying for an alteration of the boundaries of the first and second regiments of Burke county militia, made a favourable report thereon, accompanied by a bill to carry into effect the prayer of the petitioners, entitled a bill altering the boundaries of the first and second regiments of Burke county militia. Whereupon the said bill was read the first, second and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message stating that Messrs. Lindsay, Latham and Brummell, form the committee on the part of that House, on the communication of his Excellency the Governor, concerning the statue of Wasington.

Mr. Hogan moved to re-consider the bill to restore George B. Grier, of the county of Buncombe, to the privileges of a free citizen, and, on the question, will the House re-consider said bill? it was decided in the affirmative. Whereupon the bill was read the second and third times, passed, and ordered to be engrossed.

On motion of Mr. Moye, (of G.) a message was sent to the House of Commons, proposing to ballot immediately for cavalry officers of the second brigade, eighth division of North Carolina militia; and stating that William M. Allbritton, is in nomination for colonel commandant, Josiah Barrett, lieut. colonel, and William Dixon, major.

The bill entitled a bill for the better regulation of the town of Lawrenceville, in Montgomery county, was read the third time, passed, and ordered to be enrolled.

On motion of Mr. Edmondston, the engrossed bill to prevent obstructing the passage of fish up Hiwassee, Nattaly and Valley rivers, in Macon county, was taken up, read the third time, passed, and ordered to be enrolled.



The engrossed bill entitled a bill to incorporate Washington Academy, in the town of Washington, Beaufort county, and appoint trustees thereof, was read the third time and passed, and ordered to be enrolled.

On motion of Mr. Montgomery of Hertford, the Senate proceeded to consider the resolution fixing on a day of adjournment. Mr. Caldwell, moved to lay the resolution upon the table; which was agreed to—ayes 37, noes 25. The ayes and noes being demanded by Mr. Montgomery of Hertford; are as follows, to wit:

Those who voted in the affirmative, are Messrs. Baker, Bateman, Beard, Britain, Burns, Caldwell, Carson, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Durham, Edmondston, Edwards of Person, Ennett, Flynt, Flowers, Gavin, Holmes, Howell, Hussey, Kerr, Lockhart, Lowry, M'Cormick, M'Millan, M'Queen Mebane, Montgomery of Orange, Moore, Moye of Greene, Phelps, Staley, Shipp, Spaight, Wilder, Whitaker.

Those who voted in the negative, are Messrs. Arrington, Barco, Branch, Edwards of Warren, Fairley, Harrison, Hawkins, Hogan, Kendall, Lindsay, Little, M'Williams, Martin, Mast, Montgomery of Hertford, Moye of Pitt, Parker, Sawyer, Sherard, Spencer, Stephens, Wellborn, Wilson, Whitehurst, Wyche.

The Senate then proceeded to the orders of the day, and resumed the consideration of the unfinished business of yesterday; the question still depending on the motion of Mr. Martin, to strike out the original political resolutions, and to insert his amendment as a substitute.

Mr. Sawyer presented the following preamble and resolutions, to wit:

Whereas a multiplicity of business is now pending in both branches of the Legislature, in which the people of the State are deeply interested, and which now demands the immediate action of the Legislature: Therefore

*Resolved*, That the political resolutions intrusting our Senators in Congress, to vote to expunge the resolution of censure on the President, from the journals of the Senate, is entirely extra-legislative, and beyond the legitimate action of the Senate.

*Resolved therefore*, That said resolutions be laid upon the table, and that the Senate proceed to act forthwith upon the business immediately affecting the interests and wants of the people.

And on the question; on the adoption of said resolutions, it was decided in the negative—ayes 27, noes 35. The ayes and noes being demanded by Mr. Carson, are as follows:

Those who voted in the affirmative, are Messrs. Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Little, Lowry, M'Millan, M'Queen, M'Williams, Martin, Mast, Montgomery of Hertford, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Britain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmondston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, M'Cormick, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

After some time in discussion; the Senate adjourned until to-morrow morning 10 o'clock.

#### SATURDAY, DECEMBER 20, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill altering the boundaries of the first and second regiments of Burke county militia; and a bill to restore George B. Grier, of the county of Buncombe, to the privileges of a free citizen; in which they ask the concurrence of that House.

Mr. Lowry presented the petition of sundry citizens of Buncombe county, in behalf of Joseph Wilson of said county, praying that he may be restored to credit, which, on motion of Mr. Lowry, was ordered to be referred to the committee on Propositions and Grievances.

Mr. Hogan, from the committee on the Judiciary, to which was referred

the engrossed bill, to incorporate the Fayetteville Mechanics Benevolent Society, reported the same with an amendment, as an additional section to the bill, to wit: "Be it further enacted by the authority aforesaid, That said society shall exist and exercise its corporate functions, for twenty years and no longer;" which amendment was read and agreed to. Whereupon the said bill was read the second and third times, passed, as amended, and a message sent to the House of Commons, asking their concurrence in the amendment.

Mr. Hogan, from the same committee to which was referred the bill to alter the Judiciary system of North Carolina, reported the same without amendment, with a recommendation that it is inexpedient to pass said bill. Whereupon, the said bill was ordered to be the order of the day for Monday next.

Mr. Hogan, from the same committee to which was referred a bill more effectually to prevent litigation and avoid suits at law, with a recommendation that it is inexpedient to legislate upon the subject. Whereupon, said bill was ordered to be the order of the day for Monday next.

Mr. Hogan, from the same committee to which was referred a resolution, directing an enquiry into the expediency of allowing parties to suits to show on the trial, that grants issued by the State were fraudulently obtained, made a report thereon, with a recommendation that it is inexpedient to legislate on the subject; which report was concurred in.

Mr. Cooper of Martin, presented a bill entitled a bill to prevent nuisances in the river Roanoke; which was read the first time and passed.

Received from the House of Commons, a message stating that they have passed the following engrossed resolutions, to wit: A resolution relating to a map of the Cherokee lands; a resolution directing the Adjutant General to collect the public arms; a resolution in favor of Elizabeth Forbes; and a resolution in favor of Caleb Barco; in which they ask the concurrence of the Senate. Whereupon, the three first named resolutions were read the first, second and third times, passed, and ordered to be enrolled; and the resolution in favor of Caleb Barco, was read the first and second times and passed. Mr. Barco moved an amendment, to wit: in the second line thereof, strike out the words "the agent of," which was agreed to; and the resolution was read the third time and passed, and a message sent to the House of Commons asking their concurrence in the amendment.

Mr. M'Queen presented a bill entitled a bill to provide a fund for the establishment of free schools, in the State of North Carolina; which was read the first time and passed, and, on motion of Mr. Wilson, ordered to be printed.

Received from the House of Commons, a message agreeing to the proposition to ballot for cavalry officers, of the second brigade and eighth division, and stating that Messrs. Hartly and Foscue, attend the Senate as superintendants of the balloting on the part of that House. Whereupon, a message was sent to the House of Commons, stating that Messrs. Moyer of Greene, and Harrison, attend that House as superintendants of the balloting on the part of the Senate.

Mr. Durham presented a bill entitled a bill for the better regulation of the County and Superior Courts, of the county of Rutherford; which was read the first time and passed, and, on motion of Mr. Durham, was ordered to lie on the table.

On motion of Mr. Hogan, the bill to amend an act, passed in the year 1822, entitled an act for the division of Rowan county, was taken up, read the second time and passed. Mr. Beard moved to amend the bill by adding a proviso at the end thereof, in the following words, to wit: "Provided that this act shall not take effect before the first day of January, 1836; which amendment was agreed to. Whereupon, the bill was read the third time and passed, as amended, and ordered to be engrossed.

The Senate then entered upon the orders of the day, and resumed the consideration of the unfinished business of yesterday; the question still depending on the motion of Mr. Martin, to strike out the original political resolutions, and insert the amendment offered by him as a substitute; and, after some time spent in discussion, the Senate adjourned until Monday morning 10 o'clock.

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MONDAY, DECEMBER 22, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bill, to wit: A bill to amend an act passed in the year 1822, entitled an act, for the division of Rowan county; in which they ask the concurrence of that House.

Mr. Montgomery of Orange, presented the resignation of John Elendenin, a justice of the peace; which was read and accepted, and sent to the House of Commons.

Mr. Kendall presented the petition of sundry citizens of the county of Montgomery, praying to be annexed to the county of Moore; which, on motion of Mr. Kendall, was ordered to be referred to the committee on Propositions and Grievances.

Mr. Moyer of Greene, from the committee appointed to conduct the balloting for cavalry officers, of the second brigade and eighth division, reported that Wm. M. Allbritton, having received a majority of votes for colonel, Josiah Barrett, for lieutenant colonel, and William Dixon, for major, are duly elected; in which report the Senate concurred.

Mr. Lockhart presented the following resolution, to wit:

Whereas it appears from the report of the Treasurer of the Literary Fund, that the amount thereof, is inadequate to the purpose of a system of general education; and whereas, the State of North Carolina, is destitute of native, civil and military engineers: Therefore

*Resolved*, That the committee on Education be instructed to enquire into the expediency of appropriating a part of the Literary Fund, to the purpose of establishing a professorship of civil and military engineering, in the University of North Carolina, for the purpose of instructing native youths in those branches of education, so that the practical services of the professor or professors and students shall be devoted to making such surveys, as the Legislature may from time to time order and direct, with a view to the internal improvement of the State; and that the committee have leave to report by bill or otherwise.

Whereupon the said resolution was read and adopted.

Mr. Wilson presented a bill, entitled a bill supplemental to an act entitled an act, for the relief of debtors for debts which may be contracted after the first day of May next, passed in the year 1822; which was read the first time and passed.

Mr. Mebane presented the petition of Alfred M. Slade, praying to be relieved from his liability as one of the securities of Edward Griffin, late sheriff of Martin county; which was on motion of Mr. Mebane, ordered to be referred to the committee on Claims.

Received from the House of Commons a message, stating that they have postponed indefinitely, the following engrossed bills, to wit: A bill to le-

gitimate Sarah C. Baxter, Wm. G. M. Baxter, and James N. Baxter, of Rutherford county; a bill to restore to credit Andy Baggary, of Iredell county; and a bill to divorce Catharine Parks.

Received from the House of Commons a message, stating that they have passed engrossed bill prohibiting lotteries, with sundry amendments; which were read and concurred in, and a message sent to the House of Commons, informing that House of the concurrence of the Senate in the proposed amendments.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to repeal in part an act passed in the year, 1831, entitled an act to provide for the compensation of certain jurors of the counties of Perquimons, Pasquotank and Gates, so far as respects the county of Perquimons; a bill to repeal part of an act, passed at the last session, entitled an act better to promote the administration of justice, in Macon county; a bill for the better regulation of the militia of Buncombe county; and a bill supplemental to an act, passed in the year, 1829, chapter 55, entitled an act for the payment of the jurors of the county of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; in which they ask the concurrence of the Senate. Whereupon, the first named bill was read the first time and passed, and ordered, on motion of Mr. Wilson, to lie upon the table; the second and third named bills were read the first, second and third times, passed and ordered to be enrolled; the last named bill was read the first time and passed. Mr. Sherard moved to strike out the word "Wayne," wherever it occurs in the bill; which amendment was agreed to, read the second time and passed, as amended, and on motion of Mr. Hussey, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill to divorce Eleanor M. Cobb; a bill to amend the charter of the bank of Cape Fear; and a bill to quiet the titles to certain lands in this State; in which they ask the concurrence of the Senate. Whereupon the first named bill was read the first and second times and passed, and on motion of Mr. Hogan, ordered to lie upon the table; and the second and last named bills were read the first time and passed.

Mr. Spencer presented a bill, entitled a bill to incorporate the Mattamuskeet canal and rose bay turnpike company; which was read the first time and passed.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to divorce William Harvey of Beaufort county; a bill to amend an act, entitled an act to incorporate a company in the county of Mecklenburg, under the name of the Franklin gold mining company; a bill to amend an act, entitled an act to establish a bank in the State of North Carolina, passed at the last session of the General Assembly; and a bill to establish the Merchants bank, in the town of Newbern; in which they ask the concurrence of the Senate. Whereupon the first named bill was read the first time, and on motion of Mr. M'Cormick, ordered to be indefinitely postponed. Ayes 47, Noes 13. The ayes and noes being demanded by Mr. M'Cormick, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Arrington, Baker, Barco, Branch, Caldwell, Cooner of Martin, Cowper of Gates, Dowd, Durham, Edmonston, Edwards of Warren, Ennet, Flynt, Flowers, Gavin, Harrison, Hawkins, Hogan, Holmes, Howell, Hussey, Ker-

dall, Klutts, Lindsay, Little, Lockhart, Lowry, M'Cormick, M'Millan, Martin, Mebane, Moore, Moye of Pitt, Moye of Greene, Parker, Phelps, Sawyer, Staley, Shipp, Spaight, Spencer, Stephens, Wilder, Wilson, Whitaker, Whitehurst, Wyche.

Those who voted in the negative, are Messrs. Beard, Brittain, Burns, Carson, Dobson, Fairley, Kerr, M'Queen, M'Williams, Mast, Montgomery of Orange, Sherard, Wellborn.

Received from the House of Commons, the resignation of Turner Bynum, a justice of the peace for the county of Edgecombe, and of Neil M'Nair, a justice of the peace for the county of Richmond; which were endorsed, "read and accepted" in that House, and which were read and accepted by the Senate.

On motion of Mr. Mebane, the Senate entered upon the orders of the day, and resumed the unfinished business of Saturday last; the question still pending on Mr. Martin's amendment to the political resolutions; when, after some time spent in discussion, on motion of Mr. Little, the Senate adjourned until to-morrow morning, 10 o'clock. Ayes 30, Noes 28. The ayes and noes on the question of adjournment, being demanded by Mr. Arrington, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Baker, Barco, Branch, Caldwell, Carson, Cowper of Gates, Dowd, Durham, Fairley, Flowers, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, M'Millan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wilson, Wyche.

Those who voted in the negative, are Messrs. Arrington, Britain, Cooper of Martin, Dobson, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

#### TUESDAY, DECEMBER 23, 1834.

Mr. Moye of Greene, presented the resignation of Wm. N. Allbritton, lieutenant colonel of cavalry of the 2nd brigade, 8th division; which was read and accepted.

Mr. Kerr, from the committee on Military Affairs, to which was referred a memorial of the officers of the 13th regiment, on the subject of petty musters, reported that the committee have instructed their chairman to report a bill to the other branch of this body, upon the same subject, in compliance with the prayer of the memorial heretofore referred to them, and ask to be discharged from the further consideration of said memorial; which was concurred in.

Mr. Kerr, from the same committee to which was referred a resolution of inquiry, on the expediency of compelling captains of companies to muster their companies four times in each and every year, reported that their chairman is instructed to report a bill to the other branch of the Legislature, upon the subject contemplated in the resolution, and ask to be discharged from the further consideration of the subject; which report was concurred in.

Mr. Kerr, from the same committee to which was referred a resolution, instructing them to inquire into the expediency of abolishing the present militia system, &c. made a report thereon, with a recommendation that it is inexpedient to legislate upon the subject; which report was concurred in.

Mr. Hawkins, from the joint select committee on Public Buildings, to which was referred the report of the commissioners appointed to rebuild the capitol, made a detailed report, accompanied by a bill, entitled a bill to make an appropriation for completing the capitol, in the city of Raleigh; on motion of Mr. Wyche, ordered, that the report be printed. Whereupon the said bill was read the first time and passed, and on motion of Mr. Hogan, made the order of the day for Monday next.

Mr. Whitehurst presented a bill, entitled a bill to build a court house, in the county of Pasquotank ; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Phelps presented a bill, entitled a bill to regulate the levying and collection of town taxes, in and for the town of Plymouth. Mr. M'Queen presented a bill, entitled a bill to improve the navigation of Cape Fear river, above Fayetteville. Whereupon the said bills were read the first time and passed ; and the last named bill, on motion of Mr. Holmes, was made the order of the day for Tuesday next.

Mr. Baker presented the following resolution, to wit :

Whereas, it is well known that the owners of large tracts of land in the Western section of this State, by concealing the extent of their claims, and misrepresenting its value to the receivers of taxable property, have withheld from the Public Treasury, large sums of money justly due for taxes.

*Resolved*, That the committee on the Judiciary, in conjunction with the Attorney General, be instructed to inquire whether such lands cannot now be subjected to the payment of the taxes thus withheld.

Which was read and adopted.

On motion of Mr. Dobson, a message was sent to the House of Commons, proposing to ballot for councillors of State, and stating that Peter H. Dilliard of Rockingham, Henry Skinner of Perquimons, Peter Clingman of Surry, Daniel Turner of Warren, William S. Ashe of New Hanover, Allen Rogers, senr. of Wake, Lewis D. Henry of Cumberland, George Williamson of Caswell, George W. Jeffries of Person, Alfred Jones of Wake, Isham Matthews of Halifax, Jonathan Haralson of Chatham, and James Iredell of Wake, are in nomination for the appointment.

The engrossed bill to establish the Merchants bank of the town of Newbern, was read the first time and passed.

Received from the House of Commons the following messages : A message, stating their concurrence in the amendment proposed by the Senate, to the engrossed resolution in favor of Caleb Barco ; a message stating their concurrence in the amendment proposed by the Senate, to the engrossed bill to incorporate the Fayetteville mechanics' benevolent society. Ordered, that said bills be enrolled.

Mr. Carson presented the following bills, to wit : A bill directing how femes covert may hereafter be privately examined, when conveying land ; a bill to make good and valid titles to lands granted to entry takers, in certain cases therein specified ; which bills were each read the first time and passed, and on motion of Mr. Carson, ordered to be referred to the committee on the Judiciary.

Mr. Lockhart presented a bill, entitled a bill to amend an act, entitled an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality, passed in the year, 1741 ; which was read the first time and passed.

On motion of Mr. Carson, the engrossed bill to divorce Ellena M. Cobb, was taken up, read the third time, and it was resolved that the same shall not pass.

Mr. Martin presented the memorial of the president and directors of the Leaksville toll bridge company, praying the Legislature to grant to their corporation during its existence, all the vacant land, if any, lying at and around the North abutment of their bridge, between Barnett and Morehead's line and Dan river, not exceeding one half acre. Ordered, on motion of Mr. Martin, to be referred to the committee on Propositions and Grievances.

On motion of Mr. Mebane, the Senate then entered upon the orders of the day, and resumed the consideration of the unfinished business of yesterday; the question still depending on the motion of Mr. Martin, to strike out the original political resolutions, and insert his amendment as a substitute; a division of the question having been called for by Mr. Martin. After some time spent in discussion, Mr. Beard moved that the Senate adjourn until to-morrow morning 10 o'clock, and, on the question of adjournment, it was decided in the negative—ayes 26, noes 36. The ayes and noes being demanded by Mr. Beard,

Those who voted in the affirmative, are Messrs. Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Klutts, Little, Lowry, M'Cormick, M'Millan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kendall, Kerr, Lindsay, Lockhart, Mebane, Montgomery of O., Moore, Moye of Greene, Parker, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Mr. Sawyer then submitted the following resolution, to wit:

Whereas the Senate commenced its session this day at 10 o'clock, and being now 4 P. M. Therefore

*Resolved*, That the Senate do now adjourn until Wednesday morning 10 o'clock.

And on the question, will the Senate adopt said resolution, it was decided in the negative—ayes 21, noes 37. The ayes and noes being demanded by Mr. Montgomery of Orange,

Those who voted in the affirmative, are Messrs. Bateman, Barco, Beard, Branch, Carson, Fairley, Harrison, Hogan, Klutts, Little, Lowry, M'Millan, M'Queen, M'Williams, Moye of Pitt, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Howell, Holmes, Hussey, Kendall, Kerr, Lindsay, Lockhart, Martin, Mebane, Montgomery of Orange, Moore, Moye of Greene, Parker, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Mr. Hogan submitted the following resolution, to wit:

*Resolved*, That the consideration of the political resolutions now before the Senate be suspended, to consider the subject of Convention and other legislative business now before the Senate.

And on the question, will the Senate adopt said resolution, it was decided in the negative—ayes 23, noes 36. The ayes and noes being demanded by Mr. Wellborn.

Those who voted in the affirmative, are Messrs. Beard, Caldwell, Carson, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative are, Messrs. Arrington, Baker, Barco, Bateman, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of G., Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

The Senate then adjourned until to-morrow morning, 10 o'clock.

### WEDNESDAY, DECEMBER 24, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the engrossed bill, entitled a bill to build a Court House, in the county of Pasquotank; in which they ask the concurrence of that House.

Mr. Wyche presented a bill, entitled a bill to amend and suspend for a time, the several acts prohibiting the circulation of due bills and notes under five dollars; which was read the first time and passed.

Mr. Britain presented a bill, entitled a bill to amend an act, establishing the Tennessee River Turnpike Road.

Mr. Gavin presented a bill, entitled a bill authorizing John Treadwell, senr. of Sampson county, to erect a gate at his bridge, across Cohany, on the road leading from Clinton to Elizabethtown, in Bladen county, and to receive toll for crossing the same; and Mr. Cowper of Gates, presented a bill, entitled a bill to incorporate the Gatesville Turnpike Company; which bills were severally read the first time and passed.

On motion of Mr. Branch, the name of James Itedell, was withdrawn from the nomination for councillors of State.

The engrossed bill, entitled a bill to amend an act, entitled an act to establish a Bank in the State of North Carolina, passed at the last session of the General Assembly, was read the first time and passed; and the engrossed bill, entitled a bill to amend an act, entitled an act to incorporate a company, in the county of Mecklenburg, under the name of the Franklin Gold Mining Company, was read the first, second and third times, passed, and ordered to be enrolled.

Mr. Spaight moved to re-consider the vote, taken on the engrossed bill to divorce Ellena M. Cobb; which by a vote of this House, was rejected on yesterday; and, on the question will the House re-consider said vote, it was decided in the affirmative; and, on motion of Mr. Caldwell, the bill was ordered to lie on the table.

Mr. Edwards presented the resignation of Alexander W. Mebane, major of cavalry, in the ——— brigade; which was read and accepted.

On motion of Mr. Spaight, a message was sent to the House of Commons, proposing to ballot immediately for colonel and lieutenant colonel of cavalry, attached to 10th brigade and 3rd division; and stating that Joseph Abernathy is in nomination for colonel, and Richard Rankin, for lieutenant colonel.

Received from the House of Commons a message, stating that they have passed the following bill and resolution, to wit: A bill to restore to credit Wm. Brown, of the county of Beaufort; and a resolution relating to the sale of Cherokee lands; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first, second and third times and passed, and ordered to be enrolled; and the said resolution was read the first and second times and passed, and on motion of Mr. Montgomery of Orange, ordered to lie on the table.

Received from the House of Commons; a message stating that they have passed the following engrossed resolutions, to wit: Resolution in favor of James M'Lean; resolution directing the distribution of military tactics; resolution in favor of John Cherry; and resolution in favor of Owen Carrol; in which they ask the concurrence of the Senate. Whereupon, the two first named resolutions were read the first, second and third times; passed, and ordered to be enrolled. The resolution in favor of John Cherry, was read the first time and passed. Mr. Carson moved the following amendment, to wit: in the third line after the word "Rutherford," insert the words "of agent," which was agreed to. Whereupon, the resolution was read the second time and passed, and, on motion of Mr. Wyche, ordered to lie upon the table; and the resolution in favor of Owen Carrol, was read the first and second times, and passed, and on motion of Mr. M'Millan, ordered to lie upon the table.



Mr. Little presented a bill, entitled a bill to repeal an act passed in 1832, appointing lay days on Rocky river, joining Anson and Montgomery counties; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill for altering or turning roads in certain cases; a bill vesting the power to authorise the erection of gates across public roads, in the several county courts; a bill to amend the several acts heretofore passed to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification, when elected; a bill to provide for the temporary appointment of registers, in certain cases; a bill concerning coroner's fees; and a bill to divorce Sally Flowers; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed. On motion of Mr. Wyche, the third named bill was ordered to be referred to the committee on the judiciary; and on motion of Mr. Wyche, the last named bill was ordered to lie on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill compelling the county courts of Beaufort to appoint two surveyors for said county; a bill to authorize the forming a fire engine company in the town of Fayetteville; a bill to repeal an act passed in 1826, to reduce the license of Pedlars, on the south side of Albermarle Sound; a bill to give further time for paying in Entry money; and a bill to alter the name of, and legitimate Zadoch Best of Currituck county; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first time and passed, and the last named bill was further read the second and third times, passed, and ordered to be enrolled; and the first named bill, on motion of Mr. McWilliams, was ordered to lie on the table.

Received from the House of Commons a message, agreeing to the proposition of the Senate to ballot immediately for councillors of State, and stating that Messrs. Latham and Brummel, attend the Senate as superintendants of the balloting on the part of that House. Whereupon, a message was sent to the House of Commons, informing them that Messrs. Edmonston and Moye of Pitt, attend that House as superintendants of the balloting on the part of the Senate.

Received also, a message from the House of Commons, agreeing to the proposition of the Senate to ballot immediately for colonel and lieutenant cololel of cavalry of the 10th brigade and 3d division, and stating that Messrs. Hoke and Hamrick attend the Senate, as superintendants of the balloting on their part. Whereupon, a message was sent to the House of Commons, informing them that Messrs. Fairley and Shipp attend that body to conduct the balloting on the part of the Senate.

Received from the House of Commons, the resignation of James A. Henderson, a justice of the peace for the county of Lincoln; of Joel M'Lean, lieutenant colonel of cavalry, in the 8th brigade and 9th division; of Samuel Brooks, a justice of the peace for the county of Hyde; of Solomon Swain, a justice of the peace for the county of Surry; of H. M. Cave, a justice of the peace for the county of Orange; and of Isham Malone, a justice of the peace for the county of Person; which resignations were severally endorsed in that House, read and accepted; and which were read and accepted by the Senate.

A message was received from the House of Commons, proposing that when the two houses adjourn to-day, they agree to meet again on Friday next; which proposition was concurred in, and a message sent to the House of Commons, stating the concurrence of the Senate.

The Senate then entered upon the orders of the day, and resumed the consideration of the unfinished business of yesterday. The question still depending on the motion of Mr. Martin, to strike out the original political resolutions, and insert the amendment by him as a substitute. He having called for a division of the question, when Mr. Caldwell submitted the following resolution, to wit:

Whereas, this General Assembly has been in session for the space of thirty eight days, without passing any general measure of importance; and whereas, this General Assembly has been engaged sixteen days, in discussing and acting upon a series of political resolutions, proposing to instruct the Honorable Willie P. Mangum, our Senator in Congress, without any final disposition of the same: and whereas, said political resolutions have not only consumed a large portion of the time of the Legislature, but a large amount of treasure, exceeding the sum of 10,000 dollars, and also had the effect to expunge harmony, good feeling, and deliberation from the councils of the State. And whereas the convention assessment and revenue bills, and other measures of deep and vital importance to the people, now remain upon the table neglected and undisposed of:

*Resolved therefore,* That said political resolutions be suspended, and that the Senate proceed forthwith to consider the convention bill, or some other measure pertaining to the general good of the people of North Carolina;

Which was read, and on the question will the Senate adopt said resolution? it was decided in the negative—ayes 27, noes 32. The ayes and noes being demanded by Mr. Cooper of Martin,

Those who voted in the affirmative, are Messrs. Barco, Beard, Branch, Caldwell, Carson, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, M'Millan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Wyche.

Mr. Little then moved an adjournment until Friday morning ten o'clock, and on the question of adjournment it was decided in the negative—ayes 21 noes 36. The ayes and noes being demanded by Mr. Cooper of Martin,

Those who voted in the affirmative, are Messrs. Beard, Branch, Caldwell, Carson, Fairley, Harrison, Hogan, Kendall, Klutti, Little, Lowry, M'Millan, M'Queen, M'Williams, Martin, Mast, Phelps, Sawyer, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Durham, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, M'Cormick, Mebane, Montgomery of Orange, Moore, Moye of Pitt, Moye of Greene, Parker, Sherard, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Wellborn submitted the following resolution, to wit:

Whereas it is five o'clock P. M. *Resolved,* That the Senate now adjourn.

And on the question, will the Senate now adjourn? it was decided in the negative—ayes 23, noes 36. The ayes and noes being demanded by Mr. Edmonston,

Those who voted in the affirmative, are Messrs. Barco, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, M'Queen, Mast, Moye of Pitt, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Holmes, Hawkins, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Klutts submitted the following resolution to wit:

Whereas, from fatigue, hunger, lassitude and irritation of feeling, the Senate is not in a state of mind to decide upon questions of constitutional law; and it is half past 6 o'clock P. M. Christmas Eve;

*Resolved*, That the further consideration of the resolutions before the Senate, be postponed till Friday next.

Mr. Parker moved that the Senate now adjourn; and on the question, will the Senate now adjourn? it was decided in the negative—ayes 23, noes 37. The ayes and noes being demanded by Mr. Spaight,

Those who voted in the affirmative, are Messrs. Barco, Beard, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Klutts, Little, Lowry, M'Cormick, M'Millan, M'Williams, Martin, Mast, Moye of Pitt, Parker, Phelps, Sherard, Shipp, Wilson, Wyche.

Those who voted in the negative, are Messrs. Arrington, Baker, Branch, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennet, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kendall, Kerr, Lindsay, Lockhart, McQueen, Mebane, Montgomery of Orange, Moore, Moye of Greene, Sawyer, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. McQueen moved that the Senate now adjourn, and on the question will the Senate now adjourn? it was decided in the negative,—ayes 27 noes 34. The ayes and noes being demanded by Mr. Staley,

Those who voted in the affirmative, are Messrs. Beard, Branch, Caldwell, Carson, Dowd, Fairly, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, McMillan, McWilliams, McQueen, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.

Those who voted in the negative, are Messrs. Arrington, Baker, Barco, Brittain, Burns, Cooper of Martin, Cowper of G., Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Branch moved that the Senate now adjourn, and on the question of adjournment, it was decided in the negative,—ayes 28, noes 33. The ayes and noes being demanded by Mr. Arrington,

Those who voted in the affirmative, are Messrs. Barco, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, M'Millan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.

Those who voted in the negative are, Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

The question then recurring on the adoption of Mr. Klutts' resolution, it was decided in the negative—ayes 26, noes 35. The ayes and noes being demanded by Mr. Arrington,

Those who voted in the affirmative, are Messrs. Barco, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Lowry, M'Cormick, M'Millan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wellborn, Wilder, Whitaker, Whitehurst, Wyche.

Mr. Caldwell, submitted the following resolutions, to wit:

Whereas Mr. Carson, the Senator from Burke, is indisposed:

*Resolved further*, That he have leave of absence from the Senate, until Friday next.

And on the question of adoption, it was decided in the affirmative.

Mr. Caldwell, also submitted the following resolutions, to wit:

Whereas Mr. M'Williams, the Senator from Beaufort county, is indisposed:

*Resolved therefore*, That he have leave of absence from the Senate, until Friday morning next.

And on the question of adoption, it was decided in the affirmative.

Mr. Wellborn moved that the Senate do now re-consider their vote, on

the rejection of the resolution, submitted by Mr. Klutts; and on the question, will the Senate re-consider said vote, it was decided in the negative—ayes 17, noes 42. The ayes and noes being demanded by Mr. Staley,

Those who voted in the affirmative, are Messrs. Beard, Caldwell, Fairley, Harrison, Hogan, Kendall, Klutts, Lowry, M'Cormick, M'Millan, Martin, Mast, Parker, Phelps, Sawyer, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Barco, Branch, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Little, Lockhart, M'Queen, Mebane, Montgomery of Orange, Moore, Moye of Pitt, Moye of Greene, Sherard, Staley, Shipp, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Mr. Wellborn moved that the Senate now adjourn, and on the question of adjournment, it was decided in the negative—ayes 26, noes 33. The ayes and noes being demanded by Mr. Arrington,

Those who voted in the affirmative, are Messrs. Barco, Beard, Branch, Caldwell, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Litle, Lowry, M'Cormick, M'Millan, M'Queen, Martin, Mast, Moye of P., Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Whyche.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Wilson submitted the following resolution:

*Resolved*, That the Senate will postpone the orders of the day, till Saturday next.

And on the question of adoption, it was decided in the negative—ayes 13, noes 45. The ayes and noes being demanded by Mr. Spaight,

Those who voted in the affirmative, are Messrs. Branch, Caldwell, Fairley, Kendall, Klutts, Little, Lowry, M'Millan, Phelps, Sawyer, Sherard, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Barco, Britain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Harrison, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, M'Cormick, M'Queen, Martin, Mast, Mebane, Montgomery of Orange, Moore, Moye of Pitt, Moye of Greene, Parker, Staley, Shipp, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Mr. Wilson then submitted the following resolution, to wit:

*Resolved*, That the Senate will postpone the consideration of the orders of the day, till Monday next.

And on the question of adoption, it was decided in the negative—ayes 12, noes 46. The ayes and noes being demanded by Mr. Spaight,

Those who voted in the affirmative, are Messrs. Branch, Caldwell, Fairley, Hogan, Klutts, Lowry, M'Millan, Phelps, Sawyer, Sherard, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Barco, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Harrison, Hawkins, Holmes, Howell, Hussey, Kendall, Kerr, Lindsay, Little, Lockhart, M'Cormick, M'Queen, Martin, Mast, Mebane, Montgomery of Orange, Moore, Moye of Pitt, Moye of Greene, Parker, Staley, Shipp, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Mr. Little moved that the Senate do now adjourn, and on the question of adjournment, it was decided in the negative—ayes 23, noes 34. The ayes and noes being demanded by Mr. Spaight,

Those who voted in the affirmative, are Messrs. Barco, Branch, Caldwell, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, M'Queen, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, M'Cormick, Martin, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitehurst, Whitaker.

Mr. Wilson submitted the following resolution, to wit:

*Resolved*, That the Senate will postpone the consideration of the order of the day, in order

that they may enter upon the all-important petition of Mrs. Sally Flowers, to be divorced from her husband, Mr. Christo her Flowers.

Which Resolution was declared by the Speaker to be out of order; from which decision of the Speaker, Mr. Wilson appealed to the House: and on the question, Is the decision of the Speaker correct? it passed in the affirmative,—ayes 38, noes 13. The ayes and noes being demanded by Mr. Edmonston,

Those who voted in the affirmative, are Messrs. Arrington, Baker, Barco, Brittain, Burns, Cooper of Martin, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Flynt, Flowers, Gavin, Hawkins, Hogan, Holmes, Howell, Hussey, Kendall, Kerr, Lindsay, Lowry, M'Queen, Mast, Mebane, Montgomery of Orange, Moore, Moye of Pitt, Moye of Greene, Parker, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Those who voted in the negative, are Messrs. Caldwell, Fairley, Harrison, Klutts, Lockhart, M'Cormick, M'Millan, Martin, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Mr. Hogan moved that the Senate take a recess of one hour. Mr. Little moved that the Senate do now adjourn; and on the question, will the Senate adjourn? it was decided in the negative,—ayes 21, noes 34. The ayes and noes being demanded by Mr. Edmonston,

Those who voted in the affirmative, are Messrs. Barco, Caldwell, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, M'Millan, M'Queen, Martin, Mast, Moye of Pitt, Parker, Sawyer, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of Greene, Sherard, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Wilson submitted the following Resolution, to wit:

*Resolved*, That the Senate postpone the orders of the day, till Tuesday next.

And on the question of postponement, it was decided in the negative,—ayes 12, noes 40. The ayes and noes being demanded by Mr. Edmonston,

Those who voted in the affirmative, are Messrs. Caldwell, Fairley, Hogan, Klutts, Lowry, M'Millan, Mast, Parker, Sawyer, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Edwards of Warren, Flynt, Flowers, Gavin, Harrison, Hawkins, Holmes, Howell, Hussey, Kendall, Kerr, Lockhart, M'Cormick, M'Queen, Martin, Mebane, Montgomery of Orange, Moore, Moye of Pitt, Moye of Greene, Sherard, Staley, Shipp, Spaight, Spencer, Stephens, Whitaker, Whitehurst.

Mr. Sawyer moved that the Senate now adjourn; and on the question, Will the Senate adjourn? it was decided in the negative,—ayes 22, noes 32. The ayes and noes being demanded by Mr. Cooper of Martin,

Those who voted in the affirmative, are Messrs. Barco, Caldwell, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, M'Millan, M'Queen, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Hogan's motion for a recess being still pending;

Mr. Martin moved an amendment thereto, to wit: strike out the word "one," and insert the words "a half;" which was not agreed to—ayes 17, noes 37. The ayes and noes being demanded by Mr. Martin,

Those who voted in the affirmative, are Messrs. Arrington, Dowd, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, Martin, Moye of Pitt, Parker, Phelps, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Baker, Barco, Burns, Caldwell, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Fairley, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, M'Cormick, M'Queen, Mast, Mebane, Montgomery of Orange, Moore, Moye of Greene, Sawyer, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Caldwell moved that the Senate now adjourn; and on the question, will the Senate adjourn? it was decided in the negative—ayes 22, noes 33. The ayes and noes being demanded by Mr. Lindsay,

Those who voted in the affirmative, are Messrs. Caldwell, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, M'Millan, M'Queen, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Barco, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmondston, Edwards of Person, Edwards of Warren, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of O., Moore, Moye of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Caldwell moved that the Senate now adjourn; and on the question, will the Senate adjourn? it was decided in the negative—ayes 22, noes 33. The ayes and noes being demanded by Mr. Staley,

Those who voted in the affirmative, are Messrs. Barco, Beard, Caldwell, Fairley, Harrison, Hogan, Klutts, Little, M'Cormick, M'Millan, M'Queen, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmondston, Edwards of Person, Edwards of Warren, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of Greene, Staley, Shipp, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Little moved that the Senate now adjourn, and on the question, will the Senate adjourn, it was decided in the negative—ayes 21, noes 30. The ayes and noes being demanded by Mr. Arrington,

Those who voted in the affirmative are, Messrs. Barco, Beard, Caldwell, Fairley, Hogan, Klutts, Little, M'Cormick, M'Millan, M'Queen, Martin, Mast, Moore, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative are, Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmondston, Edwards of Person, Flynt, Flowers, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moye of Green, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Beard submitted the following preamble and resolution, to wit:

*In Senate, December 25, 1834, 15 minutes after 12 A. M.*

Whereas the tenth section of the declaration of rights of North Carolina, provides that the two Houses of the Legislature "shall sit upon their own adjournments, from day to day," and whereas the Senate met yesterday at 10 o'clock A. M.; and while sitting agreed to a proposition of the House of Commons to adjourn the session of that day the 24 instant, over to Friday, the day after Christmas, and whereas Christmas day as the nativity of our Saviour, is kept holy by several christian sects, and is now at hand:

*Therefore resolved,* That the Senate be, and is adjourned to Friday Morning the 26th instant at 10 o'clock.

And on the question, will the Senate adopt said resolution, it was decided in the negative—ayes 22, noes 31. The ayes and noes being demanded by Mr. Arrington,

Those who voted in the affirmative are, Messrs. Barco, Beard, Caldwell, Dowd, Hogan, Kendall, Klutts, Little, Lowry, M'Cormick, M'Millan, M'Queen, Martin, Mast, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative are, Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmondston, Ed-

wards of Person, Edwards of Warren, Flynt, Flowers, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moye of Green, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. Holmes moved that the Senate now adjourn, and on the question, shall the Senate adjourn, it was decided in the affirmative—ayes 29, noes 24. The ayes and noes being demanded by Mr. Burns,

Those who voted in the affirmative are, Messrs. Barco, Beard, Caldwell, Dowd, Edmonston, Edwards of Person, Edwards of Warren, Fairley, Hogan, Holmes, Kendall, Klutts, Little Lowry, M'Cormick, M'Millan, M'Queen, Mast, Moore, Moye of Pitt, Phelps, Sawyer, Sherard, Shipp, Spaight, Wellborn, Whitaker, Wilson.

Those who voted in the negative are, Messrs Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durnam, Flynt, Flowers, Hawkins, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moye of Green, Staley, Spencer, Stephens, Wilder Whitehurst.

The Senate then adjourned until Friday morning, 10 o'clock.

#### FRIDAY, DECEMBER 26, 1834.

Mr. Fairley, from the committee appointed to superintend the balloting for colonel and lieutenant colonel of cavalry of the 10th brigade and 3d division, reported that Joseph Abernathy, having received a majority of the votes for colonel, and Richard Rankin for lieutenant colonel, are duly elected; in which report the Senate concurred.

Mr. Edmonston, from the committee appointed to conduct the balloting for councillors of State for the ensuing year, reported that William Ashe, Louis D. Henry, Allen Rogers, Daniel Turner, George Williamson, Peter H. Dillard, and Henry Skinner, having a majority of votes, are duly elected; in which report the Senate concurred.

Mr. Moye of Pitt, submitted the following resolution, to wit:

*Resolved*, That during the remainder of the present session of the Legislature, the Senate will meet at the hour of 9 o'clock A. M. and shall sit until the hour of 4 o'clock P. M. or until all the business that is regularly before the Senate, shall be disposed of on each and every day thereof.

Which on motion of Mr. Hogan, was ordered to lie upon the table.

Mr. M'Williams submitted the following resolutions to wit:

*Resolved by the General Assembly of the State of North Carolina*, That the sum of five hundred dollars, be, and that the same is hereby appropriated from the fund for Internal Improvement, to construct a canal from the head of Goose creek in Beaufort county, to that point on Jones' Bay where the dividing line between the counties of Craven and Beaufort strikes said Bay, or some point near thereto.

*Be it further resolved*, That the Public Treasurer, as treasurer to the fund for Internal Improvement, pay from time to time as may be required, such part of the sum appropriated by the above resolution; to construct a canal from the head of Goose creek in Beaufort county, to Jones' Bay, to Daniel Lewis, David Watson Esq. Noah Gaskill, Silas Lupton, and James Potter.

*And it is hereby further resolved*, That the before mentioned Daniel Lewis, David Watson, Esq. Noah Gaskill, Silas Lupton and James Potter, are hereby appointed a board of managers to let out and superintend the construction of said canal, and procure by purchase or gift, a right to the land, which may be required to effect the object contemplated:

Ordered to be referred to the committee on Internal Improvement.

Mr. Hogan submitted the following resolution, to wit:

*Resolved*, That if the right to instruct Senators in Congress, exists in our form of Government, it belongs to the people in their sovereign capacity. They have a right to meet in their primary assemblies, to consider of great questions of national policy, to modify any instructions this Legislature may give to Senators in Congress, or to give new and different instructions; any thing this Legislature can do to the contrary notwithstanding.

Which was read the first time and passed.

Mr. Spaight presented a bill, entitled a bill securing to Needham Whitfield of Lenoir county, and those whom he may associate with, the right of navigating the waters of Neuse river, from the town of Newbern upwards, so far as they may see proper to go; which was read the first and second times and passed.

Mr. Brittain presented a bill, entitled a bill for the better regulation of the militia of the county of Macon; which was read the first time and passed.

On motion of Mr. Durham, the bill for the better regulation of the county and Superior courts of the county of Rutherford was taken up. Mr. Lowry moved to amend the bill, by extending its provisions to the county of Banecombe; which amendment was agreed to. Whereupon, the said bill was read the second time and passed, and on motion of Mr. Durham, ordered to lie on the table.

The bill to regulate Attornies' fees, and State tax fees, in the county of Washington, in certain cases, was read the second time. Mr. Sawyer moved to amend the bill, by extending its provisions to the counties of Chowan and Tyrrell. Mr. Barco, to extend its provisions to the county of Camden. Mr. Whitehurst, to extend its provisions to the county of Pasquotank; and before the question was taken on said amendment, ordered, on motion of Mr. Sawyer, to be referred to the committee on the judiciary.

The engrossed bill to authorize the forming of a fire engine company in the town of Fayetteville, was read the second time. Mr. M'Cormick submitted the following amendment, to wit: Strike out all after the word "that," in the second line of third section, and insert the following words, to wit: "The persons who are now, and those who shall hereafter be enrolled as members of the fire engine company No. 2, of the town of Fayetteville, shall serve for the term of eight years, from the time of their being enrolled, and shall be exempt from military duty during the said term; which amendment was adopted, and the question recurring on the passage of the bill, it was decided in the affirmative; and on motion of Mr. Holmes, ordered to lie upon the table.

The following bills, to wit: A bill authorizing A. R. H. Hunter of Macon county, to erect a bridge across Hiwassee river, near the mouth of Valley river; a bill to repeal an act passed at the last session of the General Assembly, entitled "an act to create one additional wreck District in the county of Hyde, and for other purposes;" a bill to amend an act, establishing the Tennessee River Turnpike Road; a bill to regulate the levying and collection of town taxes in and for the town of Plymouth; a bill to repeal an act, passed in 1832, entitled an act appointing lay days on Rocky river, joining Anson and Montgomery counties; a bill authorising John Tredwell, sen. of Sampson county, to erect a gate at his bridge across Cohary, on the road leading from Clinton to Elizabethtown, in Bladen county; and to receive toll for crossing the same; a bill to prevent nuisances in the river Roanoke; and a bill to incorporate the Gatesville Turnpike Company, were severally read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message proposing to ballot on Monday next, for trustees of the University; which proposition was agreed to, and that House informed thereof by message.

Received from the House of Commons, a message proposing to ballot tomorrow for major of cavalry, attached to the 18th brigade, and stating that John R. Gilliam and James Southall, are in nomination for the appoint-



On motion of Mr. Beard, the Senate entered upon the orders of the day and resumed the consideration of the unfinished business of yesterday; the question depending on the second reading of the "political resolutions;" Mr. Wyche moved to strike out the second resolution, and insert the following as an amendment, to wit:

*Resolved*, That while this General Assembly does not approve the course pursued by the President of the United States, in relation to the removal of the public deposits from the bank of the United States, it regards many of the votes of the honorable Willie P. Mangum, one of the Senators from this State in the Congress of the United States, as evincing a feeling of hostility to the administration of the present Chief Magistrate, wholly incompatible with a correct discharge of his duty as a representative of this State, and particularly so, his vote in favor of the resolution declaring "that the President in his late executive proceedings in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution, but in derogation of both."

Mr. Hogan called for a division of the question; thereupon the question was taken on striking out, and decided in the negative. Ayes 28, Noes 33. The ayes and noes being demanded by Mr. Moyer of Pitt,

Those who voted in the affirmative, are Messrs. Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klatts, Little, Lowry, M'Millan, M'Queen, M'Williams, Mast, Montgomery of Hertford, Moyer of P., Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moyer of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Mr. M'Williams submitted the following amendment as an additional resolution, to wit: "Resolved, that the Hon. Bedford Brown, and the Hon. Willie P. Mangum, be requested to vote for the repeal of, or for expunging the bill commonly called "the Bloody Bill," from the statute book of the United States;" which was subsequently withdrawn by Mr. M'Williams.

Mr. M'Queen submitted the following amendment, to wit:

*Resolved*, That whilst in the opinion of this Legislature, our Senators and Representatives in the Congress of the United States, are bound to yield a respectful share of attention to the opinions expressed by the States and districts, which they respectively represent; yet, it believes that the right of instruction resides in the people alone, and not in the Legislatures of the respective States, farther than the clearly ascertained will of the people may be embodied in any resolutions adopted by the Legislature of a sovereign State instructing a Senator in Congress to vote in a particular way, on any question of national policy.

*Resolved further*, That in the opinion of the Legislature, the Senators in the Congress of the United States, being bound by the solemn sanction of an oath to support and maintain the Constitution of the United States; they alone are responsible for their acts under the said Constitution, both at the bar of their God and their country; and that consequently a share of discretion must be vested in said Senators, to pronounce on the constitutionality of all measures submitted for their consideration and action, which should be controlled by nothing beyond the operation of those checks which are already provided by the Federal Constitution, and that the people consequently possess the right of instructing their Senators on questions of national policy, connected with their own immediate interests, and not upon questions of constitutional law.

Ordered, on motion of Mr. M'Queen, to lie on the table. The question then recurring on the passage of the resolutions, Mr. Montgomery of Hertford, moved that the question be first taken, on the first resolution, which motion was agreed to; and the question was decided in the affirmative—ayes 41, noes 19. The ayes and noes being demanded by Mr. Arrington,

Those who voted in the affirmative, are Messrs. Arrington, Baker, Bateman, Branch, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kendall, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Hertford, Montgomery of Orange, Moore, Moyer of Pitt, Moyer of Greene, Phelps, Sherard, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Those who voted in the negative, are Messrs. Barco, Beard, Caldwell, Carson, Dowd, Fairly,

Hogan, Klutts, Little, Lowry, M'Millan, M'Queen, M'Williams, Mast, Parker, Sawyer, Shipp, Wellborn, Wilson.

The question was then taken on the passage of the second and third resolutions, and decided in the affirmative—ayes 33, noes 23. The ayes and noes being demanded by Mr. Cooper of Martin,

Those who voted in the affirmative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennet, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, Mebane, Montgomery of Orange, Moore, Moyer of Greene, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst.

Those who voted in the negative, are Messrs. Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, M'Millan, M'Queen, M'Williams, Mast, Montgomery of Hertford, Moyer of Pitt, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson, Wyche.

Whereupon, the said resolutions were read the third time, passed, and ordered to be enrolled.

Mr. Montgomery of Orange, nominated William A. Graham of Orange, and Owen Holmes of New Hanover, as trustees of the University. Mr. Dobson moved that Burton Craig, be added to the nomination; and Mr. Wilson moved that John B. Muse, be added to the nomination. Ordered that a message be sent to the House of Commons, informing them of said nominations.

The Senate then adjourned until to-morrow morning, 10 o'clock.

MONDAY, DECEMBER 29, 1834.

On motion of Mr. Dobson, ordered that Mr. Moyer of Greene, have leave of absence for this day.

Mr. Little presented the resignation of A. Duren, senr. colonel of cavalry, attached to the 14th brigade; which was read and accepted.

Mr. Cowper of Gates, from the committee appointed to conduct the balloting for major of cavalry, of the 18th brigade, reported that John R. Gilliam, having received a majority of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Little, a message was sent to the House of Commons, proposing to ballot immediately for lieutenant colonel of cavalry, attached to the 14th brigade, and stating that Joseph White, is in nomination for the appointment.

Mr. Holmes, from the select committee to which was referred the petition of Sarah A. Fitzgerald, made a favorable report thereon, accompanied by a bill, entitled a bill for the benefit of Edward Fitzgerald, of the county of Brunswick; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Holmes presented a bill, entitled a bill concerning mills, erected in the county of New Hanover; Mr. M'Queen presented a bill, entitled a bill to incorporate the Chatham Guards; Mr. Caldwell presented a bill, entitled a bill to incorporate Mountain Island Gold Mining Company. Whereupon, the said bills were severally read the first, second and third times, passed, and ordered to be engrossed.

Mr. Lindsay presented a bill, entitled a bill to amend an act, passed in the year 1805, concerning wrecks; which was read the first time and passed.

Mr. Cowper of Gates, presented a bill, entitled a bill to repeal an act of last session, entitled an act regulating lay days on Frying Pan, in Tyrrell county, and for other purposes; which was read the first time and passed, and ordered, on motion of Mr. Cowper, to be referred to the committee on Propositions and Grievances.

ment; which proposition was concurred in, and the House of Commons informed thereof by message.

On motion of Mr. Wilson, the Senate entered upon the orders of the day, and resumed the consideration of the unfinished business of Wednesday last; the question still depending on the motion of Mr. Martin, to strike out the original political resolutions, and insert his amendment as a substitute. Mr. Martin, having called for a division of the question, the question first taken on striking out, and decided in the negative—ayes 26, noes 34. The ayes and noes being demanded by Mr. Whitaker,

Those who voted in the affirmative, are Messrs. Barco, Beard, Branch, Caldwell, Carson, Dowd, Fairley, Harrison, Hogan, Kendall, Klutts, Little, Lowry, *M<sup>r</sup> Milán*, *M<sup>r</sup> Queen*, *M<sup>r</sup> Williams*, *M<sup>r</sup> Mast*, Montgomery of Hertford; *Moye of Pitt*, Parker, Phelps, Sawyer, Sherard, Shipp, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Keir, Lindsay, Lockhart, *M<sup>r</sup> Cormick*, *Mebane*, *Montgomery of Orange*, *Moore*, *Moye of Greene*, Staley, Spaight, Spencer, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Mr. Holmes gave notice that on to-morrow, he would submit a resolution to amend the rules of order for the government of the Senate, so that any member of the Senate may call for the previous question, and if sustained by the House, that the question shall be decided without debate.

On motion of Mr. Sherard, ordered, that Mr. Branch have leave of absence from and after to-morrow, for the remainder of the session.

The Senate then adjourned till to-morrow morning, 10 o'clock.

#### SATURDAY, DECEMBER 27, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill to prevent nuisances in Roanoke river; a bill to incorporate the Gatesville turnpike company; a bill to amend an act establishing the Tennessee turnpike company; a bill authorising A. R. T. Hunter, of Macon county, to erect a bridge across the Hiwassee river, near the mouth of Valley river; a bill to regulate the levying and collecting of taxes, in and for the town of Plymouth; a bill authorizing John Treadwell, sr. to erect a gate at his bridge across Cohary, on the road leading from Clinton to Elizabeth town, in Bladen county, and to receive toll for crossing the same; a bill to repeal an act passed in 1832, entitled an act, appointing lay days on Rocky river, joining Anson and Montgomery counties; and a bill to repeal an act passed at the last General Assembly, entitled an act to create an additional wreck district, in the county of Hyde, and for other purposes; in which they ask the concurrence of that House.

Mr. Cowper of Gates, presented the memorial of sundry citizens of the counties of Gates and Tyrrell, praying to repeal an act passed at the last session, prohibiting fishermen on the Frying Pan, in Tyrrell county, from drawing the seine two days in the week. Ordered to be referred to the committee on Propositions and Grievances.

Mr. *M<sup>r</sup> Williams* presented a bill, entitled a bill to prohibit hawling of seines or drag nets, within two miles of the bars and inlets within this State; which was read the first time and passed, and on motion of Mr. Lindsay, ordered to be referred to the committee on Propositions and Grievances.

On motion of Mr. Edmonston, the engrossed bill authorizing the county

courts of Burke and Yancy counties, to appoint commissioners for laying off roads, &c. was taken up. Mr. Edmondston moved the following amendment, to wit: in the first section of the bill after the enacting clause, strike out the words commencing at the word "the," in the third line and ending at the word "three," in the seventh line, and insert the following, to wit: "Colonel Wm. Dickson, Alfred Perkins, Wm. Murphy, jr. of Burke county, and John G. Philips, Backus S. Smith, and Colonel David D. Baker, of Yancy county, be and they are hereby appointed; in the seventh line of the same section, after the word "commissioners," strike out the word "each," in the second line of the second section, after the word "commissioners," strike out the words "when appointed;" which amendments were severally concurred in. Whereupon the bill was read the third time; Mr. Edmondston moved that the title correspond with the body thereof. Ordered that the title be a bill appointing commissioners to lay off a road from Morganton, in Burke county, by Burnsville and Barnett's station to the Tennessee line, and the question recurring on the passage of the bill, it was decided in the affirmative, and a message was sent to the House of Commons asking their concurrence in the amendments.

The engrossed bill to amend an act, entitled an act to establish a bank in the State of North Carolina, passed at the last session of the General Assembly, was read the second time; Mr. Wyche submitted the following amendment as an additional section, to stand as the fourth section of the bill to wit: "And be it further enacted, that it shall not be lawful for the president and directors of said bank, after the 31st of December, 1835, to issue any bills or notes of said bank, under the denomination of five dollars, or to reissue any bills or notes under the denomination of five dollars, that may have been by said bank previously issued;" which amendment was not agreed to. Ayes 19, Noes 41. The ayes and noes being demanded by Mr. Mebane,

Those who voted in the affirmative, are Messrs. Arrington, Barco, Bateman, Cooper of Martin, Cowper of Gates, Edwards of Person, Edwards of Warren, Flowers, Gavin, Hawkins, Hussey, Lockhart, Mebane, Montgomery of Hertford, Moore, Moye of Pitt, Parker, Sawyer, Wyche.

Those who voted in the negative, are Messrs. Baker, Beard, Branch, Brittain, Caldwell, Carson, Dobson, Dowd, Durham, Edmondston, Ennett, Fairley, Flynt, Harrison, Hogan, Holmes, Howell, Kendall, Kerr, Klutts, Lindsay, Little, Lowry, M'Cormick, M'Millan, M'Queen, M'Williams, Mast, Montgomery of Orange, Moye of Greene, Phelps, Sherard, Staley, Slippy, Spencer, Stephens, Wellborn, Wilder, Wilson, Whitaker, Whitehurst.

The question recurring on the passage of the bill, it was decided in the affirmative. Whereupon the bill was read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that Messrs. Crump and Carter attend the Senate to conduct the balloting for a major of cavalry, attached to the 18th brigade. Whereupon, a message was sent to that House stating that Messrs. Cowper of Gates, and Staley, attend the House of Commons to conduct the balloting on the part of the Senate.

Received from the House of Commons a message from his Excellency the Governor, and proposing that it be referred to a joint select committee, and stating that Messrs. Fleming, Marsteller, Graham, Haywood and Houlder form the committee on the part of that House. The proposition was concurred in, and a message was sent to the House of Commons informing them that Messrs. M'Queen, Caldwell, Hawkins, Wyche and Arrington, form the committee on the part of the Senate.

Mr. Montgomery of Orange, submitted the following resolution :

*Resolved*, That the joint select committee be instructed to inquire into the expenditures upon the capitol, and into the causes that led to the dismissal of the late superintendent William Drummond, and in what particulars the act of 1832, have been violated, and what additional expenses have been incurred in consequence of such violation, be authorized and empowered to send for persons and papers.

And before the question was taken on the adoption of the resolution, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 30, 1834.

Mr. Cowper of Gates, presented the petition of sundry citizens of Chowan county, praying that James Simpson, heretofore convicted of the crime of forgery, may be restored to credit ; ordered to be referred to the committee on Propositions and Grievances.

Mr. Wellborn presented the petition of sundry citizens of the county of Wilkes, praying that Willis Alexander, heretofore convicted of the crime of perjury, may be restored to credit ; ordered to be referred to the committee on Propositions and Grievances.

Mr. Moye of Pitt, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of the county of Montgomery, praying for the passage of an act to alter the dividing line between the counties of Montgomery and Moore, made an unfavorable report thereon, and asking to be discharged from the further consideration of the subject ; which was concurred in. Mr. Kendall asked and obtained leave to withdraw the documents accompanying said report, from the files of the Senate.

The bill securing to Needham Whitfield of Lenoir county, and those whom he may associate, the right of navigating the waters of Neuse river, from the town of Newbern, upwards, so far as they may see proper to go, was read the third time, passed and ordered to be engrossed.

A message was received from the House of Commons, stating that Messrs. Cotton and Cansler, attend the Senate as superintendents of the balloting for a trustee of the University of North Carolina on the part of that House. Whereupon, a message was sent to the House of Commons, stating that Messrs. Moye of Pitt, and Caldwell, attend that body as superintendents of the balloting on the part of Senate, and that the name of Burton Craig is withdrawn from the nomination.

The bill fixing the punishment for the crime of bigamy was read the third time. A motion was made by Mr. Wilson to amend the bill by adding the following proviso, at the end of the last section of the bill, to wit : " Provided that it shall be discretionary with the court, when any free white woman shall be convicted under this act, to inflict the punishment of whipping or not as may seem proper ;" and the question thereon being taken, it was decided in the affirmative ; and the question recurring on the passage of the bill, it was decided in the affirmative. Ordered to be engrossed.

Mr. Moye of Pitt, from the committee appointed to conduct the balloting for a trustee of the University, reported that no person in nomination had received a majority of votes ; in which report the Senate concurred.

On motion of Mr. Kendall, a message was sent to the House of Commons, proposing to ballot again immediately for a trustee of the University of North Carolina.

On motion of Mr. Dobson, the Senate entered upon the orders of the day, and proceeded to consider the engrossed bill to give further time for paying in entry money; which was read the second and third times, passed and ordered to be enrolled.

On motion of Mr. Lockhart, the orders of the day were suspended, and Mr. Lockhart presented a bill, entitled a bill to incorporate the Northampton manufacturing company; which was read the first time and passed.

On motion of Mr. Montgomery of Hertford, the Senate then resumed the consideration of the orders of the day, and proceeded to consider the bill defining the duty of the county courts in appointing patrols, and the duty of patrols. The question depending on the amendment, reported from the select committee to which the bill was referred, as a substitute for the bill. Mr. Montgomery of Hertford, moved to amend the amendment, by striking out the last clause of the 8th section after the word "pass," in the 10th line of the section. Mr. Wilson moved to amend the amendment in the same section by inserting between the word "shop," and the word "by," in the fifth line the words "or any place where spiritous liquors are sold in quantities less than one gallon." Mr. Montgomery of Hertford, moved the following amendments to the amendment: in the 4th and 5th lines of the 9th section, strike out the words "if said slave have no pass;" in the sixth line of the 14th section, fill the blank with the word "twelve," and in 7th line of the same section, fill the blank with the words "twenty-five;" in the 7th line of the 19th section, fill the blank with the words "county trustee or officer performing the duties of county trustee;" at the end of the 21st section, add the words "county trustee or officer filling the place of county trustee, unless the magistrate should believe the same to be frivolous or malicious;" in the last section in the third line, between the words "appoint" and "patrols," insert the words "such number of." Mr. Hogan moved the following amendments to the amendment, to wit: in the 6th line of the 1st section before the word "and," insert the words "the sons of slave-holders of the age of eighteen years, who live with their fathers, and all overseers;" and in the 22d, insert the same words after the word "year," in the second line thereof. Mr. Beard moved the following amendment to the amendment, as an additional section: "Be it further enacted, that the several county courts in this State, shall have the discretion to adopt the provisions of this bill or not, as may seem to them expedient and necessary, a majority of the justices composing such courts being present;" which amendments to the amendment were severally adopted, and the question recurring on the adoption of the amendment as amended, it was decided in the affirmative; and thereupon the bill was read the second time and passed, as amended; the bill was then read the third time. Mr. Wyche moved to amend the bill by striking out the words "one dollar," wherever they occur in the 18th section of the bill, and insert in lieu thereof the words "fifty cents." Mr. Edwards moved to amend the bill by striking out all after the word "all," in the first line of the 22d section, and insert the following, to wit: "Persons appointed to patrol by virtue of this act, shall be subject to do duty as such, for one year from and after their appointment. Mr. Hogan moved to amend the bill in the last line of the 13th section, by striking out the word "and," and inserting the word "or." Mr. Holmes moved to amend the bill by adding the following, as an additional section:

Received from the House of Commons, a message proposing to ballot immediately for major of cavalry, of the 9th brigade, and stating that William Peyton, is in nomination for the appointment; which proposition was concurred in, and a message sent to that House stating such concurrence, and that Messrs. Barco and M'Williams, attend the House of Commons, to conduct the balloting on the part of the Senate. Whereupon, a message was received from the House of Commons, stating that Messrs. Alibritton and Williams, attend the Senate to conduct the balloting on their part.

Received from the House of Commons, a message stating Messrs. M'Lean and Swanner, attend the Senate as superintendants of the balloting, for trustees of the University. Whereupon, a message was sent to that House, stating that Messrs. Dobson and Little, attend that House to conduct the balloting, on the part of the Senate.

Mr. Beard presented a bill, to emancipate Waller a slave; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Willis Scott; in which they ask the concurrence of the Senate. Whereupon, the said resolution was read the first, second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have rejected the following engrossed bills, to wit: A bill to build a court house in the county of Pasquotank; and a bill to prevent nuisances in the river Roanoke.

Received also from the House of Commons, a message stating that they have passed the following engrossed bills, to wit: A bill to provide for the payment of the instalments on the shares reserved to the State, in the capital stock of the Bank chartered by the act of 1833, to establish the Bank of the State of North Carolina; a bill authorizing the Northampton Blues, to draw on the adjutant general for a stand of arms; a bill to appoint commissioners for the town of Clinton, and for other purposes; and a bill to incorporate a company by the name and style of the Montgomery Gold Mining Company; in which they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed; the second named bill was read the second time and passed, and ordered, on motion of Mr. Sherard, to lie on the table; and the third named bill, was read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons, a message stating their concurrence in the proposition of the Senate, to ballot immediately for lieutenant colonel of cavalry, attached to the 14th brigade, and stating that Messrs. Martin and Register, attend the Senate to conduct the balloting, on their part. Whereupon, a message was sent to the House of Commons, stating that Messrs. Kendall and Baker, attend that House as superintendents of the balloting, on the part of the Senate.

The Senate then entered upon the orders of the day, and proceeded to the consideration of the bill to make an appropriation for completing the Capitol in the city of Raleigh; which was heretofore made the special order of the day for this day, and the bill being read the second time, it was ordered, on motion of Mr. Wellborn, to be referred to a select committee, consisting of Messrs. Holmes, Edwards of Warren, Wilson, Montgomery of Orange, and Sawyer, with instructions to inquire whether any alteration can be made in the plan of the Capitol, which will require a less expenditure of public mo-

ney to complete it, and what will be the probable cost of the building, with leave to report by bill or otherwise.

Mr. Little, from the committee appointed to conduct the balloting, for trustees of the University, reported that Wm. A. Graham, Henry S. Clark and Owen Holmes, having received a majority of votes, are duly elected; which report was concurred in.

Mr. M'Williams, from the committee appointed to conduct the balloting for major of cavalry, attached to the 9th brigade, reported that Wm. Peyton, having received a majority of votes, is duly elected; in which report the Senate concurred.

Mr. Kendall, from the committee appointed to conduct the balloting for lieutenant colonel of cavalry, attached to the 14th brigade, reported that Joseph White, having received a majority of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Little, a message was sent to the House of Commons, proposing to ballot again immediately for a trustee of the University, yet to be elected.

Mr. Hogan presented a resolution in favor of E. W. Hancock; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Sawyer, the bill defining and limiting the power of courts, in inflicting punishments for contempts, was taken up and read the third time; a motion was made by Mr. Dowd, to amend the bill by adding the following as an additional section, to wit: "And be it further enacted, that whenever any judge, justice or justices of the peace, shall commit any free white man to jail, for any space of time, for any crime or contempt whatever, that if the person or persons so committed shall think proper, he may appeal from such decision of such judge, justice or justices of the peace, then the said judge, justice or justices of the peace, shall cause a jury to be empannelled immediately (if he or they think proper) who shall try the case, and their verdict shall decide the term of time (if any) such person shall remain in jail, and the question on said amendment, being taken, it was decided in the negative. The question then recurring on the passage of the bill, it was decided in the negative—ayes 27, noes 29. The ayes and noes being demanded by Mr. Cooper of Martin,

Those who voted in the affirmative, are Messrs. Arrington, Barco, Bateman, Beard, Coper of Gates, Edmonston, Ennett, Flynt, Flowers, Harrison, Hussey, Kendall, Lindsay, Lowry, M'Queen, M'Williams, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Parker, Phelps, Sawyer, Sherard, Staley, Spencer, Wellborn, Wilson.

Those who voted in the negative are, Messrs. Baker, Brittain, Caldwell, Carson, Cooper of Martin, Dobson, Dowd, Edwards of Person, Edwards of Warren, Fairley, Gavin, Hawkins, Hogan, Holmes, Howell, Kerr, Klutts, Little, Lockhart, M'Cormick, M'Millan, Martin, Shipp, Spaight, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

A message was received from the House of Commons, stating that they have passed the engrossed resolution for the clerk of the supreme court; in which they ask the concurrence of the Senate. Whereupon the said resolution was read the first, second and third times, passed and ordered to be enrolled.

On motion of Mr. Edwards of Warren, Mr. Hawkins was added to the select committee, to which was referred the bill to make an appropriation for completing the capitol in the city of Raleigh.

On motion of Mr. M'Queen, Mr. Beard was added to the committee on the Appropriation for building the capitol, &c.



*And be it further enacted,* That if the patrol shall find any white person or persons, or free person or persons of color, loitering about any negro house or houses, drinking, gambling or associating with any slave or slaves in the night time, or on the Sabbath day, it shall be the duty of the said patrol to arrest said person or persons, and carry them before some justice of the peace, who shall have the power to bind said person or persons and witnesses to the next superior court, which shall be holden for said county, and said offences shall be indictable in said court, and upon conviction, shall be fined and imprisoned at the discretion of the court.

Mr. Beard moved the following amendment as an additional section of the bill :

*And be it further enacted,* That if any patrol shall find any slave loitering in or about any grog shop, tavern, distilling or other place, where spiritous liquors are retailed, at night or on Sundays, it shall be the duty of the said patrol to give information of the same, to the court of the county, and upon conviction by presentment or indictment, the said keeper of a grog shop, tavern, or distiller or retailer of spiritous liquors, shall be fined not less than fifty dollars for each and every offence, at the discretion of the court.

Which amendments were severally adopted. Mr. Beard moved the following amendment to the bill ; in the 7th line of the 7th section, after the word "books" insert the following words, "except the Sacred Scriptures, Prayer books and books of Hymns and Psalms." Mr. Spaight moved to amend the bill by striking out the word "twelve" in the 14th section, and insert the word "six." Which amendments were severally rejected, and the question recurring on the passage of the bill, it was decided in the affirmative, and the bill ordered to be engrossed.

Received from the House of Commons, a message agreeing to the proposition to ballot immediately for a trustee of the University, and stating that Messrs Latham and Monk form the balloting committee on the part of that House. Whereupon, a message was sent to the House of Commons, stating that Messrs. Sherard and Barco, form the committee on the part of the Senate.

Mr. Hogan, from the committee on the Judiciary, to which was referred the resolution directing them to enquire into, and report to the Senate the propriety and the manner of amending the laws giving the courts of the State jurisdiction over cases of divorce and alimony, made a report thereon, accompanied by a bill, entitled a bill supplemental to the several acts giving the court exclusive jurisdiction in all cases of divorce. Whereupon, the said bill was read the first time and passed.

Mr. Hogan, from the same committee to which was referred the resolution instructing them to enquire into the expediency of amending the law on the subject of usury, made a report thereon, accompanied by a bill, entitled a bill amendatory of the usury laws. Whereupon, the said bill was read the first time and passed.

Mr. Hogan, from the Judiciary committee to which was referred the bill to make good and valid titles to land, granted to entry takers in certain cases therein specified, reported the same without amendment, with a recommendation that it be rejected. On motion of Mr. Hogan, ordered to lie on the table.

Mr. Hogan, from the same committee to which was referred the resolution instructing them to enquire into the expediency of amending the existing laws on the subject, so as to authorize a less number of magistrates than a majority to take sheriff bonds, appoint county trustees, authorize the payment of county claims, &c. &c. and to report by bill or otherwise, made a report thereon, accompanied by a bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this

State, and to prescribe the mode of their qualification, with a recommendation that said bill be passed into a law. Whereupon, the said bill was read the first time and passed.

Mr. Hogan, from the same committee to which was referred the bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected, reported the same without amendment, and recommending its rejection; ordered to be the order of the day for to-morrow.

Mr. Sherard, from the committee appointed to conduct the balloting for trustee of the University, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

Mr. Lockhart, from the committee on Finance, reported a bill, entitled a bill in addition and supplemental to an act, passed in the year 1822, entitled an act to provide a revenue for the payment of the civil list, and to defray the contingent charges of government, with a recommendation that it be passed into a law. Whereupon, the said bill was read the first time and passed, and, on motion of Mr. Wychie, ordered to be printed.

On motion of Mr. Montgomery of Orange, the Senate resumed the consideration of the resolution presented by him yesterday, for the joint select committee on the expenditures on the Capitol, and which was pending at the hour of adjournment; and on the question of adoption, it was decided in the affirmative.

On motion of Mr. Moye of Pitt, the resolution prescribing the time the Senate shall sit each day, was taken up, and, on motion of Mr. Sherard, ordered to lie on the table.

On motion of Mr. Wilson, the bill for rewarding persons for taking up runaway slaves, the property of citizens of this State, beyond the boundaries of this State, was taken up, read the second time, and, on motion of Mr. Shipp, ordered to lie on the table.

The bill to repeal the several processioning laws in this State, was read the second time, and, on motion of Mr. Edwards of Warren, ordered to lie on the table.

The Senate then adjourned until to-morrow morning, 10 o'clock.

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#### WEDNESDAY, DECEMBER 31, 1834.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolution, to wit: A bill for the benefit of Edward Fitzgerald, of the county of Brunswick; a bill to incorporate the Chatham Guards; a bill concerning Mills erected in the county of New Hanover; a bill to incorporate the Mountain Island Gold Mining Company; and a resolution in favor of E. W. Hancock; in which they ask the concurrence of that body.

Mr. Martin, from the committee on Claims, to which was referred a resolution in favor of Archibald S. Brown, reported the same without amendment, recommending its adoption. Whereupon, the resolution was read the second and third times, passed, and ordered to be engrossed.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of Buncombe county, praying the Legislature to pass a law granting to Joseph Wilson, the privileges of a free citizen, made a report thereon, unfavorable to the prayer of the petitioner, and asking to be discharged from the further consideration of the subject; which was concurred in.

Mr. Kendall, from the same committee to which was referred the petition of Willis Alexander, of the county of Wilkes, praying the Legislature to restore him to credit, made an unfavorable report thereon, and asking to be discharged from the further consideration of the subject; which was concurred in.

Mr. Kendall, from the same committee to which was referred a bill to prohibit hauling of seines or drag nets within two miles of the Bars and Inlets within this State, reported the bill with an amendment, to wit: strike out the whole of the bill after the enacting clause, and insert a substitute. Ordered that the bill with the amendment be the order of the day for tomorrow.

Mr. Kendall, from the same committee to which was referred the bill to repeal the act of the last session, entitled an act regulating lay days on Frying Pan, in Tyrrell county, and for other purposes, reported the bill without amendment, recommending its rejection. Whereupon, the bill was read the second time, and, on motion of Mr. Lindsay, ordered to lie on the table.

Mr. Kendall, from the same committee to which was referred the petition of sundry citizens of the county of Chowan, praying the Legislature to restore James Simpson to credit, made an unfavorable report thereon, asking to be discharged from the further consideration of the subject; which was concurred in.

A message was received from the House of Commons, proposing to ballot immediately for a trustee of the University; which proposition was concurred in, and a message sent to the House of Commons, stating the concurrence of the Senate, and that Messrs. Montgomery of Hertford, and ——— attend the House of Commons as superintendents of the balloting, on the part of the Senate. Whereupon, a message was received from the House of Commons, stating that Messrs. Smallwood and Norcom, attend the Senate as superintendents of the balloting, on their part.

Mr. Edmondston presented a bill, entit'ed a bill to authorize a subscription on the part of the State, to the capital stock of the Oconolufy Turnpike Company. Mr. Beard presented a bill, entitled a bill to incorporate the Pioneer Mills Gold Mining Company, in the county of Cabarrus; which bills were severally read the first time and passed.

Received from the House of Commons, a message stating their concurrence in the amendments proposed by the Senate, to the engrossed bill authorizing the county court of Burke and Yancy counties, to appoint commissioners for laying off roads. Ordered that the bill be enrolled.

Received from the House of Commons, a message proposing that the two Houses of the Legislature adjourn *sine die* on Monday next, the 5th day of January, 1835. Ordered on motion of Mr. Edmondston, to lie on the table —ayes 31, noes 23. The ayes and noes being demanded by Mr. Montgomery of Hertford,

Those who voted in the affirmative, are Messrs. Baker, Beard, Brittain, Caldwell, Cooper of Martin, Dobson, Dowd, Durham, Edmondston, Edwards of Person, Flynt, Flowers, Gavin, Harrison, Hawkins, Hogan, Kendall, Kerr, Little, Lowry, M'Cormick, M'Millan, M'Queen, Martin, Mast, Phelps, Sherard, Shipp, Wellborn, Wilson, Whitaker.

Those who voted in the negative, are Messrs. Arrington, Barco, Cowper of Gates, Edwards of Warren, Ennett, Fairley, Holmes, Howell, Hussey, Lindsay, Lockhart, M'Williams, Mebane, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Parker, Staley, Spencer, Stephens, Wilder, Whitehurst, Wyche.

Mr. Hawkins, from the select committee on the expenditures of the Capi-

tol, to which was referred the bill to make an appropriation for completing the Capitol in the city of Raleigh, made a detailed report thereon, recommending that it is expedient for the work on the Capitol to progress, that seventy five thousand dollars be appropriated for that purpose, and report the bill without amendment, with a recommendation that it be passed into a law. Ordered on motion of Mr. Wilson, that the report be printed.— Whereupon the bill was read the second time. Mr. Shipp moved to lay the bill on the table, which was not agreed to—ayes 24, noes 34. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are Messrs. Baker, Brittain, Caldwell, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Fairly, Flynt, Hogan, Howell, Kendall, Kerr, Little, M'Millan, M'Queen, Martin, Mast, Montgomery of Orange, Parker, Staley, Shipp, Wellborn.

Those who voted in the negative, are Messrs. Arrington, Barco, Bateman, Beard, Burns, Cooper of Martin, Cowper of Gates, Edwards of Warren, Ennett, Flowers, Gavin, Harrison, Hawkins, Holmes, Hussey, Lindsay, Lockhart, M'Cormick, M'Williams, Mebane, Montgomery of Hertford, Moye of Pitt, Moye of Greene, Phelps Sawyer, Sherard, Spaight, Spencer, Stephens, Wilder, Wilson, Whitaker, Whitehurst, Wyche.

The question then recurring on the passage of the bill, it was decided in the affirmative—ayes 34, noes 25. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are Messrs. Arrington, Barco, Bateman, Beard, Burns, Cooper of Martin, Cowper of Gates, Dowd, Edwards of Person, Edwards of Warren, Ennet, Flowers, Harrison, Hawkins, Hussey, Kerr, Lindsay, Lockhart, M'Queen, M'Williams, Mebane, Montgomery of Orange, Montgomery of Hertford, Moye of Pitt, Moye of G., Phelps, Sawyer, Spaight, Spencer, Stephens, Wilder, Wilson, Whitaker, Wyche.

Those who voted in the negative, are Messrs. Baker, Brittain, Caldwell, Dobson, Durham, Edmonston, Fairley, Flynt, Gavin, Hogan, Holmes, Howell, Kendall, Little, Lowry, M'Cormick, M'Millan, Martin, Mast, Parker, Sherard, Staley, Shipp, Wellborn, Whitehurst.

Whereupon, the bill was read the third time. Mr. Wellborn moved to amend the bill by striking out the words "seventy-five" in the fifth line of the bill, and insert "fifty;" which motion was not agreed to—ayes 28, noes 31. The ayes and noes being demanded by Mr. Staley,

Those who voted in the affirmative, are Messrs. Baker, Brittain, Caldwell, Dobson, Dowd, Durham, Edmondston, Flynt, Gavin, Holmes, Howell, Kendall, Kerr, Lindsay, Little, Lowry, M'Cormick, M'Millan, M'Queen, Martin, Mast, Parker, Sherard, Staley, Shipp, Stephens, Wellborn, Whitehurst.

Those who voted in the negative, are Messrs. Arrington, Barco, Bateman, Beard, Burns, Cooper of Martin, Cowper of Gates, Edwards of Warren, Edwards of Person, Ennett, Fairley, Flowers, Harrison, Hawkins, Hogan, Hussey, Lockhart, M'Williams, Mebane, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Moye of Greene, Phelps, Sawyer, Spaight, Spencer, Wilder, Wilson, Whitaker, Wyche.

The question then recurring on the passage of the bill, it was decided in the affirmative. Ordered to be engrossed.

The Senate then proceeded to consider the bill concerning a Convention, to amend the Constitution of the State of North Carolina. Ordered, on motion of Mr. Wellborn to lie upon the table.

Mr. Montgomery of Hertford, from the committee appointed to conduct the balloting for a trustee of the University, reported that Pleasant W. Kittrell having received a majority of votes, is duly elected; in which report the Senate concurred.

On motion of Cowper of Gates, the bill to repeal the act of last session, entitled an act regulating lay days on Frying Pan, in Tyrrell county, was taken up and read the second time. Mr. Cowper of Gates, moved to amend the bill by striking out all of the first section of the bill, after the word "water," in the eighth line of said section; which amendment was not agreed to, and the question recurring on the passage of the bill, it was decided in the negative.

On motion of Mr. Hawkins, leave of absence was granted to Mr. Moore, for the remainder of the session

The bill directing the conveyance of the commons, adjoining the town of Franklin, to the chairman of Macon county court; the bill giving compensation to sheriffs and coroners, for issuing writs of *capias ad satisfaciendum*, in certain cases; the bill authorising the Governor to procure a new great seal, for the use of the State; were severally read the first, second and third times, passed and ordered to be engrossed.

The engrossed bill to quiet the titles of certain lands in this State, was read the second and third times, passed and ordered to be enrolled.

Mr. Bateman presented the resignation of Richard Hewitt, a justice of the peace for the county of Tyrrell; which was read and accepted.

Received from the House of Commons a message, from his Excellency the Governor, transmitting certain resignations of certain justices of the peace, and a field officer, received by him since his last communication.

The engrossed bill to amend the charter of the Cape Fear bank, was read the second and third times, passed and ordered to be enrolled.

The bill to incorporate the Mattamuskeet canal and rose bay turnpike company, was read the second time and passed.

The Senate then adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, JANUARY 1, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill giving compensation to sheriffs and coroners, for executing writs of *capias ad satisfaciendum*, in certain cases; a bill directing the conveyance of the commons, adjoining the town of Franklin, to the chairman of Macon county court; a bill to authorize the Governor to procure a new great seal of State; a bill to make an appropriation for completing the capitol, in the city of Raleigh; a bill securing to Needham Whitfield, of Lenoir county, and those whom he may associate, the right of navigating the waters of Neuse river, from the town of Newbern, upwards, so far as they may see proper to go; a bill fixing the punishment for the crime of bigamy; and a bill defining the duty of the county court in appointing patrols, and the duty of patrols; in which they ask the concurrence of the House of Commons.

On motion of Mr. Parker, a message was sent to the House of Commons, proposing to ballot immediately for cavalry officers of the 8th brigade, and stating that Allen Peoples is in nomination for colonel commandant, Wm. Gillbreth, lieutenant colonel, and William Denny, for major.

Mr. Phelps presented a bill, entitled a bill to amend part of the first section of an act, entitled an act to authorize certain persons therein named, to raise by lottery, six thousand dollars for cutting a canal, in Washington county, passed in 1833; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Sawyer, from the committee on the Judiciary, to which was referred the bill to regulate attorney's fees and State tax fees, in the county of Washington, reported the same without amendment, with a recommendation that it be passed into a law. Whereupon the bill was read the second time. Mr. Cowper of Gates, moved to extend the provisions of the bill to the county of Gates; Mr. Edmonston moved to extend its provisions to the county of Haywood; Mr. Cooper of Martin, moved to extend its provisions

to the county of Martin ; Mr. Montgomery of Hertford, moved to extend its provisions to the county of Hertford ; Mr. Bateman moved to extend its provisions to the county of Tyrrell ; Mr. Whitehurst moved to extend its provisions to the county of Pasquotank ; Mr. Lindsay moved to extend its provisions to the county of Currituck ; Mr. Flowers moved to extend its provisions to the county of Edgecombe ; which amendments were severally agreed to, and the question recurring on the passage of the bill, it was decided in the affirmative.

Mr. M'Queen presented a bill, entitled a bill amendatory of an act, authorizing the citizens of the town of Haywood, to appoint commissioners ; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Spaight presented a bill, entitled a bill to authorize Thomas J. Pasteur, of Craven county, to keep a ferry in said county, and for other purposes ; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Wellborn, from the joint select committee on Cherokee lands, to which was referred the petition of sundry inhabitants of the county of Macon, praying the Legislature to grant them five acres of land, for a grave yard, meeting and school house, made a favorable report thereon, accompanied by a bill to carry into effect the prayer of the petitioners. Whereupon the said bill was read the first time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to ballot immediately for cavalry officers of the 8th brigade, and stating that Messrs. Brummil and Ziglar, attend the Senate to conduct the balloting on the part of that House. Whereupon, a message was sent to the House of Commons, stating that Messrs. Parker and Flynt, attend that House as superintendents of the balloting on the part of the Senate.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the memorial of the president and directors of the Leaksville toll bridge company, made a favorable report thereon, accompanied by a resolution in favor of the president and directors of the Leaksville toll bridge company. Whereupon the resolution was read the first time and passed. Read the second time ; Mr. Beard moved an amendment as a substitute for the original resolution ; which was adopted, and the question recurring on the passage of the resolution as amended, and was decided in the affirmative.

Mr. Martin moved to reconsider the vote just taken on the resolution, in favor of the Leaksville toll bridge company, and the amendment thereto ; and on the question, will the Senate reconsider said vote ? it was decided in the affirmative. The resolution was then read the second and third times and passed, and ordered to be engrossed,—the resolution submitted by Mr. Beard as a substitute, having been rejected.

Mr. Wellborn presented a bill, entitled a bill to appoint commissioners to view and lay off the road from the foot of the Laurel hill to the top of the Blue ridge, at the Ashe county line, and for other purposes ; which was read the first time and passed, and on motion of Mr. Wellborn, ordered to lie on the table.

Mr. Bateman presented a bill, entitled a bill concerning a public road

leading from Columbia, in Tyrrell county to Plymouth ; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Wellborn presented a bill, entitled a bill to repeal an act of the General Assembly, passed in the year 1833, entitled an act concerning the Wilkes county volunteer artillery company ; which was read the first and second time and passed.

Received from the House of Commons a message, proposing to ballot on to-morrow for attorney general ; which proposition was concurred in, and a message sent to the House of Commons, stating such concurrence.

On motion of Mr. Sawyer, the bill to regulate attorney's fees and State tax fees, in the counties of Washington, &c. was taken up, and read the third time ; Mr. Sawyer moved to amend the bill by striking out the whole thereof, after the word "where," in the 4th line of the bill, and to add the following, to wit: "any bond shall be taken and returned under the act passed in the year, 1822, entitled an act for the relief of honest debtors, to the court of pleas and quarter sessions of any county in this State ; it shall not be lawful for the clerks of said courts to charge any State tax or attorney's fees, except in such cases where an issue suggesting fraud shall be made up, when and in such case, the party cast shall pay all costs, any law, usage or custom to the contrary notwithstanding ;" which amendment was adopted, and the question then recurring on the passage of the bill, it was decided in the affirmative. On motion of Mr. Sawyer, it was ordered, that the title of the bill shall be a bill regulating costs, in certain cases. Ordered, that said bill be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit : A bill to incorporate Springvale Academy, in Sampson county, and to appoint the trustees thereof ; a bill to incorporate the Tuckaleecha Smokey mountain turnpike company ; a bill to repeal an act, entitled an act to alter the name of Kinston, in Lenoir county ; a bill to repeal an act, entitled an act respecting the courts of pleas and quarter sessions, in the county of Tyrrell, passed in the year, 1825 ; and a bill to prevent the obstruction to the passage of fish up Frying Pan, in the county of Tyrrell ; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first, second and third times, passed and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution to wit : A bill to amend and explain the several sections of an act, passed in 1833, entitled an act directing the manner in which constables shall hereafter be elected in this State ; a bill concerning the corporation of the town of Washington, in Beaufort county ; a bill to authorise the commissioners of Kenansville, in Duplin county, to sell part of the town commons ; a bill to incorporate the North Carolina gold mining company ; and a resolution in favor of Mark H. Hill. Whereupon the first named bill was read the first time and passed, and the other bills and resolution named in said message, were severally read the first, second and third times, passed and ordered to be enrolled.

On motion of Mr. Durham, the bill for the better regulations of the county and superior courts, of the counties of Rutherford and Buncombe, was taken up, read the third time, passed, and ordered to be engrossed.

On motion of Edmondston, the bill to divorce Elizabeth M. Starnes, of

Macon county, was taken up, read the second time, and resolved that the same shall not pass.

The bill to incorporate the Pioneer Gold Mining Company, in the county of Cabarrus, was read the second and third time, passed, and ordered to be engrossed.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, to wit: A bill to empower the county court of Yancey county, to lay a tax to encourage the destruction of wolves, in said county; a bill for the better regulation of the superior courts, in Burke and Yancey counties; a bill to regulate the courts of pleas and quarter sessions of Haywood county; a bill to repeal the second section of an act, passed in the year 1832, making additional compensation to the Secretary of State, for certain services therein named; in which they ask the concurrence of the Senate. Whereupon, the first named bill was read the first time and passed; read the second time, Mr. Baker moved to amend the bill by inserting after the word "wolf" in the last line of the first section, and in the second line of the second section, the word "panther." Mr. Lowry moved further to amend the bill by inserting in the 8th line of the second section, after the word "wolf" the word "panther;" and after the word "wolves" insert the word "panthers;" and after the word "wolf" in the 9th line of the same section, insert the word "panther." Mr. Lowry moved further to amend the bill by making its title correspond with the body thereof; which amendments were severally adopted: and the question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon, the bill was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.— The other bills named in the message, were severally read the first time and passed. The second named bill on motion of Mr. Stipp, was ordered to lie on the table. The third named bill was read the second time, and, on motion of Mr. Montgomery of Hertford, ordered to be postponed indefinitely.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, to wit: A bill granting further time to perfect titles to lands in this State; a bill to incorporate Mallard Creek Classical School, in the county of Mecklenburg; a bill to prevent the felling of timber in or otherwise obstructing the run of lower Little river, in Iredell county; a bill to establish the town of Leachville, in Beaufort county, and appoint commissioners thereof; and a bill altering the time of holding the courts of pleas and quarter sessions of the counties of Buncombe and Yancey, and for other purposes; in which they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first, second and third times, and passed, and ordered to be enrolled, except the bill giving further time to perfect titles to land in this State; which was read the first time and passed.

Received from the House of Commons, a message stating that they have passed the engrossed bill concerning a Convention, to amend the Constitution of the State; in which they ask the concurrence of the Senate. Whereupon, the said bill was read the first time and passed, and, on motion of Mr. Wilson, ordered to be the order of the day for to-morrow.

On motion of Mr. Martin, the Senate then entered upon the order of the day, and proceeded to consider the engrossed bill, to provide for the payment of the instalments in the shares reserved to the State, in the capital



stock of the Bank chartered by the act of 1833, to establish the Bank of the State of North Carolina. Whereupon, the said bill was read the second time, and resolved that the same shall not pass—ayes 23, noes 33. The ayes and noes being demanded by Mr. Montgomery of Orange,

Those who voted in the affirmative, are Messrs. Baker, Bateman, Beard, Britain, Caldwell, Dobson, Fairley, Hogan, Kendall, Kerr, Little, Lowry, M'Millan, M'Queen, Martin, Mast, Mebane, Montgomery of Hertford, Sawyer, Shipp, Wellborn, Wilder, Wyche.

Those who voted in the negative, are Messrs. Arrington, Barco, Cooper of Martin, Cowper of Gates, Dowd, Edmonston, Edwards of Person, Edwards of Warren, Flynt, Flowers, Gavin, Harrison, Hawkins, Holmes, Howell, Hussey, Lindsay, Lockhart, M'Cormick, M'Williams, Montgomery of Orange, Moyer of Pitt, Moyer of Greene, Parker, Phelps, Sherard, Staley, Spaight, Spencer, Stephens, Wilson, Whitehurst

The engrossed bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected, was read the second time, and, on motion of Mr. Edwards of Warren, ordered to be indefinitely postponed.

The Senate then adjourned until to-morrow morning, 10 o'clock.

#### FRIDAY, JANUARY 2, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolution, to wit: A bill to amend part of the first section of an act, entitled an act to authorize certain persons therein named, to raise by lottery six thousand dollars for cutting a canal in Washington county, passed in the year 1833; a bill concerning a public road leading from Columbia, in Tyrrell county, to Plymouth; a bill to authorize Thomas J. Pasteur, of Craven county, to keep a ferry in said county, and for other purposes; a bill regulating costs in certain cases; a bill amending of an act authorizing the citizens of the town of Haywood to appoint commissioner; a bill for the better regulation of the county and superior courts of the counties of Buncombe and Rutherford; a bill to incorporate the Pioneer Mills Gold Mining Company, in the county of Cabarrus; and a resolution in favor of the president and directors of the Leaksville Toll Bridge Company; in which they ask the concurrence of that body.

On motion of Mr. Spaight, leave of absence was granted to Mr. Edwards of Warren, from and after Monday next, for the remainder of the session.

Mr. Flynt, from the committee appointed to conduct the balloting for cavalry officers of the 8th brigade, reported that Allen Peoples having received a majority of votes for colonel, Wm. Gillbreath for lieutenant colonel, Wm. Denny for major, are duly elected; in which report the Senate concurred.

A message was received from the House of Commons, stating that they have passed the engrossed bill to amend an act, establishing the Tennessee river turnpike road, with an amendment, to wit: in the title of the bill strike out all, after the word "act," and insert amendment marked A; in which they ask the concurrence of the Senate. Whereupon the said amendment was concurred in.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to amend part of the second section of an act, passed in the year 1833, entitled an act to regulate the proceedings in the courts of pleas and quarter sessions, in Craven county; a bill to establish and incorporate a town at Trent bridge, in the county of Jones, by the name of Pollocksville; a bill supplemental to an

act passed at the last session, entitled an act to improve the State road, from the bank of the Tuckasegee river, by the way of Franklin to the Georgia line; a bill to alter the time of holding the courts of pleas and quarter sessions, for the county of Beaufort; and a bill to authorise the appointment of two surveyors, in the counties of Anson and Richmond; in which they ask the concurrence of the Senate. Whereupon the three first named bills were severally read the first, second and third times, passed and ordered to be enrolled; the fourth named bill was read the first time and passed,—read the second time, and Mr. M<sup>r</sup> Williams moved to amend the bill by adding the following as an additional section, to wit: “Be it further enacted, that all writs and other process which the clerks of the courts of pleas and quarter sessions for said county, from and after the Monday next, before the last Monday in February 1835, shall be and the same is hereby made returnable, under the same rules, regulations and penalties as are already prescribed by law, to the term of said court, which is to be held on the second Monday in April next succeeding, as provided for in the first section of this act, and that all causes which may be continued at the February term of said court as heretofore constituted, which shall happen next after the passage of this act, shall stand for trial at April term of said court as aforesaid;” which amendment was read and agreed to. The question then recurring on the passage of the bill as amended, it was decided in the affirmative. Whereupon the bill was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment; the last named bill was read the first time and passed,—the bill was read the second time; Mr. Wellborn moved to amend the bill by extending its provisions to the county of Wilkes; which was agreed to. The question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon the said bill was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to restore George B. Grier, of the county of Buncombe, to the privileges of a free citizen.

Received from the House of Commons a message, stating that Messrs. Poindexter and Gwinn, attend the Senate to conduct the balloting on their part, for attorney general. Whereupon, a message was sent to the House of Commons, stating that Messrs. Wilson and Holmes, attend that House to conduct the balloting on the part of the Senate.

Received from the House of Commons a message, stating that they have passed the engrossed resolutions, declaring the office of attorney general vacant; in which they ask the concurrence of the Senate. Whereupon, on motion of Mr. Montgomery of Orange, ordered that the resolutions lie on the table.

Received from the House of Commons, the resignation of Romulus M. Saunders, attorney general of the State; endorsed in that House, “read and accepted,” and which was read and accepted by the Senate.

On motion of Mr. Shipp, the engrossed bill to divorce Ellena M. Cobb, was taken up, read the third time and passed, and ordered to be enrolled. Ayes 31, noes 15. The ayes and noes being demanded by Mr. Wyche,

Those who voted in the affirmative, are Messrs. Baker, Bateman, Beard, Britain, Burns, Caldwell, Carson, Cooper of Martin, Dobson, Durham, Edmonson, Edwards of Person,

Edwards, of Warren, Ennett, Fairley, Harrison, Hawkins, Howell, Hussey, Kerr, Lowry, M'Queen, M'Williams, Mast, Mebane, Montgomery of Orange, Phelps, Shipp, Stephens, Wellborn, Whitaker.

Those who voted in the negative, are Messrs. Arrington, Barco, Flowers, Kendall, Lindsay, Lockhart, M'Cormick, Moye of Pitt, Moye of Greene, Parker, Sherard, Spencer, Wilder, Whitehurst, Wyche.

On motion of Mr. Baker, the report of the committee on Propositions and Grievances, on the petition of Rachel Edwards, was taken up. The question being on concurring with said report; and on the question, will the Senate concur in the report? It was decided in the affirmative.

Mr. Beard, from the joint select committee, to which was referred that part of the Governor's Message which relates to the outrage committed on American citizens at Nassau, made a detailed report thereon, accompanied by the following Resolutions, with a recommendation that they be adopted, to wit:

*Resolved*, That the forcible detentor by the authorities of the British Island of New Providence, of the property of American citizens thrown upon that Island by shipwreck was a breach of the rites of hospitality, and an infraction of the laws of nations.

*Resolved*, That the General Assembly of North Carolina, will not recognize any distinction in principle between property in Persons, (as known to the constitution of the United States) and property in things.

*Resolved*, That the General Assembly of North Carolina, has full confidence in the good faith of the respective members of the Union, in regard to all those rights guaranteed to each by the Federal compact; and doubts not that the General Government as the common agent of the States, will take such measures at the present juncture as may be wise and expedient.

*Resolved*, That his Excellency the Governor, be requested to transmit a copy of this report, and these resolutions, to the President of the United States, to the Executive of each of the States, and to the Senators and Representatives of North Carolina, in the Congress of the United States.

Whereupon the resolutions were read the first, second and third times, unan-  
imously passed, and ordered to be engrossed.

Mr. Wilson, from the committee appointed to conduct the balloting for Attorney General, reported that John R. J. Daniel, having received a majority of votes, is duly elected; in which report the Senate concurred.

Mr. Little moved to re-consider the vote taken on the rejection of the bill, to divorce Elizabeth M. Starnes, of Macon county, and on the question, will the Senate re-consider said vote? it was decided in the affirmative. Whereupon the bill was read the second time, and resolved that the same shall not pass.

Mr. Moye of Pitt, moved to re-consider the vote, on the rejection of the bill, to provide for the payment of the instalments on shares reserved to the State, in the capital stock of the bank chartered by the act of 1833; to establish the Bank of the State of North Carolina, and on the question, will the Senate re-consider said vote? it was decided in the affirmative.

The Senate then entered upon the orders of the day, and proceeded to consider the bill concerning a Convention to amend the Constitution of the State. Whereupon the said bill was read the second time. Mr. Edwards of Warren, moved to amend the bill by inserting in the 4th line of the 4th section, after the word "sheriffs," the following words, "in the presence of the Secretary of State, Public Treasurer and Comptroller." Mr. Edwards of Warren, moved further to amend the bill by striking out in the 4th line of the 12th section, the word "sheriffs," and inserting the words, "county court clerk." Mr. Mebane moved further to amend the bill by striking out in the 13th line of the 13th section, the word "forty," and inserting the word "fifty." Mr. Mebane moved further to amend the bill by striking out in the 23d, 24th, 25th, 26th, 27th and 28th lines, the words "one hundred nor more

than one hundred and seven, the borough members included, to be elected one member by each of the borough towns of Wilmington, Fayetteville, Newbern, Edenton, Halifax, Hillsborough and Salisbury," and inserting the following words, "not less than ninety, nor more than one hundred and twenty, exclusive of borough members, which the Convention shall have the discretion to exclude in whole or in part." Which amendments were severally adopted. Mr. Arrington moved that the bill be indefinitely postponed, and on the question, will the Senate indefinitely postpone the bill? it was decided in the negative—ayes 28, noes 33. The ayes and noes being demanded by Mr. Arrington, are as follows:

Those who voted in the affirmative, are Messrs. Arrington, Barco, Cooper of Martin, Cowper of Gates, Edwards of Warren, Ennett, Flowers, Gavin, Harrison, Hawkins, Holmes, Howell, Hussey, Lindsay, M'Millan, M'Williams, Montgomery of Hertford, Moye of Pitt, Moye of Greene, Phelps, Sawyer, Sherard, Spencer, Stephens, Wilder, Wilson, Whitaker, Whitehurst.

Those who voted in the negative are, Messrs. Baker, Bateman, Beard, Brittain, Burns, Caldwell, Carson, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Fairley, Flynt, Hogan, Kendall, Kerr, Little, Lockhart, Lowry, M'Cormick, M'Leary, M'Queen, Martin, Mast, Mebane, Montgomery of Orange, Parker, Staley, Shipp, Spaight, Wellborn, Wyche.

The question then recurring on the passage of the bill, it was decided in the affirmative—ayes 31, noes 30. The ayes and noes being demanded by Mr. Cooper of Martin,

Those who voted in the affirmative, are Messrs. Baker, Beard, Brittain, Burns, Caldwell, Carson, Dobson, Dowd, Durham, Edmonston, Edwards of Warren, Ennett, Flowers, Gavin, Lockhart, Lowry, M'Cormick, M'Leary, M'Queen, Martin, Mast, Mebane, Montgomery of Orange, Parker, Staley, Shipp, Spaight, Wellborn, Wyche.

Those who voted in the negative, are Messrs. Arrington, Barco, Bateman, Cooper of Martin, Cowper of Gates, Edwards of Person, Edwards of Warren, Ennett, Flowers, Gavin, Harrison, Hawkins, Holmes, Howell, Hussey, Lindsay, M'Millan, M'Williams, Montgomery of Hertford, Moye of Pitt, Moye of Greene, Phelps, Sawyer, Sherard, Spencer, Stephens, Wilder, Wilson, Whitaker, Whitehurst.

Mr. Durham moved that the Senate adjourn until to-morrow morning 10 o'clock, and on the question, will the Senate adjourn? it was decided in the negative—ayes 27, noes 32. The ayes and noes being demanded by Mr. Montgomery of Hertford,

Those who voted in the affirmative, are Messrs. Baker, Beard, Brittain, Burns, Caldwell, Carson, Dobson, Durham, Edmonston, Edwards of Warren, Fairley, Hawkins, Hussey, Lowry, M'Cormick, M'Millan, M'Queen, Martin, Mast, Montgomery of Orange, Phelps, Shipp, Spaight, Wellborn, Wilder, Whitaker, Wyche.

Those who voted in the negative, are Messrs. Arrington, Barco, Bateman, Cooper of Martin, Cowper of Gates, Dowd, Ennett, Flynt, Flowers, Gavin, Harrison, Hogan, Holmes, Howell, Kendall, Kerr, Lindsay, Little, Lockhart, M'Williams, Mebane, Montgomery of Hertford, Moye of Pitt, Moye of Greene, Parker, Sawyer, Sherard, Staley, Spencer, Stephens, Wilson, Whitehurst.

On motion of Mr. Wyche, leave of absence was granted to Mr. Mebane from and after to-morrow, for the remainder of the session.

On motion of Mr. Wilson, the resolutions providing for the compiling and publishing a list of all the names and grade of officers, of ensigns and superior officers, who served during the Revolutionary War or were killed in service, was taken up, and read the second time. Mr. Kendall moved to amend the second resolution in the last line thereof, by striking out the word "ten," and inserting the word "five;" which amendment was not agreed to. The question then recurring on the passage of the resolutions, it was decided in the affirmative. Whereupon the resolutions were read the third time, passed, and ordered to be engrossed.

On motion of Mr. Durham, the engrossed resolution in favor of John Cherry, was taken up, read the third time, passed, and ordered that a mes-

sage be sent to the House of Commons, asking their concurrence in the amendment, adopted on the second reading of said resolution.

Received from the House of Commons, the resignations of Duncan Cameron and Wm. S. Mhoon, commissioners under the act for rebuilding the Capitol; which were endorsed, read and accepted by that House, and which were read and accepted by the Senate.

The Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 3, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed resolutions, to wit: A resolution on the subject of the outrage committed on American citizens at Nassau; resolution providing for compiling and publishing a list of all the names and grade of officers, of ensigus and superior officers, who served during the Revolutionary war, and were killed in the service; in which they ask the concurrence of the Senate.

Mr. Lockhart, from the joint select committee to which was referred the communication of his Excellency the Governor, and the correspondence accompanying the same relative to a contract with Ball Hughes, of New York, for the restoration of the Statue of Washington, made a report thereon, recommending that it is unnecessary from the peculiar situation of the said Ball Hughes, to resort to coercive measures against him, and asking to be discharged from the further consideration of the subject; which report was concurred in.

On motion of Mr. Montgomery of Orange,

*Resolved*, That the joint select committee to inquire into the causes that led to the dismissal of Wm. S. Drummond, as superintendent of the Capitol, be instructed to inquire into the amount of the monthly expenditures for superintending the work, and monthly progress of the work previous to and since the dismissal of Wm. S. Drummond; and report the same.

Mr. Baker presented a bill, entitled a bill to prevent persons residing in the State of Tennessee and the adjoining counties in this State, from driving stock to range in the county of Yancy; which was read the first and second times and passed, and on motion of Mr. Baker, ordered to lie on the table.

Mr. Phelps presented a bill, entitled a bill concerning the Plymouth Turnpike company; which was read the first and second times, passed, and on motion of Mr. Shipp, ordered to lie upon the table.

The bill for the better regulation of the militia of the county of Macon, was read the second and third times, passed, and ordered to be engrossed.

On motion of Mr. McWilliams, the bill to prohibit the hauling seines or drag-nets within two miles of certain bars and inlets within this State was considered: The question depending on the adoption of the amendment reported by the committee on propositions and grievances as a substitute; and on the question, it was decided in the affirmative. Whereupon, the said bill was read the second and third times, passed as amended, and ordered to be engrossed.

On motion of Mr. M'Millan, the resolution in favour of Owen Carrol of Bladen county was taken up; read the second and third times, passed, and ordered to be enrolled.

Mr. Shipp presented a resolution, directing the Public Treasurer to commence suits on bonds for Cherokee lands; which was read the first and second times and passed, and on motion of Mr. Edmonston, ordered to be referred to a select committee, consisting of Messrs. Shipp, Edmonston, Brittain, Montgomery of Orange, and Dobson.

Mr. Hogan, from the committee on the judiciary, to which was referred a bill, directing how Femes Covert may hereafter be privately examined; reported an amendment as a substitute for said bill. Ordered that the bill, together with the amendment, be the order of the day for Monday next.

The engrossed bill to incorporate a company by the name and style of the "Montgomery Gold Mining Company," was read the second time and passed.

The bill to repeal an act of the General Assembly, passed in 1833, entitled an act concerning the Wilkes county volunteer artillery company, was read the third time. Mr. Wellborn moved to amend the bill, by striking out in the 7th line of the 4th section of the bill, the words "same, and the money arising from such," and inserting the words, "sum of twelve dollars;" which amendment was agreed to, and the question recurring on the passage of the bill, it was decided in the affirmative. Ordered to be engrossed.

On motion of Mr. Caldwell, the bill to regulate the times of holding the superior courts in the fourth and fifth judicial circuits, and to attach the county of Surry to the fourth judicial circuit, was taken up, read the second time, and resolved that the same shall not pass.

Mr. Carson presented a bill, entitled a bill directing the manner in which suits shall be brought hereafter in this State; which was read the first time and passed.

On motion of Mr. Beard, the Senate proceeded to consider the bill to provide for the payments of the instalments in the shares reserved to the State, in the capital stock of the Bank chartered by the act of 1833, to establish the Bank of the State of North Carolina. The bill was read the third time, and resolved that the same shall not pass—ayes 20, noes 39. The ayes and noes being demanded by Mr. Edwards of Warren:

Those who voted in the affirmative, are Messrs. Bateman, Beard, Brittain, Caldwell, Carson, Cowper of Gates, Dobson, Durham, Fairly, Hogan, Kendall, Kerr, Little M'Millan, M'Queen, Martin, Mast, Shipp, Wellborn, Wyche.

Those who voted in the negative, are Messrs. Arrington, Baker, Barco, Cooper of Martin, Dowd, Edmonston, Edwards of Person, Edwards of Warren, Ennett, Fiynt, Flowers, Gavin, Harrison, Hawkins, Holmes, Howell, Hussey, Lindsay, Lockhart, Lowry, M'Cormick, M'Williams, Mebane, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Moye of Greene, Parker, Phelps Sawyer, Sherard, Staley, Spaight, Spencer, Stephens, Wilder, Wilson, Whitaker, Whitehurst.

The bill concerning a Convention to amend the Constitution of the State, was read the third time.

Mr. Edwards of Warren, moved to amend the bill in the 6th line of the 9th section, by striking out the words, "Monday the 29th of," and inserting the words, "first Thursday in;" which amendment was adopted.

Mr. Wilson moved further to amend the bill in the 6th and 7th lines of the 11th section of the bill, by striking out "one dollar and fifty cents," and inserting "three dollars;" which amendment was not agreed to.

Mr. Mebane then moved to amend the bill, by striking out, in the same lines, of the same section, the same words, and inserting the words "two dollars;" which amendment was not agreed to.

Mr. Wilson moved to amend the bill, by striking out the words "one dollar and fifty cents;" which amendment was not agreed to—ayes 12, noes 46. The ayes and noes being demanded by Mr. Cooper of Martin,

Those who voted in the affirmative, are Messrs. Barco, Cooper of Martin, Flowers, Gavin, Harrison, Holmes, Hussey, Montgomery of Hertford, Moye of Pitt, Phelps, Wilson, Whitehurst.

Those who voted in the negative, are Messrs. Arrington, Baker, Bateman, Beard, Brittain, Burns, Caldwell, Cowper of Gates, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennet, Fairley, Flynt, Hawkins, Hogan, Howell, Kendall, Kerr, Lindsay, Little, Lockhart, Lowry, M'Cormick, M'Millan, M'Queen, M'Williams, Martin, Mast, Mebane, Montgomery of Orange, Moye of G. Parker, Sawyer, Sherard, Staley, Shipp, Spaight, Spencer, Stephens, Wellborn, Wilder, Whitaker.

Mr. Wilson moved further to amend the bill, by striking out all of the sections of the bill after the 12th section, and inserting the following, to wit: "That when the delegates of the people shall assemble themselves together in Convention, according to the provisions herein before made, it shall be the duty of the said delegates to make such alterations and amendments to the existing Constitution, as they may be authorized by the people. Mr. Hogan called for a division of the question; the question was then taken on striking out, and decided in the negative. Ayes 22, Noes 37. The ayes and noes being demanded by Mr. Montgomery of Hertford,

Those who voted in the affirmative are, Messrs. Arrington, Barco, Cooper of Martin, Cowper of Gates, Ennett, Flowers, Gavin, Harrison, Howell, Hussey, Lindsay, M'Williams, Montgomery of Hertford, Moye of Pitt, Moye of Green, Phelps, Sawyer, Sherard, Spencer, Stephens, Wilder, Wilson, Whitehurst.

Those who voted in the negative are, Messrs. Baker, Bateman, Beard, Brittain, Burns, Caldwell, Carson, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Edwards of Warren, Fairley, Flynt, Hawkins, Hogan, Holmes, Kendall, Kerr, Little, Lockhart, Lowry, M'Cormick, M'Millan, M'Queen, Martin, Mast, Mebane, Montgomery of Orange, Parker, Staley, Shipp, Spaight, Wellborn, Whitaker, Wyche.

Mr. Holmes moved further to amend the bill by striking out the word "shall," in the 20th line of the 13th section, after the word "assembled," and insert the words "may consider of and in their discretion." Mr. ——— called for a division of the question. The question was then taken on striking out, and decided in the negative—ayes 29, noes 30. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are Messrs. Arrington, Bateman, Barco, Cooper of Martin, Cowper of Gates, Edwards of Warren, Ennett, Flowers, Gavin, Harrison, Holmes, Howell, Hussey, Lindsay, Lockhart, M'Millan, M'Williams, Mebane, Montgomery of Hertford, Moye of Pitt, Moye of Greene, Phelps, Sawyer, Sherard, Spencer, Stephens, Wilder, Wilson, Whitehurst.

Those who voted in the negative, are Messrs. Baker, Beard, Brittain, Burns, Caldwell, Carson, Dobson, Dowd, Durham, Edmonston, Edwards of Person, Fairley, Flynt, Hawkins, Hogan, Kendall, Kerr, Little, Lowry, M'Cormick, M'Queen, Martin, Mast, Montgomery of Orange, Parker, Staley, Shipp, Spaight, Wellborn, Wyche.

A motion was made by Mr. Beard, further to amend the bill by inserting in the 29th line of the 13th section, after the word "district," the following words, "and where there are one or more counties having an excess of taxation above the ratio, required to form a senatorial district, adjoining a county or counties, deficient in such ratio, the excess or excesses aforesaid, shall be added to the county or counties deficient, and if with such addition the county or counties receiving it, shall have the requisite ratio, such county and counties each shall constitute a senatorial district;" and the question being taken, it was determined in the affirmative. A motion was made by Mr. Wilson, further to amend the bill by adding the following at the end of the 8th paragraph of the 13th section, to wit: "That the said Convention shall frame and devise amendments to the present Constitution, whereby a remedy shall be provided by the Constitution for the removal of officers from office, whereby the Governor shall be elected for four years by the free white men qualified to vote for members of the most numerous branch of the Legislature, whereby the judges of superior and supreme courts, shall be elected by the Legislature for the term of seven years, whereby the attorney gene-

ral shall be elected by the General Assembly for the term of four years;\* and the question being taken thereon, it was decided in the negative—ayes 24, noes 36. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are Messrs. Arrington, Barco, Cooper of Martin, Cowper of Gates, Edwards of Person, Ennett, Flowers, Gavin, Harrison, Howell, Hussey, Lindsay, M'Williams, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Moye of Greene, Phelps, Sawyer, Sherard, Spencer, Stephens, Wilson, Whitehurst.

Those who voted in the negative, are Messrs. Baker, Bateman, Beard, Brittain, Burns, Caldwell, Carson, Dobson, Dowd, Durham, Edmondston, Edwards of Warren, Fairley, Flynt, Hawkins, Hogan, Holmes, Kendall, Kerr, Little, Lockhart, Lowry, M'Cormick, M'Millan, M'Queen, Martin, Mast, Mebane, Parker, Staley, Shipp, Spaight, Wellborn, Wilder, Whitaker, Wyche.

A motion was made by Mr. Sawyer, to strike out the first, second, third and part of the fourth lines of the 4th paragraph, including the words, "to wit;" and the question being taken thereon, it was decided in the negative. A motion was made by Mr. Sawyer, further to amend the bill by striking out all after the word "provide," in the third paragraph of the thirteenth section, and inserting the words, "that capitation tax upon slaves and free white polls shall be equal throughout the State;" and the question being taken thereon, it was decided in the affirmative. A motion was made by Mr. Beard, further to amend the bill by adding the following section at the end thereof, to wit: "Be it further enacted, that the Convention shall provide in what manner amendments shall be made in future, to the Constitution of the State;" and the question being taken thereon, it was decided in the affirmative. A motion was made by Mr. Beard, further to amend the bill by inserting in the 5th line of the 9th section, after the word "in," the words "or near;" and the question being taken thereon, it was decided in the affirmative. A motion was made by Mr. Holmes, further to amend the bill by inserting in the 28th line of the 13th section, after the word "part," the words "it shall be imperative on the delegates in Convention, to exclude from representation the boroughs of Edenton, Halifax, Salisbury and Hillsborough;" and the question being taken thereon, it was decided in the negative—ayes 26, noes 35. The ayes and noes being demanded by Mr. Hussey,

Those who voted in the affirmative, are Messrs. Arrington, Barco, Cooper of Martin, Cowper of Gates, Edwards of Person, Ennett, Flowers, Gavin, Harrison, Holmes, Hussey, Howell, Lindsay, Lockhart, M'Millan, M'Williams, Montgomery of Hertford, Moye of Pitt, Moye of Greene, Phelps, Sherard, Spencer, Stephens, Wilder, Wilson, Whitehurst.

Those who voted in the negative, are Messrs. Baker, Bateman, Beard, Brittain, Burns, Caldwell, Carson, Dobson, Dowd, Durham, Edmondston, Edwards of Warren, Fairley, Flynt, Hawkins, Hogan, Kendall, Kerr, Lowry, Little, M'Cormick, M'Leary, M'Queen, Martin, Mast, Mebane, Montgomery of Orange, Parker, Sawyer, Staley, Shipp, Spaight, Wellborn, Whitaker, Wyche.

The question then recurring on the passage of the bill as amended, it was decided in the affirmative. Ayes 31, Noes 30. The ayes and noes being demanded by Mr. Lindsay,

Those who voted in the affirmative, are Messrs. Baker, Beard, Brittain, Burns, Caldwell, Carson, Dobson, Dowd, Durham, Edmondston, Fairley, Flynt, Hogan, Kendall, Kerr, Little, Lockhart, Lowry, M'Cormick, M'Leary, M'Queen, Martin, Mast, Mebane, Montgomery of Orange, Parker, Staley, Shipp, Spaight, Wellborn, Wyche.

Those who voted in the negative, are Messrs. Arrington, Barco, Bateman, Cooper of Martin, Cooper of Gates, Edwards of Warren, Edwards of Person, Ennett, Flowers, Gavin, Harrison, Hawkins, Holmes, Howell, Hussey, Lindsay, M'Millan, M'Williams, Montgomery of Hertford, Moye of Pitt, Moye of Greene, Phelps, Sawyer, Sherard, Spencer, Stephens, Wilder, Wilson, Whitaker, Whitehurst.

Ordered, that a message be sent to the House of Commons, asking their concurrence in the amendments to the bill.

The Senate then adjourned until Monday morning, 10 o'clock.



MONDAY, JANUARY 5, 1835.

Mr. Moye of Pitt, presented the petition of Willoughby Witchard, of Pitt county, praying to be divorced from his wife Tripheny Witchard, of Pitt county, ordered to be referred to the committee on Propositions and Grievances.

Mr. Wyche, from the select committee to which was referred so much of the Governor's message, as relates to the transmission of certain public documents, and the publication of acts of Assembly, made a report thereon, accompanied by the following resolutions, to wit :

*Resolved*, That the Governor be authorized to procure and transmit to each branch of the legislative department of the United States, and of the several States in the Union, a copy of the public laws of this State, as published annually by the public printer.

*Resolved*, That the Governor be authorized to appoint annually a person properly qualified, to arrange the order in which the laws shall be published, to receive the proof sheets, prepare a table of contents, a general index, and marginal notes, who shall receive such compensation as may be deemed adequate to this service, not exceeding one hundred dollars.

*Resolved*, That the Governor shall be authorized to transmit to the executive of the United States and of the several States, any public documents which may be published by order of the public authorities of the State.

Whereupon the resolutions were read the first time and passed ; read the second time. A motion was made by Mr. Edmonston, to strike out the second resolution, and the question being taken thereon, it was decided in the affirmative. The question then recurring on the passage of the resolutions, it was decided in the affirmative. The resolutions were then read the third time, passed, and ordered to be engrossed.

Mr. Montgomery of Orange, presented a resolution in favor of the door-keepers, was read the first, second and third times, and ordered to be engrossed.

Mr. Beard presented a bill, entitled a bill further to amend an act, entitled an act to establish a Bank of the State of North Carolina ; Mr. Edmonston presented a bill, entitled a bill to extend the limits of the city of Raleigh.— Whereupon the said bills were severally read the first time and passed.

Mr. Sawyer presented a bill, entitled a bill supplemental to an act, passed at the present session, entitled an act concerning a Convention, to amend the Constitution of the State of North Carolina ; which was read the first time and passed.

On motion of Mr. Edwards, the twelfth rule of the Rules of Order, of the Senate was suspended for the remainder of the session. Whereupon the said bill was read the second time. A motion was made by Mr. Wyche, to amend the bill by adding the following words at the end of the first section thereof, to stand as the 7th paragraph of the section, to wit : "To provide against unnecessary private legislation ;" and the question being taken thereon, it was decided in the affirmative. A motion was made by Mr. Sherard, to amend the bill by adding the following at the end of the 2d section of the bill, to wit : "Divorces from the bonds of matrimony, shall not be granted but in cases provided for by law, by suits in the superior courts, and no decree for such divorce shall have effect until the same shall be sanctioned by both Houses of the General Assembly ;" and the question being taken thereon, it was decided in the negative. The question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon the said bill was read the third time, and, on motion of Mr. Shipp, ordered to lie upon the table.

Mr. Caldwell presented a bill, entitled a bill regulating the time of hold-

ing the superior courts in the counties of Rutherford, Lincoln and Iredell; which was read the first, second and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, to abolish the offices of county trustee and treasurer of public buildings, in the counties of Gates and Hyde, with the following amendments, to wit: strike out the word "Hyde," wherever it occurs in the bill, and extend its provisions to the county of Anson; in which they ask the concurrence of the Senate. Ordered, on motion of Mr. Little, to lie upon the table.

Received also from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill, to empower the county courts of Yancy county, to lay a tax to encourage the destruction of wolves in said county. Ordered that said bill be enrolled.

Mr. Martin presented a bill, entitled a bill to authorize the commissioners of the town of Wentworth, to perfect titles to lots in said town, and to appoint commissioners for the town of Madison; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Spencer, the bill to incorporate the Mattamuskeet Canal and Rose Bay Turnpike Company, was taken up, and, on motion of Mr. Phelps, the bill concerning the Plymouth Turnpike Company, was taken up, and the said bills were severally read the third time and passed, and ordered to be engrossed.

✓ The Senate then entered upon the orders of the day, and proceeded to consider the bill rewarding persons for taking up runaway slaves, the property of citizens of this State. The amendment reported by the Judiciary committee, still pending, Mr. Wilson submitted the following amendments to the amendment, to wit: In the 6th line of the 1st section, after the word "New York," insert the words "or in the State of Connecticut, or in the State of New Jersey;" in the 12th line of the same section, fill the blank with the words "two hundred dollars;" in the 13th line of the same section, fill the blank with the words "one hundred dollars;" in the 15th line of the same section, fill up the blank with the words "one hundred dollars;" in the 17th line of the same section, fill up the blank with the words "one hundred and fifty dollars;" in the 20th line of the same section, fill up the blank with the words "fifty dollars;" in the last line of the same section, fill up the blank with the words "fifty dollars;" in the fourth line of the 2d section, after the word "New York," insert the words "Connecticut, New Jersey;" in the third line of 3d section, after the word "Pennsylvania," insert the words "Connecticut, New Jersey;" in the 7th line of the same section, after the word "New York," insert the words "Connecticut, New Jersey;" after the word "three," in the 3d line of the 4th section, strike out the word "six," and insert the word "three;" in the 5th line of the same section, after the word "New York," insert the words "Connecticut, New Jersey." Which amendments to the amendment were severally adopted. The question then recurring on the adoption of the amendment, as amended, it was decided in the affirmative. Whereupon the bill was read the second and third times, passed as amended, and ordered to be engrossed. Ordered, that the title of the bill be, "a bill rewarding persons for taking up runaway slaves, the property of citizens of this State in Pennsylvania, New York, Connecticut, New Jersey and Massachusetts.

The bill giving the county courts of this State, authority to abolish the offices of county trustee and treasurer or commissioner of public buildings, was read the second time. A motion was made by Mr. Wyche, to amend the bill by striking out the repealing clause, and the question being taken thereon, it was decided in the affirmative; and the question recurring on the passage of the bill, as amended, it was decided in the affirmative. The bill was then read the third time and passed, and ordered to be engrossed.

The bill to provide a fund for the establishment of free schools in the State of North Carolina, was read the second time. Mr. M'Queen submitted the following amendments to the bill to wit: at the end of the 2d section add the words "so far as he can recollect;" in the 11th line of the 3d section, fill up the blank with the words "such compensation as the county court shall direct;" in the 20th line of the same section, fill up the blank with the word "ten;" in the 14th line of the same section, fill up the blank with the word "ten;" in the last line of the same section, fill up the blank with the words "twenty-five;" in the 15th line of the same section, fill up the blank with the words "such compensation as the county court may agree to;" in the last line of the same section, fill up the blank with the words "twenty-five;" in the 30th line of the same section, fill up the blank with the words "such compensation as the county court may direct;" in the last line of the same section, fill up the blank with the words "twenty-five;" in the 19th line of the 6th section, fill the blank with the words "such compensation as the county court may direct;" in the 10th line of 8th section, fill up the blank with the word "three;" in the 17th and 18th lines of the 9th section, fill up the blank with the words "such a tax as the commissioners of the poor may direct;" in the last line but one of the 14th section, fill up the blank with the word "four;" which amendments were severally adopted. The question then recurring on the passage of the bill, it was decided in the negative.

On motion of Mr. Carson,

*Resolved,* That the bill entitled a bill to provide a fund for the establishment of free schools in the State of North Carolina, shall be printed and appended to the laws passed at this session.

The Senate proceeded to consider the bill directing how femes covert may hereafter be privately examined. The question depending on the amendment proposed by the Judiciary committee as a substitute for the bill; a motion was made by Mr. Shipp, to amend the bill by inserting in the 6th and tenth lines of the bill, after the word "attorney," in each line insert the words "and other instruments of writing;" and the question being taken thereon, it was decided in the affirmative; the amendment as amended was then adopted. Whereupon the bill was read the second and third times, passed as amended, and ordered to be engrossed.

The bill granting further time to perfect titles to lands within this State, was read the second time; a motion was made by Mr. Hogan to amend the bill, by striking out the word "next," in the last line of the last section, and insert the figures "1835," and the question being taken thereon, it was decided in the negative; a motion was made by Mr. Edmonston further to amend the bill, by striking out the words "first day of January," in the last line of the bill, and inserting the words "ratification thereof," and the question being taken thereon, it was decided in the affirmative; the question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon the bill was read the third time, and on motion of Mr. Shipp, ordered to lie upon the table.

The bill supplemental to an act, entitled an act for the relief of debtors for debts, which may be contracted after the first day of May next, passed in the year 1822; the bill to amend an act passed in the year 1805, concerning wrecks; the bill to amend and suspend for a time, the several acts prohibiting the circulation of due bills and notes under five dollars, were severally read the second time, and on motion of Mr. Hogan, the last named bill was ordered to be postponed indefinitely.

The bills granting to persons therein named, certain lands for a burying ground and a place of public worship, for all denominations of christians, in Macon county, was read the second and third times, passed and ordered to be engrossed.

The bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancy, was read the third time; a motion was made by Mr. Carson to amend the bill by adding the following proviso. at the end of the bill, to wit: "Provided also, that it shall and may be lawful for any persons owning lands in said county of Yancy, and cultivating the same, or procuring the same or part thereof to be cultivated, shall be entitled to drive their own stock, and none other into the said county, for the benefit of the range; and the question being taken thereon, it was decided in the affirmative. The question then recurring on the passage of the bill as amended, it was decided in the affirmative, and ordered to be engrossed.

The bill directing the manner in which suits shall be brought hereafter in this State, was read the second time; a motion was made by Mr. Carson to amend the bill by adding the following proviso, at the end of the last section, to wit: "Provided, that this act shall not extend to any bank corporation;" and the question being taken thereon, it was decided in the negative. The question then recurring on the passage of the bill, it was decided in the negative.

The engrossed bill vesting in the county courts, the power to authorize the erection of gates across public roads in this State, was read the second and third times, and ordered to be enrolled. The ayes and noes were demanded on the third reading of the bill by Mr. M'Cormick, and were—ayes 35, noes 15.

Those who voted in the affirmative, are Messrs. Barco, Brittain, Beard, Dobson, Dowd, Edmonston, Edwards of Warren, Fairly, Flynt, Gavin, Hawkins, Hogan, Holmes, Howell, Kendall, Kerr, Little, Lockhart, Lowry, M'Williams, Martin, Mast, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Moye of Greene, Phelps Sawyer, Sherard, Staley, Shipp, Spaight, Stephens, Wellborn, Wilder, Whitaker, Whitehurst, Wyche.

Those who voted in the negative, are Messrs. Arrington, Baker, Caldwell, Cooper of Martin, Durham, Edwards of Person, Flowers, Harrison, Hussey, Lindsay, M'Cormick, M'Millan, M'Queen, Parker, Wilson.

The bill to incorporate a company by the name and style of the Montgomery gold mining company, was read the second time, and on motion of Mr. Edwards of Warren, ordered to lie upon the table.

The bill to amend an act, entitled an act for the better observation and keeping of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality; and the bill to emancipate Waller, a slave, were severally read the second time, and resolved that the same shall not pass.

The bill to incorporate the Northampton manufacturing company, was read the second and third times, passed and ordered to be engrossed.

The Senate then adjourned until to-morrow morning, 10 o'clock.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: A bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancy; a bill regulating the time of holding the superior courts, in the counties of Rutherford Lincoln and Iredell; a bill to authorize the commissioners of the town of Wentworth, to perfect titles to lots in said town, and to appoint commissioners for the town of Madison; a bill for providing a reward for the taking up of runaway slaves, belonging to the citizens of this State, in the State of Pennsylvania, New York, Connecticut, New Jersey and Massachusetts; a bill to prohibit the hauling of seines or drag nets, within two miles of certain bars and inlets within this State; a bill giving the county courts of this State, authority to abolish the offices of county trustees and treasurer or commissioners of public buildings; a bill granting to certain persons therein named, certain lands for a burying ground and a place of public worship, for all denominations of christians, in Macon county; a bill to repeal an act of the General Assembly, passed in 1833, entitled an act concerning the Wilkes county volunteer artillery company; a bill for the better regulation of the county of Macon; a bill to incorporate the Northampton manufacturing company; a bill additional to the acts now in force, directing how femes covert may pass land; a bill concerning the Plymouth turnpike company; a bill to incorporate the Mattamuskeet canal and rose bay turnpike company; a resolution authorizing the Governor to procure and transmit the acts of Assembly, in certain cases therein named, and for other purposes; a resolution in favor of the doorkeepers; and a resolution to print a bill, entitled a bill to provide a fund for the establishment of free schools in the State of North Carolina, and append the same to the acts of Assembly; in which they ask the concurrence of the House of Commons.

Mr. Hawkins, from the committee on internal improvements, to which was referred the resolution directing them to inquire into the expediency of granting a charter for a rail road, from the sea board to the seat of government, and thence to the Yadkin river, to the most eligible point above Beard's bridge; and of providing that the Public Treasurer, shall (as soon as three fifths of the stock necessary to construct it shall be subscribed, and the payment thereof secured by individuals,) subscribe for the remaining two fifths on behalf of the State, made a report thereon, recommending that it is inexpedient to legislate upon the first part of the resolution, that it is expedient to grant the charter, and that the three fifth system in regard to public works is incompatible with the policy, which should govern and control the internal improvement of the State; on motion of Mr. Edwards of Warren, ordered to lie upon the table.

Mr. Hawkins, from the same committee to which was referred the petition of sundry persons, inhabitants of the county of Beaufort, which was accompanied by a resolution, asking for an appropriation of five hundred dollars, to enable said persons to cut a canal from Goose creek to Jones' bay, made a report thereon, recommending that it is inexpedient to grant the prayer of the petitioners, and asking to be discharged from the further consideration of the subject; which was concurred in.

Mr. Hawkins, from the same committee to which was referred a bill to

amend the road laws, reported the same without amendment, with a recommendation that it be rejected. Whereupon the said bill was read the second time, and resolved that the same shall not pass.

Mr. Kendall, from the committee on Propositions and Grievances, to which was referred the petition of Willoughby Witchard, of Pitt county, praying to be divorced from his wife, made an unfavorable report thereon, and asking to be discharged from the further consideration of the subject; which was concurred in.

Mr. Wellborn presented a bill, entitled a bill to repair, alter and amend the road, leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line on the Blue ridge; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. M'Williams asked and obtained leave to withdraw the petition of sundry citizens of Beaufort county.

Mr. Moye of Pitt, asked and obtained leave to withdraw the petition of Willoughby Witchard.

On motion of Mr. Edwards, leave of absence was granted to Mr. Little, from and after to-morrow, and Mr. Fairley, from and after to-day, for the remainder of the session.

On motion of Mr. Montgomery of Orange, leave was granted to Mr. Staley, from and after to-day for the remainder of the session.

Mr. Wyche, from the committee on Finance, made a report, setting forth that Samuel F. Patterson the Treasurer elect, having executed the bonds required by law, taken the prescribed oaths and commenced the duties of his office, and setting forth the amount of public moneys transferred to him by his predecessor, Wm. S. Mhoon, and the state of the Treasury generally; which report was accompanied by the following resolution, to wit:

*Resolved*, That if it should become necessary to enable the treasury to discharge any demands on it, during the present fiscal year, the Public Treasurer be, and he is hereby authorized and empowered to borrow, on behalf of the State, such sum or sums of money as may be required to meet such demands, not exceeding forty thousand dollars; and he is hereby authorized, at his discretion, to borrow the same of either of the banks in this State, or elsewhere, and for such length of time as the exigencies of the Treasury may require: Provided, he shall in no case pay more than at the rate of six per cent. per annum interest on any such loan.

Which resolution was read the first, second and third times, passed, and ordered to be engrossed. Ordered that a message be sent to the House of Commons, proposing to print the report.

A message was received from the House of Commons, stating that they have passed the engrossed resolutions relative to public lands; in which they ask the concurrence of the Senate. Whereupon the resolutions were read the first time, and, on motion of Mr. Wilson, ordered to lie upon the table—ayes 33, noes 24. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of W., Ennett, Flynt, Flowers, Gavin, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, M'Cormick, Montgomery of Hertford, Moye of Greene, Staley, Spaight, Stephens, Wilder, Whitaker, Whitehurst, Wyche, Wilson.

Those who voted in the negative, are Messrs. Barco, Bateman, Beard, Caldwell, Dowd, Fairley, Harrison, Hogan, Kendall, Little, Lowry, M'Millan, M'Queen, M'Williams, Martin, Mast, Montgomery of O., Moye of Pitt, Parker, Phelps, Sawyer, Sherrard, Shipp, Wellborn.

On motion of Mr. Wellborn, the bill to appoint commissioners to view and lay off the road, from the foot of the Laurel Hill, to the top of the Blue Ridge, at the Ashe county line, was taken up, read the second time. A

motion was made by Mr. Wellborn, to amend the bill by a substitute, which was agreed to; and the question recurring on the passage of the bill, it was decided in the affirmative. Whereupon the said bill was read the third time, passed, and ordered to be engrossed. Ordered, that the title of the bill be, a bill to repair, alter, and amend the road leading from Holeman's Ford, to the Deep Gap, Ashe county line.

Received from the House of Commons, a message proposing that a joint select committee of two from each House, be raised to confer with the officers of both Houses upon the State of public business, and ascertain and report on what day the General Assembly can adjourn, and stating that Messrs. Norcom and Boddie compose the committee on the part of that House.—Whereupon the proposition of the House of Commons was concurred in; and a message sent to the House of Commons, informing them thereof, and stating that Messrs. Arrington and Montgomery of Hertford, form the committee on the part of the Senate.

A message was received from the House of Commons, concurring in the amendment proposed by the Senate, to the engrossed bill to alter the time of holding the courts of pleas and quarter sessions for the county of Beaufort; ordered, that the said bill be enrolled.

A message was received from the House of Commons, concurring in the amendments proposed by the Senate, to the engrossed bill concerning a Convention, to amend the Constitution of the State, and proposing that fifty copies of the bill be printed for each member of the Legislature; the proposition was concurred in, and the House of Commons informed thereof by message. Ordered, that the said bill be enrolled.

A message was received from the House of Commons, concurring in the amendment proposed by the Senate, to the engrossed resolution in favor of John Cherry. Ordered, that said resolution be enrolled.

A message was received from the House of Commons, concurring in the amendments proposed by the Senate, to the engrossed bill authorizing the appointment of two surveyors in the counties of Anson and Richmond.—Ordered, to be enrolled.

A message was received from the House of Commons, proposing to ballot immediately for major of cavalry, attached to the 5th brigade, and stating that William E. Crump, is in nomination for the appointment; which proposition was concurred in, and a message sent to that House stating the concurrence of the Senate, and that Messrs. Arrington and Montgomery of Hertford, attend the House of Commons as superintendents of the balloting, on their part of the Senate. Whereupon a message was received from the House of Commons, stating that Messrs. Ousby and Bynum, attend the Senate to superintend the balloting, on their part.

On motion of Mr. Sawyer, the bill supplemental to an act passed at the present session, entitled an act concerning a Convention to amend the Constitution of the State of North Carolina, was taken up, and read the third time. Mr. Sawyer moved to strike out the words "years," and insert the words "for a term of," in the 12th line of the 1st section. Mr. Beard moved to amend the bill by striking out the words "the recommendation," in the 3d line of the 4th paragraph, 1st section, and inserting the words "a concurrent resolution." Mr. Little moved to amend the bill by striking out the word "sixtieth," in the second line of the 5th paragraph, of the same section, and inserting the words "sixty-fifth." Which amendments were se-

verally read and adopted. The question then recurring on the passage of the bill, as amended, it was decided in the affirmative. Ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to amend an act vesting the right of electing the clerks of the county and superior courts, in the several counties within this State, in the free white men thereof, passed in the year 1832; a bill supplementary to the act, entitled an act to incorporate the Cape Fear, Yadkin and Pedee Rail Road Company; a bill to amend an act, passed in the year of our Lord 1833, entitled an act concerning market fees, in the town of Fayetteville; a bill for the better regulation of the town of Bath, in Beaufort county; in which they ask the concurrence of the Senate. Whereupon the first and third named bills were severally read the first, second and third times, passed, and ordered to be enrolled.

The engrossed bill to establish the Merchants Bank, of the town of Newbern, was read the second time. A motion was made by Mr. Martin, to postpone the bill indefinitely, and on the question of indefinite postponement, it was decided in the negative—ayes 25, noes 28. The ayes and noes being demanded by Mr. Martin,

Those who voted in the affirmative are, Messrs. Arrington, Barco, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Flynt, Flowers, Gavin, Kendall, Linday, M'Cormick, M'Millan, Martin, Montgomery of Hertford, Montgomery of Orange, Moye of Greene, Moye of Pitt, Parker, Sawyer, Sherard, Stephens, Wilder, Whitehurst, Wyche.

Those who voted in the negative are, Messrs. Baker, Bateman, Beard, Brittain, Caldwell, Carson, Durham, Edmonston, Edwards of Warren, Harrison, Hawkins, Hogan, Holmes, Howell, Hussey, Kerr, Little, Lockhart, Lowry, M'Queen, M'Williams, Mast, Phelps, Shipp, Spaight, Wellborn, Wilson, Whitaker.

A motion was made by Mr. Martin, to amend the bill by striking out "twenty-five," and inserting "seventy-five," in the 2d line of the third section of the bill; which was agreed to. The question then recurring on the passage of the bill, it was decided in the negative—ayes 25, noes 26. The ayes and noes being demanded by Mr. Martin,

Those who voted in the affirmative, are Messrs. Baker, Bateman, Beard, Brittain, Burns, Caldwell, Durham, Edmonston, Edwards of Warren, Harrison, Hawkins, Hogan, Holmes, Howell, Hussey, Kerr, Little, Lowry, M'Queen, M'Williams, Mast, Phelps, Shipp, Spaight, Wellborn.

Those who voted in the negative, are Messrs. Arrington, Barco, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Flynt, Flowers, Gavin, Kendall, Lockhart, M'Cormick, M'Millan, Martin, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Moye of Greene, Parker, Sawyer, Sherard, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

Received from the House of Commons, the resignation of Joseph Edmondson, a justice of the peace for the county of Edgecomb, endorsed in that House, read and accepted; and which was read and accepted by the Senate.

The Senate then adjourned until to-morrow, 10 o'clock.

WEDNESDAY, JANUARY 7, 1835.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: A bill to repair, alter and amend the road leading from Holeman's ford to the Deep Gap; a bill to repair, alter and amend the road leading from the ford of the Yadkin river, where Cass formerly lived, to the Ashe county line, on the Blue Ridge; a bill supplemental to an act, passed at the present session, entitled an act concerning a Convention, to amend the Constitution of the State of North Carolina; a resolution authorizing the Public Treasurer, to borrow



money in behalf of the State ; in which they ask the concurrence of the House of Commons.

Mr. Martin from the committee of claims, to which was referred the petition of George Bullock of Granville county, in behalf of himself and the other heirs of Jeremiah Bullock, a lieutenant in the Revolutionary War, praying for pay for services rendered by said J. Bullock, made a report thereon favorable to the prayer of the petitioner, accompanied by a resolution in favour of the heirs of Jeremiah Bullock, deceased ; which resolution was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Montgomery of Hertford, from the committee appointed to conduct the balloting for major of cavalry of the 5th brigade, reported that William E. Crump, had received a majority of votes, and is duly elected ; which report was concurred in.

On motion of Mr. Wilson,

*Resolved*, That a select committee be appointed to inquire whether hands employed at the quarry, in quarrying rock for the State House be industriously and economically employed ; and that said committee have leave to send for persons and papers to aid them in the investigation ; also to inquire whether any overseer be employed at said quarry, and at what price.

On motion of Mr. Kendall, ordered that the committee on propositions and grievances, be discharged from any further duty during the present session.

Mr. Montgomery of Hertford, from the select committee, who were directed to inquire into the state of the public business, and report when the two Houses can adjourn, reported the following resolution, to wit :

*Resolved*, That the two Houses of this General Assembly do adjourn on Saturday the 10th instant, and that the Clerks be directed to make up the estimates accordingly.

On motion of Mr. Lockhart, the engrossed bill, authorizing the Northampton blues to draw on the Adjutant General for a stand of arms was taken up, read the third time, passed, and ordered to be enrolled.

Messrs. Holmes, Hogan, Sherard, Moyè of Pitt, and Montgomery of Orange, were appointed to compose the committee on Mr. Wilson's resolution, concerning hands employed on the Rock Quarry.

Mr. Montgomery of Hertford asked and obtained leave to withdraw from the files of the Senate, the petition of Richard G. Cowper, for the emancipation of certain slaves.

Mr. Sawyer presented a resolution in favor of Charles M'Cleese, agent of the Executor of Ephraim Mann deceased, and Jesse H. Lindsey, agent of the Executor of William Adams deceased ; which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Holmes, leave of absence was granted to Mr. Arrington, and to Mr. Montgomery of Hertford, from and after to-morrow, for the remainder of the session.

On motion of Mr. Lockhart, leave of absence was granted to Mr. Hawkins from yesterday, for the remainder of the session.

Mr. Shipp, from the select committee, to which was referred the resolutions directing the Public Treasurer to commence suits on bonds for Cherokee lands, reported the same with an amendment, to wit : In the last line of the resolution, strike out the words, "in the course of the present fiscal year," and insert the words, "on or before the first day of December, 1835 ;" which was concurred in. Whereupon the resolution was read the third time, passed and ordered to be engrossed.

The bill supplemental to an act, entitled an act for the relief of debtors

for debts, which may be contracted after the first day of May next, passed in the year 1822, and the bill to amend an act, passed in the year 1805, concerning wrecks; were severally read the third time and passed, and ordered to be engrossed.

A bill to extend the limits of the city of Raleigh, was read the second time, amended on motion of Mr. Edmonston and passed. Whereupon the bill was read the third time, passed and ordered to be engrossed.

On motion of Mr. Wilson, the Senate proceeded to consider the bill to subject legacies, distributive shares, &c. to attachment in like manner as other property. A motion was made by Mr. Shipp to postpone the bill indefinitely, and on the question of postponement, it was decided in the negative—ayes 21, noes 23. The ayes and noes being demand by Mr. Parker,

Those who voted in the affirmative are, Messrs. Arrington, Caldwell, Cowper of Gates, Edmonston, Flynt, Hogan, Howell, Kendall, Little, Lowry, M'Millan, M'Williams, Martin, Moye of Pitt, Moye of Greene, Shipp, Spaight, Stephens, Wellborn, Wilder, Whitaker.

Those who voted in the negative are, Messrs. Baker, Brittain, Cooper of Martin, Dobson, Durham, Ennett, Flowers, Gavin, Holmes, Kerr, Lindsay, Lockhart, Mast, Montgomery of Hertford, Montgomery of Orange, Parker, Phelps, Sawyer, Sherard, Spencer, Wilson, Whitehurst, Wyche.

The question then recurring on the passage of the bill, it was decided in the negative—ayes 18, noes 28. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are Messrs. Beard, Durham, Ennett, Gavin, Holmes, Kerr, Lindsay, Lockhart, Montgomery of Hertford, Montgomery of Orange, Parker, Phelps, Sawyer, Sherard, Spencer, Wilson, Whitehurst, Wyche.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Caldwell, Cooper of Martin, Cowper of Gates, Dobson, Edmonston, Flynt, Flowers, Hogan, Howell, Kendall, Little, Lowry, M'Cormick, M'Millan, M'Williams, Martin, Mast, Moye of Pitt, Moye of Greene, Shipp, Spaight, Stephens, Wellborn, Wilder, Whitaker.

On motion of Mr. Kendall, the bill to incorporate a company by the name and style of the Montgomery Gold Mining Company, was taken up, and, on motion of Mr. Kendall, ordered to be postponed indefinitely.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill authorizing the freemen of the town of New Salem, in Randolph county, to elect a constable; a bill to incorporate a company of light artillery in the town of Wilmington; a bill to amend the charter of the Halifax and Weldon Rail Road Company; a bill appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus; a bill to amend the several acts now in force for incorporating the town of Charlotte, in the county of Mecklenburg; and a bill to incorporate the Albermarle Rail Road Company; in which they ask the concurrence of the Senate. Whereupon the said bills, except the first named, were severally read the first, second and third times, passed, and ordered to be enrolled; and the first named was read the first time and passed; read the second time, and, on motion of Mr. Hogan, ordered to be postponed indefinitely.

On motion of Mr. Beard,

*Resolved*, That the committee appointed to inquire into the causes which led to the removal of Wm. S. Drummond, late superintendent of the Capitol, be instructed to inquire and report whether the public interest would not be promoted by the re-employment of said Drummond, either as superintendent of all the work connected with the re-building of the Capitol, or of such branches of the work as have not been committed to the direction of Mr. Peyton.

On motion of Mr. Hogan, Mr. Shipp and Mr. Montgomery of Orange, were added to the committee to inquire into the causes which led to the dismissal of Wm. S. Drummond.

A motion was made by Mr. Sawyer, to reconsider the bill to establish the Merchants' Bank in the town of Newbern; which was agreed to, and thereupon the bill was read the second time. A motion was made by Mr. Spaight to strike out the words "seventy five," and insert the words "twenty five," in the 12th line of the 3d section; and the question being taken thereon, it was decided in the affirmative; and the question then recurring on the passage of the bill, it was decided in the affirmative—ayes 29, noes 23. The ayes and noes being demanded by Mr. Martin,

Those who voted in the affirmative, are Messrs. Beard, Baker, Brittain, Burns, Caldwell, Dobson, Durham, Edmonston, Ennett, Flowers, Harrison, Hogan, Holmes, Howell, Hussey, Kerr, Little, Lowry, M'Queen, M'Cormick, M'Williams, Mast, Phelps, Shipp, Spaight, Spencer, Wellborn, Wilson, Whitaker.

Those who voted in the negative, are Messrs. Arrington, Cooper of Martin, Cowper of Gates, Dowd, Edwards of Person, Flynt, Gavin, Kendall, Lindsay, Lockhart, M'Millan, Martin, Montgomery of Hertford, Montgomery of Orange, Moye of Pitt, Moye of Greene, Parker, Sawyer, Sherard, Stephens, Wilder, Whitehurst, Wyche.

Whereupon the bill was read the third time. A motion was made by Mr. Wyche, to amend the bill by adding the following, as an additional section, to wit: "Be it further enacted, That the president and directors of the bank aforesaid, shall establish branches or agencies, in any town, the commerce of which passes out at Ocracock Inlet, if required at any time by the Legislature to do so;" and the question being taken thereon, it was decided in the negative. A motion was made by Mr. Moye of Greene, to amend the bill by striking out the name of "Wyatt Moye," in the last line but one of the first section, and inserting the name "William Williams, clerk;" and the question being taken thereon, it was decided in the affirmative; a motion was made by Mr. Martin to amend the bill, by inserting at the end of the 9th section, the following words to wit: "putting in pillory, public whipping not exceeding thirty lashes on his bare back, all or any of them, at the discretion of the court;" and the question being taken thereon, it was decided in the negative. A motion was made by Mr. Martin, further to amend the bill by inserting between the 4th and 5th sections, the following as an additional section to wit: "Be it further enacted, That the bank may go into operation, whenever 100,000 dollars shall have been paid in; and that no dividends on the profits of the bank shall be declared by the president and directors, until the whole amount of the capital stock shall be subscribed to the bank in gold or silver, or its equivalent;" and the question being taken thereon, it was decided in the affirmative. The question then recurring on the passage of the bill, as amended, it was decided in the affirmative—ayes 28, noes 22. The ayes and noes being demanded by Mr. Martin,

Those who voted in the affirmative, are Messrs. Baker, Beard, Brittain, Burns, Caldwell, Dobson, Durham, Edmonston, Ennett, Flowers, Harrison, Hogan, Holmes, Howell, Hussey, Kerr, Little, Lowry, M'Queen, M'Williams, Mast, Phelps, Shipp, Spaight, Spencer, Wellborn, Wilson, Whitaker.

Those who voted in the negative, are Messrs. Arrington, Cooper of Martin, Cowper of Gates, Dowd, Edwards of Person, Flynt, Gavin, Kendall, Lindsay, Lockhart, M'Cormick, M'Millan, Martin, Montgomery of Hertford, Moye of Pitt, Moye of Greene, Parker, Sawyer, Sherard, Stephens, Wilder, Whitehurst.

A motion was made by Mr. Shipp, to take up and consider the resolutions concerning the public lands; and the question being taken thereon, it was decided in the negative—ayes 20, noes 31. The ayes and noes being demanded by Mr. Hogan,

Those who voted in the affirmative, are Messrs. Bateman, Beard, Caldwell, Dowd, Harrison, Hogan, Kendall, Little, Lowry, M'Millan, M'Queen, M'Williams, Martin, Mast, Moye of Pitt, Parker, Phelps, Sherard, Shipp, Wellborn.

Those who voted in the negative, are Messrs. Arrington, Baker, Brittain, Burns, Cooper of Martin, Cowper of Gates, Dobson, Durham, Edmondston, Edwards of Person, Ennett, Flynt, Flowers, Gavin, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, M'Cormick, Montgomery of Hertford, Moye of Greene, Sawyer, Spaight, Spencer, Stephens, Wilder, Wilson, Whitaker, Whitehurst.

The engrossed bill for the better regulation of the town of Bath, in Beaufort county, was read the first time and passed, read the second time. On motion of Mr. M'Williams, the following amendments to the bill were adopted, to wit: In the 4th line of the 3d section, after the "commissioners," strike out the word "shall," and insert the word "may;" in the 13th line of the 4th section, strike out the word "forty," and insert the word "sixty;" and in the 3d line of the last section, after the word "this," insert the word "act." The question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon said bill was read the third time and passed, and ordered to be enrolled. Ordered, that a message be sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill supplementary to the act, entitled an act to incorporate the Cape Fear, Yadkin and Pedee Rail Road Company, was read the first, second and third times, passed, and ordered to be enrolled.

A bill to authorize a subscription upon the part of this State, to the capital stock of Oconalufy Turnpike Company, was read the second and third times, passed, and ordered to be engrossed.

Mr. M'Queen presented a bill, entitled a bill to authorize Wiley Roberts, to build a bridge across Deep river; which was read the first, second and third times, passed, and ordered to be engrossed.

The Speaker laid before the Senate the resignation of Romulus M. Saunders, one of the commissioners for rebuilding the Capitol; which was read and accepted, and ordered to be sent to the House of Commons.

The Senate then adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, JANUARY 8, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, to wit: A bill supplemental to an act, entitled an act for the relief of debtors for debts, which may be contracted after the first day of May next, passed in the year 1832; a bill to authorize a subscription on the part of this State, to the capital stock of the Oconalufy Turnpike Company; a bill to amend an act, passed in the year 1805, concerning wrecks; a bill to authorize Wiley Roberts, to build a bridge across Deep river; a bill to extend the limits of the city of Raleigh; a resolution directing the Public Treasurer to commence suits on bonds for Cherokee lands; a resolution in favor of the heirs at law, of Jeremiah Bullock, dec'd; and a resolution in favor of Charles M'Cleese, agent of the executor of Ephraim Mann, dec'd, in which they ask the concurrence of the House of Commons.

Mr. Martin, from the committee on Claims, to which was referred the petition of Alfred M. Slade, made an unfavorable report thereon, and asking to be discharged from the further consideration of the subject; which report was concurred in.

On motion of Mr. Martin, ordered that the committee on Clams, be discharged from any further duty during the present session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to establish the Merchant's and Farmer's Bank, in the town of Washington; a bill authorizing the

election of constables in Greensborough, and in Jamestown and its vicinity, in the county of Guilford; a bill to incorporate Poplar Grove Academy, in the county of Iredell, and to appoint the trustees thereof; a bill to amend an act, entitled an act to prevent the felling of timber in the run of Hogan's creek, in Caswell county, passed in the year 1833; and a bill to repeal an act, passed at the last session of the General Assembly, entitled an act for the better administration of justice in Carteret county; in which they ask the concurrence of the Senate. Whereupon the third, fourth and fifth named bills were severally read the first, second and third times, passed, and ordered to be enrolled. The first named bill was read the first time and passed, read the second time. A motion was made by Mr. M'Williams, to amend the bill by inserting the following between the fourth and fifth sections of the bill to stand as the fifth section, to wit: "Be it further enacted, that the bank may go into operation when one hundred thousand dollars shall have been paid in; and that no dividend on the profits of the bank shall be declared by the president and directors, until the whole amount of the capital stock subscribed shall be realized to the bank in gold or silver, or its equivalent; and the question being taken thereon, it was decided in the affirmative. The question then, recurring on the passage of the bill, it was decided in the negative—ayes 15, noes 29. The ayes and noes being demanded by Mr. Martin,

Those who voted in the affirmative, are Messrs. Beard, Burns, Caldwell, Durham, Flowers, Hogan, Hussey, Kerr, M'Cormick, M'Queen, M'Williams, Phelps, Spaight, Spencer, Wellborn.

Those who voted in the negative are, Messrs. Baker, Barco, Cooper of Martin, Cowper of Gates, Dobson, Dowd, Edmonston, Edwards of Person, Flynt, Gavin, Howell, Kendall, Lindsay, Lockhart, Lowry, M'Millan, Martin, Mast, Moye of Pitt, Moye of Greene, Parker, Sawyer, Sherard, Shipp, Stephens, Wilder, Whitaker, Whitehurst, Wyche.

The second named bill was read the first time, and resolved that the same shall not pass.

A message was received from the House of Commons, stating that they have passed the engrossed bill supplemental to an act, passed at the present session, entitled an act concerning a Convention, to amend the Constitution of the State of North Carolina, with the following amendments, to wit: In the 10th line of 1st section after the word "Carolina," insert the amendment marked A, strike out of the bill the proposition numbered "five," at the end of the first section, add the amendment marked B; in which they ask the concurrence of the Senate. Whereupon the amendments marked A and B, were concurred in, and the amendment to strike out the proposition numbered "five," was disagreed to, and a message sent to the House of Commons, stating such concurrence and disagreement.

A message was also received from the House of Commons, stating that they have passed the following engrossed bill; to wit: A bill for the better regulation of the superior courts of the counties of Rutherford and Buncombe, with an amendment, to wit: "Extend its provisions to the counties of Haywood and Macon; in which they ask the concurrence of the Senate. Whereupon the amendment was concurred in, and a message sent to the House of Commons informing them thereof.

A message was received from the House of Commons, stating that they have passed the engrossed bill regulating costs in certain cases, with certain amendments; which were concurred in by the Senate, and a message sent to the House of Commons informing them thereof.

A message was also received from the House of Commons, stating that

they have passed the engrossed bill to authorize Thomas J. Pasteur, of Craven county, to keep a ferry in said county, with an amendment; which was concurred in by the Senate, and a message sent to the House of Commons informing them thereof.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to grant to the Mecklenburg Gold Mining Company, an amended charter; a bill to incorporate the Juvenile Library Society of Providence; a bill to incorporate the trustees of the Rock Fish Academy, in New Hanover county; and a bill to alter the name of William Pollard, of Martin county, and to legitimate him. Whereupon the first, second and third named bills were severally read the first, second and third times, passed, and ordered to be enrolled; and the last named bill was read the first time, and on motion of Mr. Caldwell, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to establish the Sulphur Spring Academy, in the county of Buncombe, and to incorporate the trustees thereof; a bill to authorize the commissioners of Wilmington, to assess and cause to be collected a tax on slaves, whose owners reside out of town, but permit their slaves to work in town; a bill to exempt vessels owned in this State under seventy-five tons burthen, entering in at Ocracock Bar from paying pilotage; a bill amendatory of an act, passed at the present session, entitled an act granting to persons therein named, certain lands for the use of the Methodist Episcopal Church, at Franklin, in Macon county; in which they ask the concurrence of the Senate. Whereupon the first and second named bills were severally read the first, second and third times, passed, and ordered to be enrolled; the third named bill was read the first time and passed, and, on motion of Mr. Burns, ordered to be postponed indefinitely; the last named bill was read the first time and passed, and, on motion of Mr. Holmes, ordered to lie on the table.

The engrossed bill to alter the name of William Pollard, of the county of Martin, was taken up on motion of Mr. Cooper of Martin, read the first, second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: Resolution directing a new roll of the several justices of the peace; resolution in favor of Frances H. Reeder; resolution in favor of Matthew Miller; in which they ask the concurrence of the Senate. Whereupon the first and second named resolutions were severally read the first, second and third times, passed, and ordered to be enrolled; the last named resolution was read the first time and passed, and, on motion of Mr. Caldwell, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to authorize the making of a Turnpike Road in Haywood county, and to incorporate a company for that purpose; a bill for the preservation of the public buildings in the county of Buncombe, and for the improvement of the town of Asheville; a bill to attach the militia of the county of Yancey, to the 15th brigade; a bill relative to the hands called to work on the State road, leading from Old Fort in Burke county, to Asheville in Buncombe county; a bill authorizing the county court of Granville, to make allowances in certain cases; in which they ask the concurrence of the Senate. Whereupon the first, second, third and

fourth named bills were severally read the first, second and third times, passed, and ordered to be enrolled; the last named bill was read the first time and passed, and, on motion of Mr. Wyche, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to repeal an act to amend an act, passed in the year 1819, chapter 103, entitled an act to prevent obstructions to the passage of fish up Neuse river, and also to repeal an act, passed in the year 1830, chapter 102, to prevent obstructions to the passage of fish up Neuse river, Brice's creek and Trent river; a bill to restore to credit Eldridge Smith, of Wake county; a bill concerning part of Drysboro'; a bill requiring the sheriff of New Hanover, to give bonds of increased amount; a bill to regulate drill musters in the 88th regiment of North Carolina militia, in Davidson county; in which they ask the concurrence of the Senate. Whereupon the said bills except the first named bill, were severally read the first, second and third times, passed, and ordered to be enrolled; and the first named bill was read the first time and passed, and read the second time, and resolved that the same shall not pass.

Received from the House of Commons a message, announcing the rejection of the following engrossed bills, to wit: A bill additional to the acts now in force directing how femes covert may pass lands; a bill providing a reward for the taking up of runaway slaves belonging to the citizens of this State, in the States of Pennsylvania, New York, Connecticut, New Jersey, and Massachusetts.

Received from the House of Commons a message, stating their concurrence in the proposition to print the report of the committee of Finance.

Received also from the House of Commons a message, stating that they have postponed indefinitely, the engrossed resolution providing for the compiling and publishing a list of all the names and grades of officers, who served during the Revolutionary war, or were killed in service; and the engrossed bill defining the duty of the county court in appointing patrols, and the duty of patrols.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution in favor of the engrossing clerks; in which they ask the concurrence of the Senate. Whereupon the said resolution was read, and, on motion of Mr. Sherard, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolution, to wit; A bill to incorporate the Bible Society, of North Carolina; and a resolution in favor of Hon. James Martin; in which they ask the concurrence of the Senate. Whereupon the bill was read the first time and passed, and, on motion of Mr. Cooper of Martin, ordered to lie on the table. The resolution was read the first, second and third times, passed, and ordered to be enrolled—ayes 28, noes 12. The ayes and noes demanded by Mr. Durham, on the third reading of the resolution.

Those who voted in the affirmative, are Messrs. Baker, Caldwell, Cooper of Martin, Dobson, Dowd, Edmonston, Holmes, Howell, Hussey, Kendail, Lockhart, Lowry, M'Cormick, M'Millan, M'Williams, Martin, Moyer of Pitt, Moyer of G., Parker, Phelps, Sawyer, Sherard Spaight, Stephens, Wellborn, Wilder, Wilson, Whitaker.

Those who voted in the negative, are Messrs. Barco, Burns, Cowper of Gates, Durham, Edwards of Person, Ennet, Flynt, Flowers, Gavin, Lindsay, Mast, Wyche.

On motion of Mr. Sherard, ordered that Mr. Wilson have leave of absence from and after to-morrow for the remainder of the session.

On motion of Mr. Sawyer, ordered that Mr. Lockhart have leave of absence from and after to-morrow for the remainder of the session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to incorporate the Howard's Gap Turnpike Company; a bill to repeal the 6th section of an act concerning the wardens of the poor of the county of Lincoln; a bill for the better regulation of the court of pleas and quarter sessions in the county of Guilford; a bill authorizing the several county courts to appoint one or more surveyors in their districts for each county; and a bill to regulate the public ferry at Edenton; in which they ask the concurrence of the Senate. Whereupon the 4th and last named bills were severally read the first, second and third times, passed, and ordered to be enrolled. The first named bill was read the first and second times and passed, and, on motion of Mr. Lowry, ordered to lie on the table. The second named bill was read the first and second times and passed and, on motion of Mr. Wellborn, ordered to lie on the table; and the the third named bill was read the first time and passed; read the second time; a motion was made by Mr. Parker to amend the bill by striking out the words "two dollars," in the 13th line of the 1st section, and inserting the words "one dollar and fifty cents; which amendment was agreed; and the question recurring on the passage of the bill it was decided in the affirmative. Whereupon the bill was read the third time and passed; ordered that a message be sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. M Cormick, the engrossed bill to authorize the forming of a fire engine company in the town of Fayetteville, was taken up and read the third time; a motion was made by Mr. Sherard to amend the bill, by adding the following words to the end of the third section, to wit: "Except in cases of insurrection or invasion;" which amendment was adopted, and the question recurring on the passage of the bill, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Phelps, the bill directing the manner in which lands shall be sold for taxes in the county of Washington was taken up, and read the third time. A motion was made by Mr. Phelps, to amend the bill by a substitute; and the question being taken thereon, it was decided in the affirmative; and the question recurring on the passage of the bill, it was resolved that the same shall not pass.

Received from the House of Commons, a message stating that they have passed the following engrossed resolutions, to wit: Resolution in favor of John B. Jasper; resolution in favor of John Williams; resolution in favor of the heirs of Joseph Hale, deceased; resolution in favor of Mary Sloan; and resolution in favor of David Royester; in which they ask the concurrence of the Senate. Whereupon the second, fourth, and last named resolutions were severally read the first, second and third times, passed, and ordered to be enrolled; the first named resolution was read the first time, and resolved that the same shall not pass; the third named resolution was read the first time and passed, it was then read the second time, and, on motion of Mr. Holmes, ordered to be indefinitely postponed.

Received from the House of Commons, the resignation of Pettis Finch, a justice of the peace for the county of Randolph, and the resignation of James Fulton, a justice of the peace for the county of Guilford; which was en-



dorsed in that House, read and accepted, and which were read and accepted by the Senate.

On motion of Sherard, ordered that Mr. Holmes have leave of absence from and after to-day, for the remainder of the session.

The Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, JANUARY 9, 1835.

Mr. Hogan, from the select committee to which was referred a resolution, directing them in conjunction with the Attorney General, to inquire whether certain lands in the Western part of the State cannot be subjected to the payment of public taxes, made a report thereon, stating that there is but little doubt but frauds are committed on the revenue of the State by the owners of large tracts of land, concealing their boundaries and value; but have been unable to collect sufficient information upon the subject, upon which to base any action to remedy the evil, and beg to be discharged from the further consideration of the subject; which was concurred in.

Received from the House of Commons a message, proposing certain amendments to the engrossed bill, to authorize the Governor to procure a new great seal for the use of this State; which were concurred in, and ordered that a message be sent to the House of Commons, stating such concurrence.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate, to the engrossed bill for the better regulation of the town of Bath, in Beaufort county, ordered to be enrolled.

Received from the House of Commons a message, stating that they have rejected the engrossed bill to amend an act, passed in the year 1805, concerning wrecks; and the engrossed resolution, authorizing the Governor to procure and transmit the acts of Assembly in certain cases therein named, and for other purposes.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: Resolution in favor of John Cooper; resolution authorizing the appointment of a clerk, by the commissioners to revise the laws; resolutions in favor of Wm. Thompson; resolution in favor of Lewis Bond, late sheriff of Bertie; resolution in favor of John Cooper; in which they ask the concurrence of the Senate. Whereupon the first, third and last named resolutions, were severally read the first, second and third times, passed and ordered to be enrolled. The third named resolution was read the first time, and on motion of Mr. Sherard, was ordered to lie on the table. The fourth named resolution was read the first time and passed, and on motion of Mr. Sherard, was ordered to lie on the table.

A message was received from the House of Commons, concurring in the amendment proposed by the Senate to the engrossed bill to establish the merchants' bank of the town of Newbern; ordered, that the bill be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: A resolution in favor of Allen Jones; a resolution in favor of Micajah Hicks; a resolution in favor of the heirs of Wm. Gilliam; a resolution in favor of Edward Rigsbe; in which they ask the concurrence of the Senate. Whereupon the third and last named resolutions were severally read the first, second and third times, passed and ordered to be enrolled. The second named resolution was read

the first time and passed ; read the second time. A motion was made by Mr. Wellborn to amend the resolution, by striking out the words "four hundred and twelve," and inserting the words "six hundred and forty;" which amendment was agreed to. The question then recurring on the passage of the resolution as amended, it was decided in the affirmative; the resolution was then read the third time and passed. Ordered, that a message be sent to the House of Commons, asking their concurrence in the amendment; the resolution in favor of Allen Jones, was read the first time, and on motion of Mr. Sherard, ordered to be indefinitely postponed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to authorize and empower the county court of Yancy county, to alter the dividing line between the two regiments of North Carolina militia, in said county; a bill authorizing the entering the unsurveyed lands acquired by treaty, from the Cherokee Indians, A. D. 1818; a bill amending the act of the last session of the General Assembly, entitled an act to regulate times of holding the superior courts in the sixth judicial circuit; and a bill concerning the wardens of the poor; in which they ask the concurrence of the Senate. Whereupon the first, third and last named bills were severally read the first, second and third times, passed and ordered to be enrolled; and the second named bill was read the first time and passed, and on motion of Mr. Montgomery of Orange, ordered to be indefinitely postponed.

Mr. Beard presented the following resolution, to wit:

*Resolved*, That the report submitted by the committee on Finance, on the 6th of January, 1835, be published as an appendix to the acts passed at the present session of the General Assembly.

Which was read the first, second and third times, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit; A bill prescribing in what manner copies of administration or returns of property of deceased persons in another State, shall be read in evidence; a bill to enable any two of the judges of the supreme court to hold the same; a bill appointing commissioners for rebuilding the capitol; a bill amendatory of the act of 1833, concerning the injury done by the erection of mills; a bill concerning divorces; in which they ask the concurrence of the Senate. Whereupon the said bills were severally read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill for turning or altering roads in certain cases, was read the second and third times, passed and ordered to be enrolled.

The engrossed bill amendatory of the usury laws, was read the second time, and on motion of Mr. Sherard, was ordered to lie on the table.

The engrossed bills, to wit: A bill concerning coroners fees; a bill to provide for the temporary appointment of registers, in certain cases; and a bill to repeal an act, passed in 1826, to reduce the license of pedlars, on the South side of Albemarle sound; were severally read the second time, and it was resolved that the same shall not pass.

The engrossed bill, authorizing the county court of Granville to make allowances in certain cases, was taken up on motion of Mr. Wyche, and on motion of Mr. Hogan, ordered to be postponed indefinitely.

The engrossed bill to repeal the second section of an act, passed in the

year 1832, making additional compensation to the Secretary of State, was read the second and third times, passed and ordered to be enrolled.

The engrossed bill to amend and explain the several sections of an act, passed in 1833, entitled an act directing the manner in which constables shall hereafter be appointed in this State, was read the second time, and resolved that the same shall not pass.

Received from the House of Commons a message; stating their concurrence in the proposition of the Senate, that the two Houses adjourn *sine die*, on Saturday the tenth instant.

Received from the House of Commons, a message stating that they have postponed indefinitely, the following engrossed bills, to wit: A bill to repair, alter and amend the road leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line, on the Blue ridge; a bill to extend the line of the city of Raleigh; and a bill to repair, alter and amend the road leading from Holeman's ford to the Deep gap.

Mr. Edmonston presented a resolution in favor of Caleb Barco; which was read the first and second times and passed. Mr. Edmonston submitted an amendment, as a substitute for the original resolution; which was adopted. Whereupon the resolution was read the third time and passed, as amended, and ordered to be engrossed.

A message was received from the House of Commons, insisting upon their amendment to the engrossed bill, supplemental to an act passed at the present session, entitled an act concerning a Convention to amend the Constitution of the State of North Carolina, to wit: to strike out the 5th provision of the bill. Whereupon, on motion of Mr. Wellborn, a message was sent to the House of Commons, proposing to raise a committee of Conference, on the disagreement of the two Houses to said amendment, and stating that Messrs. Sawyer, Wellborn, Beard, Edmondston and Wyche, form the committee on the part of the Senate; and thereupon a message was received from the House of Commons, stating their concurrence in the proposition of the Senate to raise a committee of Conference, and that Messrs. Graham, Gorrell, Haywood, Battle and Barringer, form the committee on their part.

Mr. Beard, from the committee of Conference on the disagreement of the two Houses, on the amendment proposed by the House of Commons, to the bill supplemental to an act, passed at the present session, entitled an act to amend the Constitution of the State of North Carolina, made a report, recommending that the Senate recede from their disagreement to said amendment; which was concurred in, and a message sent to the House of Commons informing them thereof.

The bill to amend the several acts of Assembly, heretofore passed to vest the right of electing sheriffs in the free white men of this State, was read the second time, and on motion of Mr. Sherard, ordered to be postponed indefinitely.

The bill in addition to and supplemental to an act, passed in the year 1822, entitled an act to provide a revenue, for the payment of the civil list, and to defray the contingent charges of government, was read the second time, and motion of Mr. M'Cormick, ordered to lie on the table.

A bill further to amend the act, entitled an act to establish a bank of the State of North Carolina, was read the second time, and motion of Mr. Cooper of Martin, ordered to lie on the table.

The bill to improve the navigation of Cape Fear river above Fayetteville, was read the second time, and on motion of Mr. M'Millan, ordered to lie on the table.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed resolutions, to wit: Resolution directing the report of the committee of Finance, to be appended to the acts of the General Assembly; and a resolution in favor of Caleb Barco; in which they ask the concurrence of that House; the resolution declaratory of the opinion of the Legislature on the right of instruction, was read the second time, and on motion of Mr. Cooper of Martin, was ordered to lie on the table.

The bill supplemental to the several acts, giving the superior courts exclusive jurisdiction in all cases of divorce, was read the second time, and resolved that the same shall not pass.

On motion of Mr. Brittain, the bill amendatory of an act passed at the present session, entitled an act granting to certain persons therein named, certain lands for the use of the Methodist Episcopal church at Franklin in Macon county, was taken up, read the third time, passed, and ordered to be enrolled.

Received from the House of Commons, the resignation of Henry Seawell, one of the commissioners for rebuilding the Capitol; endorsed in that House, read and accepted, and which was read and accepted by the Senate.

The Senate then adjourned till 4 o'clock this afternoon.

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FRIDAY AFTERNOON, JANUARY 9, 1835.

Mr. M'Queen, from the select committee, to which was referred the resolution directing them to enquire into the causes which led to the dismissal of Wm. S. Drummond, made a detailed report thereon, and in conclusion, that from the character and complexion of the whole matter, they refrain from a positive expression of opinion, relative to the weight of the reasons which have been assigned for his removal, whilst at the same time, the committee express their decided opinion, that the said Wm. S. Drummond, still deserves the public confidence, and they ask to be discharged from the further consideration of the subject; which was concurred in.

Mr. Shipp presented a resolution in favor of James Wellborn; which was read the first, second and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating the concurrence of that House, in the amendments proposed by the Senate to the engrossed bill, to authorize a fire engine company in the town of Fayetteville. Ordered that said bill be enrolled.

Received also a message concurring in the amendments proposed by the Senate, to the engrossed bill, for the better regulation of the courts of pleas and quarter sessions, in the county of Guilford. Ordered that said bill be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill for arming volunteer companies; in which they ask the concurrence of the Senate. Which was read the first time, and resolved that the same shall not pass.

Received also from the House of Commons a message, stating that they have passed the following engrossed bill and resolution, to wit: A bill to authorise the president and directors of the Literary Fund, to sell certain portions of the Swamp lands; and a resolution in favor of Richard W. Ashton;

in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed, and, on motion of Mr. Montgomery of Orange, ordered to lie upon the table. The said resolution was read the first, second and third times, passed, and ordered to be enrolled.

A motion was made by Mr. Moye of Pitt, to re-consider the bill to establish the Merchant's and Farmer's Bank, in the town of Washington; and on the question of re-consideration, it was decided in the affirmative. Whereupon the said bill was read the second time, and, on motion of Mr. Shipp, ordered to be indefinitely postponed.

A message was received from the House of Commons, stating their concurrence in the amendments proposed by the Senate, to the engrossed resolution in favor of Micajah Hooks. Ordered that the resolution be enrolled.

A message was also received proposing amendments to the engrossed resolution, directing the Public Treasurer to commence suits on bonds for Cherokee lands, and a message sent to the House of Commons, stating such concurrence.

A message was also received from the House of Commons, stating that they have passed the engrossed bill concerning the publication of the acts relative to a Convention, and the payment thereof by the Governor; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first, second and third times, passed, and ordered to be enrolled.

A message was received from the House of Commons, proposing that when the two Houses adjourn, they adjourn to meet at half past six to-morrow morning; which proposition was concurred in, and the House of Commons informed thereof by message.

On motion of Mr. Sawyer,

*Resolved,* That a message be sent to the House of Commons, proposing to rescind the joint order to print fifty copies of the Convention bill, for each member of the Legislature.

Mr. M<sup>r</sup> Williams asked and obtained leave to withdraw from the files of the Senate, the petition of William Harvey.

The Senate then adjourned until to-morrow morning, half past six.

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SATURDAY, JANUARY 10, 1835.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit; Resolution directing the Public Treasurer to pay certain monies to certain agents; a resolution in favor of R. M. Saunders; in which they ask the concurrence of the Senate. Whereupon the first named resolution was read the first, second and third times, passed, and ordered to be enrolled; the last named resolution was read the first time and passed, the resolution was then read the second time. Mr. Wellborn called for a division of the question. Whereupon the question was taken on striking out the last branch of the resolution, and was decided in the affirmative. The question then recurring on the passage of the first branch of the resolution, and decided in the affirmative. The resolution was then read the third time and passed, and a message sent to the House of Commons informing them thereof.

A message was received from the House of Commons proposing to ballot for a superintendent of public works, and stating that James Wyche is in nomination for the appointment. The proposition of the House of Commons was concurred in, and a message sent to that House informing them thereof, and that Messrs. Caldwell and Mast, attend the House of Commons

to conduct the balloting on the part of the Senate. Whereupon a message was received from that House, stating that Messrs. Allison and Cotten, attend the Senate to conduct the balloting on the part of that House.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Owen Carrol; in which they ask the concurrence of the Senate. Whereupon the said resolution was read the first, second and third times, passed, and ordered to be enrolled.

Mr. Edmonston presented the following resolution, to wit:

*Resolved*, That the Governor be required to have a copy of the Convention act, and of the act supplemental thereto, to be printed by the Public Printer.

Which was read the first time and passed. A motion was made by Mr. Beard, to amend said resolution by a substitute, to wit:

*Resolved*, That the Public Printer be employed to print the bills passed at the present session, relative to a State Convention.

And the question being taken thereon, it was decided in the affirmative. Whereupon the said resolution was read the second and third times and passed, as amended, and ordered to be engrossed.

Mr. Caldwell, from the committee appointed to conduct the balloting for a superintendent of public works, reported that James Wyche, having received a majority of votes is duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that having disposed of all the public business that has been brought before them, they are now ready to adjourn *sine die*. Whereupon, on motion of Mr. Montgomery of Orange, a message was sent to the House of Commons, stating that the Senate have also disposed of all the public business before them, are now ready to adjourn *sine die*.

On motion of Mr. Beard,

*Resolved unanimously*, That the thanks of the Senate are due, and they are hereby tendered to the Honorable William D. Moseley, Speaker thereof, for the able, impartial, and dignified manner in which he has discharged the duties of the Chair, during the present session.

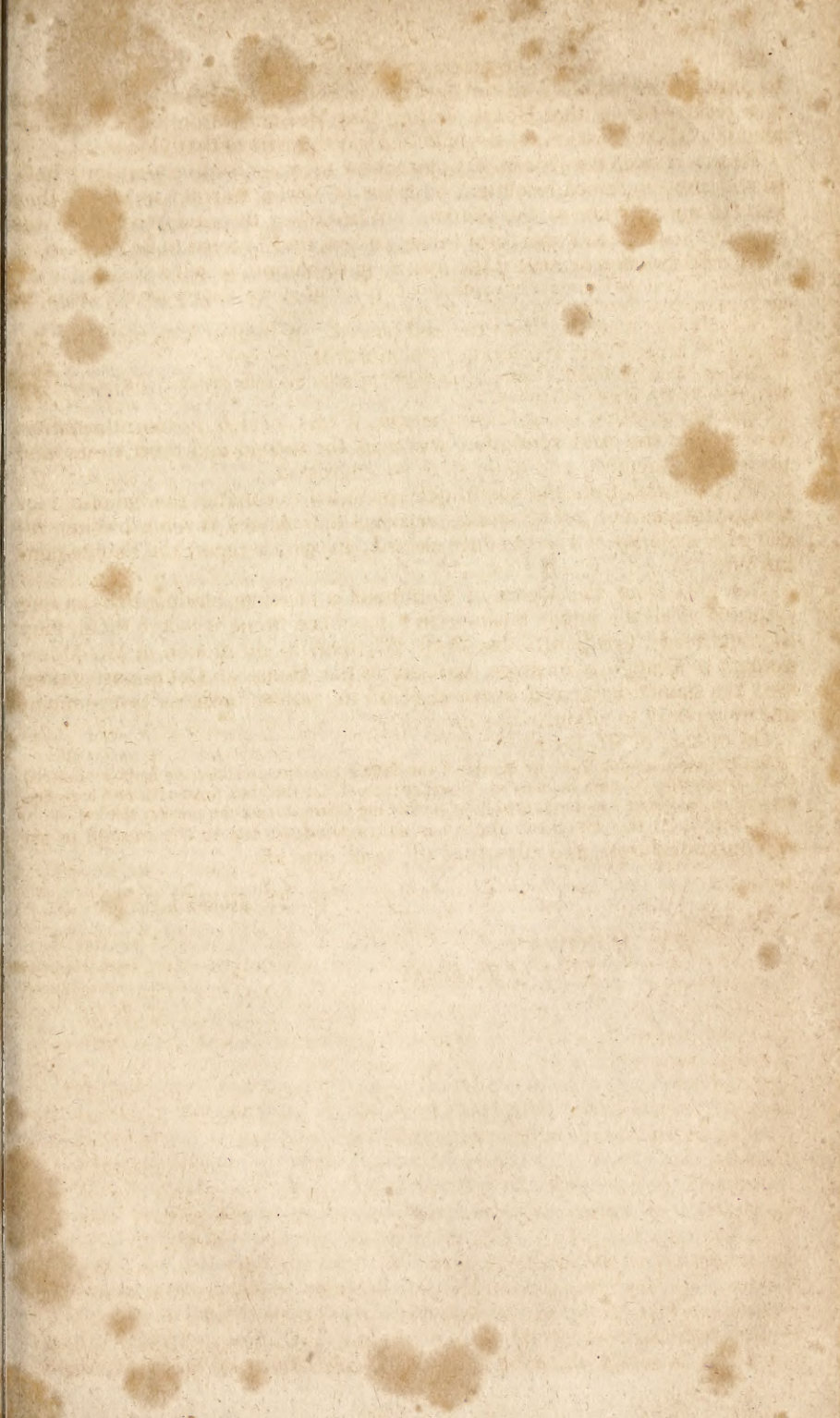
Whereupon the Speaker made his acknowledgments to the Senate in an appropriate address, and adjourned the same *sine die*.

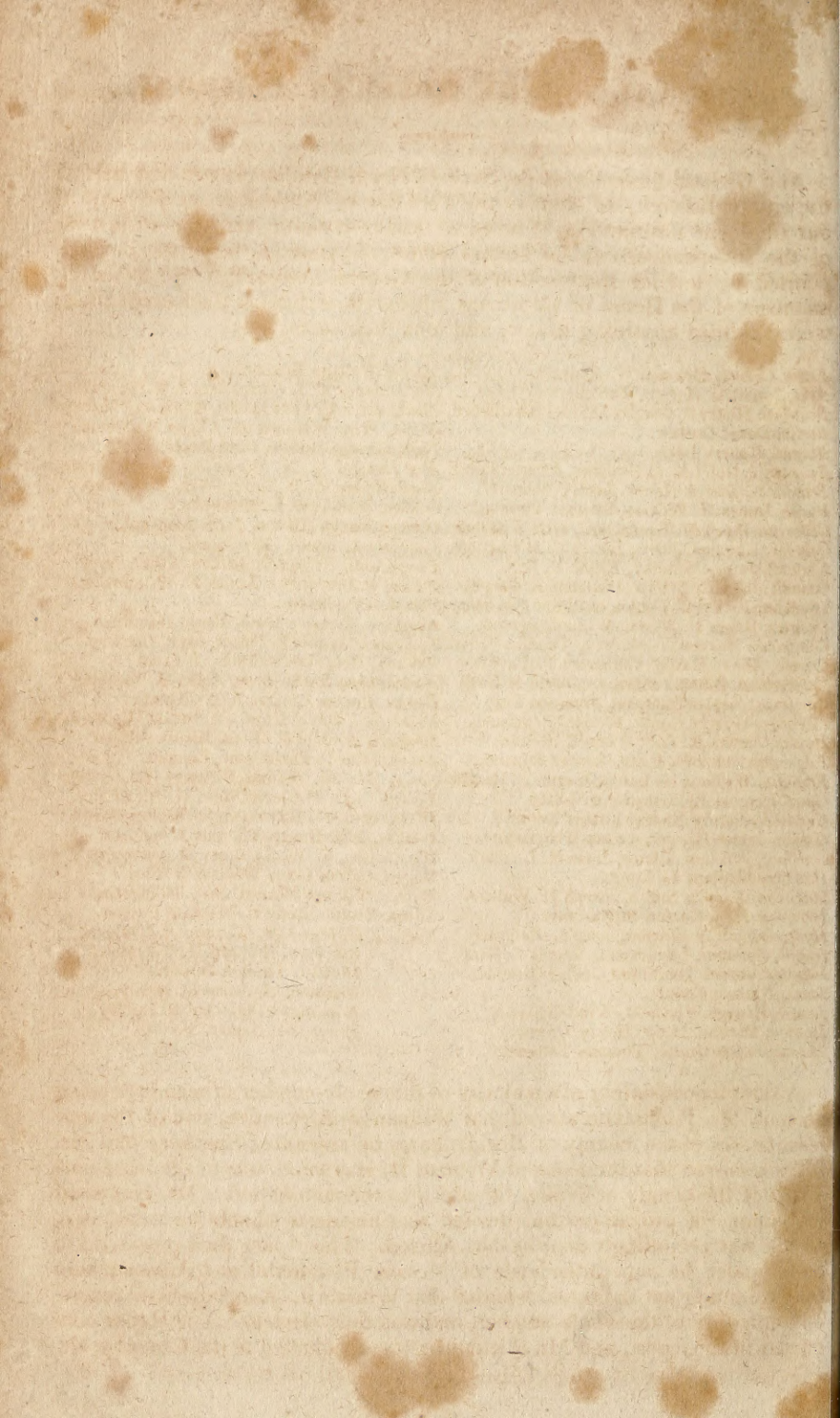
W. D. MOSELEY, S. S.

By order.

WM. J. COWAN,

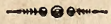
*Clerk of the Senate.*







## JOURNAL OF THE HOUSE OF COMMONS.



At a General Assembly of the State of North Carolina, begun and held in the city of Raleigh, on Monday the 17th day of November, in the year of our Lord one thousand eight hundred and thirty-four, and fifty-ninth year of the Independence of the United States of America, being the day appointed by law for the meeting of the General Assembly; the following members of the House of Commons, appeared, exhibited their credentials, were qualified according to law, and took their seats, viz:

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| <p><i>Anson County</i>, Pleasant W. Kittrell.<br/> <i>Ashe</i>, Jonathan Horton, Taliaferro Witcher.<br/> <i>Beaufort</i>, Henry S. Clarke, Samuel Smallwood.<br/> <i>Bertie</i>, David Outlaw.<br/> <i>Bladen</i>, Robert Lyon.<br/> <i>Brunswick</i>, Rob't M. McCracken, Abram Baker.<br/> <i>Buncombe</i>, Joseph Henry, James Weaver.<br/> <i>Burke</i>, James H. Perkins, Samuel Fleming.<br/> <i>Cabarrus</i>, Dan'l M. Barringer, Jacob Williams.<br/> <i>Camden</i>, Thomas Tillett, James N. M'Pherson.<br/> <i>Carteret</i>, James Manney, Elijah S. Bell.<br/> <i>Caswell</i>, John E. Brown, Littleton A. Gwyn.<br/> <i>Chatham</i>, Rich'd C. Cotten, William Foushee.<br/> <i>Chowan</i>, Baker F. Welch, William Byrum.<br/> <i>Columbus</i>, Marmaduke Powell, Thomas Frink.<br/> <i>Craven</i>, Abner Hartly, Frederick P. Latham.<br/> <i>Cumberland</i>, Dillon Jordan, jr. David M'Neili.<br/> <i>Currituck</i>, Joshua Harrison, Wallace Bray.<br/> <i>Davidson</i>, George Smith, Charles Brummell.<br/> <i>Duplin</i>, James K. Hill, Owen R. Kenan.<br/> <i>Edgecomb</i>, John W. Potts, Turner Bynum.<br/> <i>Franklin</i>, William H. Battle, Joseph J. Maclin.<br/> <i>Gates</i>, Lemuel Riddick, John Willey.<br/> <i>Granville</i>, Sandy Harris, Robert Potter.<br/> <i>Greene</i>, James Harper, James Williams.<br/> <i>Guilford</i>, William Adams, Jesse H. Lindsay.<br/> <i>Halifax</i>, William L. Long.<br/> <i>Haywood</i>, John L. Smith, Joseph H. Walker.<br/> <i>Hertford</i>, Isaac Carter, Sipha Smith.<br/> <i>Hyde</i>, Benjamin Watson, John L. Swindell.<br/> <i>Iredell</i>, Solomon Loudermilk, James A. King.<br/> <i>Johnston</i>, James Tomlinson, Josiah Houlder.<br/> <i>Jones</i>, Nathan Foscue.<br/> <i>Lenoir</i>, George Whitfield, Windell Davis.<br/> <i>Lincoln</i>, Michael Hoke, Henry Cansler.<br/> <i>Macon</i>, James Guinn, Thomas Tatham.</p> | <p><i>Martin</i>, Raleigh Roebuck.<br/> <i>Mecklenburg</i>, W. J. Alexander, J. M. Hatchison.<br/> <i>Montgomery</i>, Francis Locke, Edmund F. Lilley.<br/> <i>Moore</i>, Wm. Wadsworth, Angus M'Donald.<br/> <i>Nash</i>, George Boddie, Ford Taylor.<br/> <i>New Hanover</i>, L. H. Marsteller, Step. Register.<br/> <i>Northampton</i>, A. B. Smith, Wm. E. Crump.<br/> <i>Onslow</i>, Nathaniel L. Mitchell.<br/> <i>Orange</i>, Joseph Allison, John Stockard.<br/> <i>Pasquotank</i>, John C. Blatchford.<br/> <i>Perquimans</i>, Benjamin Mullen, Josiah Perry.<br/> <i>Person</i>, Robert Jones, James N. Williamson.<br/> <i>Pitt</i>, Luke Albritton.<br/> <i>Randolph</i>, Zebedee Rush, Benj. Hawkins.<br/> <i>Richmond</i>, James Williams, Isaac Dockery.<br/> <i>Robeson</i>, Benj. Lee, Giles S. M'Lean.<br/> <i>Rockingham</i>, Philip Iron, Elake W. Braswell.<br/> <i>Rowan</i>, Burton Craige, John Clement.<br/> <i>Rutherford</i>, David Hamrick, Jno. H. Bedford.<br/> <i>Sampson</i>, Archibald Monk, Dickson Sloan.<br/> <i>Stokes</i>, John F. Poindexter, Leonard Ziglar.<br/> <i>Surry</i>, Har. M. Waugh, Pleasant Henderso<sup>n</sup>.<br/> <i>Tyrrell</i>, Chas. McCleese, Geo. H. Alexander.<br/> <i>Wake</i>, Wm. H. Haywood, jr. Wesley Jones.<br/> <i>Warren</i>, John Bragg, Thomas J. Judkins.<br/> <i>Washington</i>, U. W. Swanner, A. Davenport.<br/> <i>Wayne</i>, Calvin Coor, William B. Fort.<br/> <i>Wilkes</i>, William Horton, Benj. F. Martin.<br/> <i>Yancy</i>, Tilmon Blalock, William Deyton.<br/> <i>Town of Hillsborough</i>, William A. Graham.<br/> <i>Salisbury</i>, Richard H. Alexander.<br/> <i>Halifax</i>, Thomas Ousby.<br/> <i>Newbern</i>, Matthias E. Manly.<br/> <i>Wilmington</i>, Edward B. Dudley.<br/> <i>Fayetteville</i>, James Seawell.</p> |
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A quorum consisting of a majority of the whole number of members being present, Mr. Poindexter moved that William J. Alexander, one of the representatives of the county of Mecklenburg, be appointed Speaker; and Mr. Allison moved that the name of William H. Haywood, one of the representatives of the county of Wake, be added to the nomination. Mr. Haywood thereupon, in proper person, desired that his name should be withdrawn, which was accordingly done by Mr. Allison. The House then proceeded to ballot under the superintendence of Messrs. Poindexter and Allison; who upon counting out the votes, reported that William J. Alexander had received a majority of the whole number, and was duly elected. The House concurred in the report, and Mr. Alexander was conducted to the Chair by Mr.

Poindexter; from which, he made his acknowledgments to the House, in an appropriate address.

On motion of Mr. Barringer, Charles Manly was appointed Clerk, and Edmund B. Freeman Assistant Clerk.

Mr. Potts moved that Richard Roberts be appointed Door Keeper, and John Cooper Assistant Door Keeper; and Mr. Graham moved that Isaac Truitt, be added to the nomination, for principal Door Keeper.

Mr. Outlaw thereupon moved an adjournment, when the House adjourned until to-morrow morning 10 o'clock.

TUESDAY, NOVEMBER 18, 1834.

Thomas C. Matthews, one of the members elect from the county of Pasquotank, appeared, produced his credentials, and was qualified according to law.

The House now proceeded to the appointment of door-keepers, when a balloting took place for principal door-keeper, under the superintendence of Messrs. Loudermilk and Clement.

A message was received from the Senate, by the assistant clerk, Mr. Cowan, informing, that that body has been duly organized by the appointment of William D. Moseley as speaker, Samuel F. Patterson, principal clerk, and William J. Cowan, clerk assistant, Thomas B. Wheeler, principal, and Green Hill, assistant doorkeeper, and that they are now ready to proceed to the despatch of public business.

Mr. Clement, from the committee appointed to conduct the balloting for a principal doorkeeper, reported that Isaac Truitt had received a majority of the whole number of votes, and was duly elected; the report was concurred in. On motion, John Cooper was appointed assistant doorkeeper.

On motion of Mr. Waugh, a message was sent to the Senate by the assistant clerk, Mr. Freeman, informing them of the due organization of this House, and of our readiness to co-operate with that body in the despatch of public business.

On motion of Mr. King, ordered, that a message be sent to the Senate, proposing to raise a joint select committee of two members on the part of each House, who shall wait upon his Excellency the Governor, inform him of the organization of the two branches of the Legislature, and of their readiness to receive any communication he may see fit to make.

On motion of Mr. Guinn, ordered, that a message be sent to the Senate, proposing to ballot immediately for three engrossing clerks, and informing that the names of William W. Hall, Thomas G. Stone, Thomas L. West, Daniel Coleman, Joseph D. Ward, Isaac Golding, Mortimer Bright and Jeremiah Blackstock, are in nomination for the appointment.

Mr. Waugh moved that a committee of five persons be appointed to prepare and report Rules of Order, for the government of the House the present session, and that in the interim, the Rules of Order of the last session be regarded as in force; the proposition was concurred in.

A message from the Senate, agreeing to ballot immediately for three engrossing clerks, and informing that Messrs. M'Cormick and Little, are appointed to conduct the balloting on behalf of the Senate. Ordered that Messrs. L. A. Gwyn and Horton superintend said balloting on the part of this House.

The Speaker appointed Messrs. Waugh, Haywood, Bragg, Seawell, and Barringer, to form the select committee on the Rules of Order.

Mr. Lyon announced to the House the death of Amos Richardson, one of the members elect from the county of Bladen, and moved that a writ of election issue to the sheriff of said county, commanding him to hold an election for a member to supply the vacancy, on Monday the 1st day of December next. This proposition was agreed to.

A message from the Senate, concurring in the proposition of this House to appoint a joint select committee to wait on his Excellency the Governor, and informing that Messrs. Shipp and Sherard, form their branch of said committee; ordered, that Messrs. Outlaw and Potts, compose this committee on the part of this House.

A message from the Senate, proposing that a joint select committee of five members on the part of each House, be appointed to prepare joint Rules of Order for the government of the two Houses during the present session, and informing that Messrs. Beard, Sawyer, Wyche, Edwards and Little, compose the committee on the part of the Senate. The message was concurred in, and Messrs. Waugh, Haywood, Bragg, Seawell and Bar-ringer, were appointed said committee on behalf of the Commons.

Mr. Outlaw, from the committee appointed to wait upon his Excellency the Governor, reported that the committee had discharged their duty, and that the Governor would this day make a communication to the General Assembly in writing.

Mr. Gwyn, from the committee appointed to conduct the balloting for three engrossing clerks, reported that Daniel Coleman, William W. Hall and Thomas G. Stone, had each received a majority of the whole number of votes, and were duly elected. The report was concurred in.

Received from his Excellency Governor Swain, by his private Secretary, Mr. William R. Hill, a message in writing, which, upon being read, was on motion of Mr. Bragg, ordered to be transmitted to the Senate, with a proposition that it be printed, one copy for each member of the Legislature.

*To the General Assembly of the State of North-Carolina :*

GENTLEMEN: The gratification which it always affords me to witness the assemblage of the immediate representatives of the people, is greatly heightened upon the present occasion, by the peculiar circumstances under which you have convened. Although we have neither, as an independent State, nor as one of the constituent parts of a great nation, attained the highest degree of prosperity and happiness within our reach, we have reason to believe that we have made important improvements in the science of Government, and have done much to perpetuate and diffuse the lights of civil and religious freedom at home and abroad. Such considerations must excite in every patriotic bosom, not merely emotions of pleasure, but the most heart-felt gratitude to the Great Author of these distinguished blessings. Deeply sensible as we may be, however, of the superior advantages which we enjoy, in comparison with any other people, either ancient or modern, we should recollect that nations, as individuals, must continually press forward in the contest for human excellence, if they would preserve their relative superiority.

No truth in political science is more clearly established, than that the public liberty can only be preserved by the distribution, among various departments, of the powers of Government. The great excellence of our Constitution consists in this distribution, and however much we may regret to witness a conflict for authority between these departments, there is no difficulty in determining that while the checks and balances are preserved, though public harmony may be disturbed for a time, the public liberty is safe. It is only when too much power is grasped by either, that the whole system of Government is endangered.

That your attention should be mainly directed to objects of State legislation, cannot be doubted. This does not preclude, nevertheless, a proper degree of vigilance with respect to the proceedings of the General Government, since upon the purity of its administration may depend not only public prosperity, but individual security and freedom. Pursuing the course indicated by these suggestions, I will proceed at once to the most important subjects which are in my opinion proper for your consideration. Of these, the proposition to amend the Constitution of this State, first introduced into the General Assembly, in 1787, and which has continued to command the public attention for nearly half a century, is regarded as most

prominent. Upon a subject of such universal interest, and involving so many important considerations, you have a right to expect an unreserved communication of the opinions of the Executive Department. The circumstances which, in my estimation, rendered such a course improper at the commencement of the last session, do not now exist, and I avail myself of the first fair opportunity, which has been afforded to me, to present my views of this perplexing, but interesting question.

The Constitution itself is silent on the subject of amendment, and this circumstance has given rise to great diversity of opinion as to the mode in which it may be effected. It has been contended, on the one hand, that if the legislature is not alone clothed with this highest attribute of sovereignty, it has the exclusive right to direct the time when, the agents by whom, and the manner in which it shall be exercised; and that the acts of a Convention assembled without legislative sanction, would be unauthorised and void. On the other hand, it is insisted that no change of the fundamental law can be legitimate, unless it proceed from the people in their primary assemblies; and that all action upon the subject by the Legislature is an usurpation of power. I apprehend that neither position is true to the extent which is sometimes contended. That all political power is vested in and derived from the people only, is a leading principle in our Bill of Rights; and it would seem to be a necessary deduction from it, that they have, in the absence of all stipulation upon the subject, the right to determine in what manner it shall be exercised. Without entering into any formal reasoning upon the subject, however, or even looking abroad for authority, it is believed that the argument may be safely rested upon the precedents which have come down to us, clothed with the sanction of the framers of the Constitution, and of the two successive Conventions to which it has been submitted for amendment. It will not be contended that the Constitution cannot be amended, or entirely abrogated, and a new system adopted, by the same power, exercised in the same manner, which gave existence to the former. The incipient measures towards the adoption of the present Constitution, proceeded neither from the Legislature nor from the people in their primary assemblies; nor was it framed by delegates chosen for that purpose only.

On the 9th of August, 1776, the Council of Safety, which consisted of two members from each of the judicial districts in the State, appointed by the Provincial Congress which assembled at Halifax in April preceding, adopted the following resolution:

"The representatives of the United States of America, in Congress assembled, at Philadelphia, the 4th day of July, 1776, having determined that the thirteen United Colonies are free and independent States, and in consequence thereof having published a Declaration of Independence:

"Resolved, That it be recommended to the good people of this *now independent State* to pay the greatest attention to the election, to be held on the 15th of October next, of delegates to represent them in Congress, and to have particularly in view the important consideration, that it will be the business of the delegates then chosen, not only to make laws for the good government of, but also to form a Constitution for this State; that this last, as it is the corner stone of all law, so it ought to be fixed and permanent; and that according as it is ill or well ordered, it must tend in the first degree to promote the happiness or misery of the State."

The delegates elected to the Provincial Congress, in pursuance of this recommendation, convened in Halifax in the month of December following, and in addition to the discharge of the ordinary legislative, judicial and executive duties, adopted the present system of fundamental law. The Constitution thus formed, has twice undergone amendment. In 1788, the Convention which assembled to consider the Federal Constitution, in compliance with "a recommendation of the General Assembly to that Convention," to consider the propriety of extending to the town of Fayetteville the right of representation in the General Assembly, passed an ordinance for that purpose. The convention which, in the month of November of the following year, adopted the Federal Constitution, acting under a similar recommendation from the General Assembly, passed the ordinance to establish the place for the future seat of government. Neither the Constitution itself, nor either of these amendments was at any time submitted to the people for ratification; and it is remarkable that the resolution of 1787 *did not recommend to the people* to elect members to a Convention with power to consider the propriety of allowing a town member to Fayetteville, but confided the discretion immediately to the Convention called to consider the Federal Constitution. Without pursuing this discussion further, the conclusion may be fairly drawn, that a legislative recommendation to the people to select a Convention, clothed with authority to exercise the highest duties of legislation, is in strict accordance with first principles, and in precise conformity to all the precedents afforded by our history. It is not considered necessary to inquire into the validity of other modes which have been suggested as proper to effect this object; because the one proposed is entirely adequate to the end in view, is the only one that comes within the legitimate range of legislative authority, and has twice received the unanimous sanction of the founders of the Government. Nor is any discussion of the principle so frequently controverted, that a Convention may be invested with limited powers, believed to be called for. If the precedents before us are authorities, the affirmative is conclusively established; for neither the Convention of 1788, nor that of '89, had any other power in connexion with the State Constitution, than to allow Fayette

ville a town member, and to establish the seat of government. The objection, indeed, seems to be altogether of recent origin, and not to have been even suggested in the frequent discussions which the subject underwent at that period.

Satisfied myself that you have the authority to direct that a Convention shall be convened, to consider the Constitution; to prescribe the specific powers with which it shall be invested, and that any act it may perform, which shall transcend these limitations of power, will be void, I beg leave to state briefly some of the reasons which induce me to recommend that a Convention with limited powers shall be called.

A particular examination of the various changes which have been proposed to our fundamental law would not comport with the character of this communication. The great object to be attained is a radical change in the basis of representation. It is obvious that the statesmen of 1787 contemplated no other innovation upon the Constitution than to substitute either population or taxation, or both combined, as a basis instead of the arbitrary principle of county representation, without regard either to numbers, or wealth, or even territorial extent. It is believed that no material innovation is generally desired at the present day, on any other department of the government, than the legislative, unless the proposed change in the mode of supplying vacancies in the executive department shall be so considered.

This system of representation had its origin no doubt in the universal disposition which existed among the colonists, at the organization of their political society, to assimilate our institutions as nearly as practicable to those of the mother country. And although it has been entirely abolished or greatly modified by all the old States, with the exception of Maryland and North Carolina, and has not been adopted by any one of the new States, it is believed to have prevailed universally in the colonial forms of Government. It is not surprising that a principle of such high antiquity in the parent State, and which had received the general sanction of the colonies, should have found favor with the Congress which framed our Constitution.—But that it should have been acquiesced in for nearly half a century after it had been rejected by most of the other States, and had failed to command the concurrence of the united wisdom of all of them in the Convention that framed the Federal Constitution, exhibits striking evidence of the patience and patriotic forbearance of that portion of our citizens who regarded themselves as aggrieved by its inequality.

From an early period in our history, however, this basis of representation has been the source of constant disquietude. An act of Assembly passed, in 1746, when there were but fourteen counties in the province, recites that the inhabitants of several of the northern counties claim the privilege of being represented in the Assembly by five members, “while those of the more Southern and Western counties, who are more numerous and contribute much more to the general tax of the province, are represented only by two members; from which inequality great mischiefs and disorders have arisen, and the best schemes for the good and welfare of the province have been utterly defeated.”—The proposition to change the system in 1787 and the following year, was introduced and sustained by some of the most distinguished statesmen of that era, who were also conspicuous members of the Congress which framed the Constitution itself. It was adopted in both instances by one branch of the Legislature, and would most probably have succeeded in the other, but for the nearly unanimous opposition of the members from the counties which now constitute the State of Tennessee. It was then, as at present, the source of contention between the populous and sparsely settled counties, and hence the change was universally desired by the maritime portion of the State. The cession of our western territory to the General government, obviated, to some extent, the inequality previously complained of, and restored temporary harmony to our public councils. It is unnecessary to illustrate the practical operation of this system by particular examples. It is certain that it subjects the majority to the rule of the minority, and confers on those who pay comparatively but a small proportion of the public expense, the power to control the entire resources of the country. If the wisdom, patriotism, and spirit of compromise requisite to the permanent and satisfactory adjustment of this controversy, shall be found united in the present General Assembly, you will achieve a triumph of inestimable importance, and entitle yourselves to the lasting gratitude of posterity.

It is perfectly certain, that until this source of contention shall be withdrawn, the baneful spirit which distracted our colonial assemblies, will continue to thwart all efforts towards wise and liberal legislation, and defeat “the best schemes for the good and welfare of the State.”

As next in importance to this fundamental question, the relations which exist between this State and the General Government, will claim your consideration. This subject, it will be recollected, was referred to in the last annual message, and the disposition intimated to discuss it at a future period. The opinion then expressed, that the growth of this State in power and wealth, retarded as it has been by certain natural disadvantages, has also been greatly impeded by the effects resulting from various acts of federal legislation, remains unchanged. A simple statement of facts will render it apparent, that we sustained great losses in the partial adjustment of the debts incurred by the confederacy and the States in the revolutionary war;—that the fiscal system rendered necessary by the assumption of the debts of the States, on the part of the Federal Government, was deeply prejudicial to our interests;—and that now,

When the national debt is extinguished, we have a clear right to such indemnity as may be afforded, by an equitable distribution by Congress of the fund created, but no longer needed for that purpose.

It is not proposed to examine the details connected with our claims for expenditures during the war of the revolution. A mere reference to the rule by which the adjustment was made, is all that is necessary to a correct view of the subject. By the articles of confederation, it was stipulated that all expenses incident to the common defence and general welfare should be paid out of a common treasury, to be supplied "by the several States in proportion to the value of all lands within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon should be estimated," in the manner that might thereafter be directed. The act of Congress of 1790 changed this rule, and provided that the expenses incurred by the confederation in the common defence and general welfare, should be paid by the States, in proportion to the federal population, which should be ascertained to belong to each by an enumeration, which was then directed to be taken. In the House of Representatives of the Congress which adopted this apportionment, this State and South Carolina, under the rule of representation established by the Constitution, had five members each, or *one thirteenth* of the whole number of which that body was composed. By this substituted rule of apportionment, however, North Carolina became chargeable with *one-tenth*, and South Carolina with *one-seventeenth* of the public debt. North Carolina was made a debtor State to the amount of about half a million of dollars, while South Carolina received from the Treasury of the United States more than twice that sum. It is apparent that if the original principle recognized by the articles of confederation had been adhered to, that the result would have been widely different, and that the one which was observed, operated most unequally in regard to our interests. Some attention to the details of the settlement, has produced upon me the impression that we were scarcely more unfortunate in the selection of the rule, than in its application to the various questions touching our expenditures determined by the commissioners.

It is proper to remark that comparison has been instituted between this State and South Carolina, not because the disproportion was greater than in one or two other instances that might have been referred to, but principally for the reason that her proximity to us, and similarity of situation, rendered this the most apt illustration.

The same act of Congress which prescribed the proportion in which the debt created during the revolution should be paid by the several States, laid the foundation of the revenue system which has prevailed until the present period. It provided likewise for the assumption by the General Government of debts which had been contracted by the individual States, to the amount of twenty millions and a half of dollars; and for the gradual redemption of the whole debt, foreign and domestic, the proceeds of the public lands, which had been ceded by the several States and an impost of seven and a half per cent. *ad valorem*, were constituted a sinking fund. It is evident that at the period of this enactment, the public domain was looked to as the principal source from which this fund was to be derived, and that it was not intended to have recourse to any species of taxation longer than might be necessary to render the proceeds of the former available.

No prejudice is entertained against a revenue arising from imposts on foreign merchandize. On the contrary, it is regarded as the most convenient mode of taxation yet devised. If experience has shewn that it may readily be applied to favor the industry of one section of the Union at the expense of another, and that it affords an opportunity to the federal legislature to require from our citizens larger contributions than are necessary to an economical administration of the government, it is an argument against the abuse, and not the legitimate exercise of a necessary power. A tariff of the duties on imported goods was at an early period recognized by various acts of the Legislature of this State as a favorite mode of taxation. It is well known that one of the strongest arguments pressed upon the General Assembly of 1785, by our delegation in Congress, to induce the cession of our western territory to the confederation, was that it was necessary to the introduction of this system; and that on no other condition would some of the eastern States, and particularly Rhode Island, submit to a *five per cent. impost*. There is no fact connected with our history under the confederation, more clearly established than the early and continued anxiety of the State of North Carolina to provide an adequate revenue for the government by a tax upon importations. The impression which then prevailed, however, of the relative proportions of revenue which would be required by the General and State Governments, as shewn by the early legislation of each, is fraught with important instruction. In 1783, an impost of *five per cent. ad valorem*, to provide means for the redemption of a debt of more than fifty millions, limited in the term of its continuance to twenty-five years, was proposed by North Carolina, and failed to obtain the concurrence of the confederacy. At the same session, an impost of two per cent. and every species of direct tax which now prevails, was levied for the State Government. The act of Congress of 1790, before referred to, sets apart for the payment of the civil and contingent list of the United States, the sum of *six hundred thousand*

dollars. It is very clear that upon the part of this State no doubt was entertained that a comparatively small share of the taxes paid by her citizens, would be required by the Federal Government. Instead, however, of this expectation being realized, we now find that the revenue accruing to the Treasury of the United States from this State is, upon the lowest principle of computation, greater by twenty fold than the amount required to sustain the State Government; and that the expenses of the civil and contingent list, during the last year, exceeded the entire amount of State debts, the assumption of which in 1790 created universal alarm.

The predictions of able and patriotic statesmen in our Convention which rejected the Federal Constitution, that a system of heavy taxation and lavish expenditure would grow up under it, although derided at the time as chimerical by others neither less wise nor patriotic than themselves, have been realized to an extent which the most fearful and far-sighted did not apprehend. Whether these evils are not rather to be regarded as obviously resulting from the abuse of delegated power, than as effects which might reasonably have been anticipated from the instrument itself, it is not now proper to inquire. But he who does not perceive the constant tendency of the Federal Government to extend its powers, augment its resources, and multiply its expenditures, must be very inattentive to our past and present history.

Injurious as was the arrangement of the revolutionary claims to the interests of this State, and oppressive as the fiscal system of the General Government has been to all the southern States, we derive consolation from the reflection that we have outgrown, in some degree, the effects of the first, and enjoy the prospect of relief from the last. We have arrived, too, at a period in our affairs, which authorizes the expectation, that though an indemnity cannot be afforded, some reparation may be obtained for the injuries we have suffered. The perplexing questions connected with the tariff system have been adjusted for the present, and, it is hoped, will be finally settled on the expiration of the act of 1832. The national debt is extinguished, and the national domain is relieved from the pledge under which it was held for the benefit of the General Government. The important question for the first time arises for consideration, what disposition shall be made of it? Louisiana and Florida were acquired by purchase, and, of course, under the Constitution of the United States, are the common property of the Union. All other portions of the public domain were ceded to the confederacy, or have, as in the instances of this State and Georgia, been conveyed to the United States since the adoption of the Constitution, "as a means as well of hastening the extinguishment of the debts as of establishing the harmony of the United States." All the deeds of cession contain a condition substantially the same with that to be found in the deed executed upon the part of this State, viz. that the lands ceded "shall be considered as a common fund, for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use and purpose whatever."

The "debt" to be extinguished was the debt created in the common defence anterior to the date of the instrument, and the fund, after the extinguishment of this debt, was to be applied to "the use and benefit of the United States, according to their respective and usual proportion in the general charge and expenditure." This would seem to be the obvious and fair construction of the deed; and it results, as a necessary consequence, that North Carolina, having been burthened, at the period when her citizens were least able to sustain it, with *one-tenth* of the whole amount of the public debt, is entitled to receive a like proportion of the fund which remains undisposed of.

Whatever conclusion you may come to on this subject, it seems to me that the proposition either to give these lands to the States within which they are situated, or to reduce the price at which they have hitherto been disposed of, is wholly inadmissible. Next to the operation of the revenue system, no other measure of the General Government has so seriously affected the interests of the old States as the low prices at which emigrants have been enabled to obtain the most fertile lands in the valley of the Mississippi. No one can have failed to perceive the diminution in the value of real property in this State already occasioned by it, or doubt a moment the ruinous consequences which must result from a further reduction of the price of public lands. These lands were obtained by the blood and treasure of the old States, and while we should be disposed to continue the same liberal policy to the younger members of the Confederacy, which has characterized all the proceedings of the General Government, it ought not to be expected of us to go further. At all events, the southern States, having during nearly half a century exhausted their resources in the payment of bounties to the ingenuity of the eastern, must not be ruined, that adequate rewards may be provided for the enterprise of the western States.

The existing tariff of duties, which, happily for the country, has been satisfactorily arranged for the present at least, must produce a revenue entirely adequate to an economical administration of the Government, and additional resources will but tend to prodigality and corruption. There seems to be no good reason, therefore, why, the object having been accomplished for which the sinking fund was created, the national domain shall not be divided in the stipu-

lated proportion among all the members of the Confederacy. To the State Governments it will afford the most important aid in the prosecution of schemes of internal improvements, and the diffusion of the means of education. All experience proves that, if the power could be rightfully exercised, the General Government is not competent to the accomplishment of these great purposes, and the heavy amount paid by this State indirectly into the Treasury of the U. States, under the operation of the present revenue system, if this fund be denied us, places the accumulation of the requisite means beyond our reach, within any reasonable period of time.

My opinions with respect to the necessity of a speedy and efficient prosecution by the State of a general system of internal improvements, were communicated at length in the report submitted to the General Assembly at the last session, by the Board for Internal Improvements.— It is not proposed to discuss, at present, any one of the various topics which were then fully considered. The experience of another year affords conclusive proof that individual associations never will, and never can accomplish any plan commensurate with our necessities and resources. If the money alone, which has been expended by our legislative councils in the creation of corporations, that have existed only on paper, and are a most convenient incumbrance on the statute book, had been applied to the construction of some one work, at a proper point, we should have had before us an experiment, which would, at least, have afforded useful instruction. The continually increasing current of emigration, which is depriving us of many of our most intelligent and enterprising citizens, and a large portion of our wealth, particularly in the section of the State hitherto regarded as the most populous and opulent, imparts to this subject a painful interest. If the evil admitted of no remedy, allusion to it would be both weak and idle. It is not, however, so considered. In the extent of her territory, the variety of her productions, the fertility of her soil, and salubrity of her climate, North Carolina will compare advantageously with the most prosperous members of the Confederacy. The obstructions to the navigation of our rivers, by the falls created by the ledge of granite which traverses the State from north-east to south-west, and the impossibility of entering either of the ports connected with these rivers, with ships of the largest class, are certainly great natural disadvantages. It is believed, however, that these difficulties may be obviated to an extent which will ensure us all the commercial facilities essential to a highly prosperous condition. We have a wider extent of sea coast than any State in the Union, and the best inlet and harbor south of the Chesapeake. We have the power to connect this harbor with nearly all the navigable waters of the State, and thus bring the blessings of commerce not only to the doors of our own citizens, but afford a national highway to our sister States, of great importance in time of peace, and of inestimable value in war. Under such circumstances, to permit public prosperity either to decline or remain stationary, is as foreign from our duty as it is injurious to our interests and repugnant to our feelings. The period cannot be distant, when other objects than the disbursement of sums smaller than the aggregate of legislative expenses shall be considered as falling within the legitimate range of your duties. The immediate representatives of the people, the highest and most responsible functionaries recognized by the theory of our Government, are selected and convened for the attainment of objects essential to the public weal, which cannot be effected by individual effort. I am satisfied myself that the course of legislation hitherto pursued, is to be ascribed to local divisions more than to any other cause, and the hope is fondly cherished that you will not separate without the adoption of such measures as shall make us a united people, as well in feeling as in interest.

The revenue system of this State is radically defective, and requires both revision and amendment. For some years past, the disbursements from the Public Treasury have exceeded the ordinary receipts, and we have been gradually consuming the principal of a productive fund which had been accumulated by the economy of preceding years. The investments which have been made in the stock of the Bank of the State of North Carolina, leaves it no longer in our power to pursue this exhausting process, and we are compelled to provide other means to defray the expenses of the Government. This, it is believed, may be effected without any increase of the present rate of taxation, if provision is made to secure a fair valuation of real estate, and to ascertain the number of individuals legally liable to poll tax. The Government of the country should never hold out temptations to its citizens to do wrong.— Such, however, is the manifest tendency of the most important principles of our fiscal system. In practice, whatever may have been the theoretical speculations of the law-giver, every owner of real estate assesses the value of his own freehold, and it follows as a necessary consequence, that the individual, who is honest under all circumstances, contributes his fair proportion to the maintenance of the Government; while he who is less conscientious, receives a direct reward for his iniquity.

The same objection applies with still greater force to the regulations under which the poll tax is levied. All slaves over twelve and under fifty years of age, are subject to a capitation tax. If every slave owner in the community were entirely disposed to do so, it is no very easy task to ascertain accurately the proportion of his slaves who are between twelve and fifty years of age. Records are rarely kept of the ages of those born upon our estates, and we have still greater difficulty in ascertaining the ages of such as have been acquired by purchase or in-



heritance. He, however, who is not scrupulously honest, may satisfy his conscience by very superficial inquiries, when they agree with his interest; and the individual who is entirely beyond the influence of moral coercion may commit fraud with impunity. Attempts to detect crimes of this character, are rarely made; and if they were more frequent, success, in the nature of things, is nearly impossible. A single example will suffice to establish the correctness of these remarks, and shew the extent to which the revenue is defrauded. The aggregate number of slaves in this State, in 1330, was 246,462. At least one half of these, by every authorized principle of computation, were between the ages of twelve and fifty years, and, at the rate of twenty cents each, should have contributed to the Public Treasury 24,646 dollars. The entire amount of poll tax derived in that year, from this source, and from the same rate of taxation imposed on every free male between the ages of twenty-one and forty-five, in a population of little less than half a million, was \$28,211 35, exclusive of the six per cent. commissions retained by the sheriffs for collection. It is confidently believed that if a fair mode for the valuations of lands were provided, and a proper system of accountability devised with respect to the poll tax, that the amount of revenue derived from these sources would be increased one-fourth, and that this reform alone would enable the Public Treasurer to meet the ordinary expenditures from his department. With respect to the tax on slaves, a simple, easy and efficient remedy would probably arise from abolishing the discrimination of ages, and imposing a tax on each. In practice, it will be found no more burthensome, and the process more simple, to give in the whole number of slaves at ten cents, than to ascertain the number of those between twelve and fifty, who are subject to twenty cents; and those who now misrepresent the ages of their slaves, without the fear of detection, will find it much more difficult to conceal their number.

I have heretofore ventured to express the opinion, that too large a proportion of the public burthen is imposed upon those who are subject to a poll tax only, and that the range of taxation should be extended. Subsequent reflection has satisfied me entirely of the correctness of the position. The poll tax on the day laborer and the capitalist is precisely the same; and it sometimes happens that the latter, like the former, is subject to no other species of contribution.— In the one case, it is an onerous imposition; in the other, a tax a thousand fold greater might occasion no sensible inconvenience. It seems at least to be worthy of consideration, whether pleasure carriages, and other articles of luxury, and especially collateral inheritances, should not be brought within the operation of our revenue laws.

The Report of the Public Treasurer will exhibit a detailed statement of the receipts and expenditures of the Treasury Department, which will present all the information that can be desired upon the subject. His views with respect to our financial system, will command attention, and afford satisfactory evidence of the diligence and ability with which his duties have been discharged.

The Bank of the State of North Carolina, incorporated by an act of the last Legislature, has gone into operation at an earlier period, and under more favorable auspices, than was anticipated by its most sanguine friends. The entire amount of stock authorized to be subscribed by individuals (900,000 dollars) has been taken, and the payments made with more than ordinary punctuality. Of the stock reserved for the State, (600,000 dollars,) but one-fourth has been subscribed and paid for by the Public Treasurer. The remaining three-fourths must be secured within the period of two years from the first of January next, or the privilege reserved to the State will be forfeited. Your attention is thus early directed to the subject, that proper measures may be adopted by a judicious revision of our revenue laws, by the sale of other public stocks, or by resorting to a loan, to attain one of the leading objects contemplated by the charter of this institution.

Some legislation is necessary with respect to the publication and distribution of the Acts of Assembly. The transmission of a single copy to the Executive of each State, is at present authorized, while we receive from nearly all the States a copy for the Executive Department, and one for each branch of the Legislature. It is the duty of the Secretary of State to deliver to the Public Printer, at an early period after the adjournment of the General Assembly, copies of all acts, which have been passed. But it is not made the duty of any one to arrange the order of publication, to prepare indexes and marginal notes, and to revise the proof sheets. This evil has been increased by the anxiety which prevails at the close of the session to expedite business, by the employment of inexperienced engrossing clerks. The mistakes which last winter escaped the vigilance of the examining committees, have not only deformed the statute book, but have materially affected the construction of some of the most important enactments of the session.

The death of James Grant, Esquire, late Comptroller of Public Accounts, has deprived the State of the services of a faithful and vigilant officer. This event occurred at too late a period to admit of my assembling the Executive Council with a view to a temporary appointment, and the office is, therefore, vacant. The duties of the Comptroller have devolved upon the Treasury Department at the busiest season of the year, and it is desirable that this vacancy should be supplied at as early a day as practicable.

Perhaps a fairer occasion may never be presented for suggesting that the practice which has

prevailed of late years, of selecting Councilors from remote sections of the State, is a virtual infraction of the Constitution. For a long period subsequent to the establishment of our Government, the members of the Council were chosen from the immediate vicinity of the Governor. He was thus enabled, almost without expense to the public, and without any delay, to consult his constitutional advisers on all subjects of importance. Even applications for pardon, in capital cases, were invariably submitted to this body, which was, in fact as well as in name, a branch of the Executive Department. The inconvenience of this innovation may, at no distant day, operate most injuriously. If the late Comptroller had died a few weeks earlier, it would have been impossible to have supplied his place in time for the settlements which the Sheriffs are required to complete by the first of October in each year. So nearly has this portion of Executive power been annihilated by modern practice, that those who are presumed to exercise it have not been convened at any period during my administration.

I have received within the last few days the proceedings of a meeting of the citizens of Wilmington, called to consider "the outrage recently committed on American citizens at Nassau, New Providence, by certain officers of that Island. The resolutions adopted on the occasion, are laid before you at the request of the meeting. They will doubtless receive the consideration due to the importance of the subject, and the respectable source from which they emanate. Besides the adoption of such measures as you may deem advisable with respect to this affair, I regret to state that some legislation seems to be necessary to protect the rights of our citizens to their slaves from domestic aggression. The combinations which exist in some of the eastern cities, to prevent, by the expense incident to protracted litigation, the recaption of fugitive slaves, have rendered it the interest of the owner, in many instances, to abandon his title to such property. An individual of this city, in a contest of this character, where the proof adduced was more clearly made out than would, perhaps, be possible in one out of a hundred cases, found it necessary to expend, in the progress of a suit finally decided by the Supreme Court of New York, a much larger sum than the value of the slaves. The evil might find its appropriate remedy in the levy of a tax on slave owners to defray the expenses of similar litigation in future. The knowledge that such a fund existed, would doubtless obviate the necessity of frequent expenditures.

It affords me pleasure to state, that the Attorney General, who has been charged with the duty of pressing our claims for expenditures during the late war with Great Britain upon the consideration of the War Department, entertains confident hopes of a speedy and equitable settlement. His correspondence upon this subject will be transmitted to you in the progress of the session.

The act passed at the last session of the General Assembly, directing the Governor to appoint three commissioners, whose duty it should be to revise and digest the public statute laws of this State, has been complied with. The trust was, at an early period after the adjournment of the Legislature, confided to William H. Battle, Gayin Hogg and James Iredell, Esqrs. who entered upon the immediate discharge of their duties. The severe indisposition of one of these gentlemen has greatly impeded the progress of the work, though it is believed it may be completed within the period limited by law. A report upon this subject is understood to be in preparation, and will probably be transmitted to you in a few days.

My Letter Book, together with the various resignations which have been transmitted to this Department since the adjournment of the last Legislature, will be laid before you by my Private Secretary.

The various important topics with respect to which I have considered it my duty to express my opinion, have extended this message to an inconvenient length. I have found it necessary, nevertheless, to reserve some matters of less general interest, which will be submitted for your consideration in the progress of the session. In conclusion, I have only to assure you of my hearty co-operation in every measure which may be calculated to preserve the liberty and promote the prosperity and happiness of our constituents.

DAVID L. SWAIN.

*Executive Department, N. C. Nov. 17, 1834.*

WEDNESDAY, NOVEMBER 19, 1834.

Thomas J. Pugh, one of the members elect from the county of Bertie, and Daniel S. Sanders, one of the members from the county of Onslow, appeared and were qualified according to law.

The Speaker presented to the House a letter addressed to him by Jonathan H. Haughton, the member elected from the town of Edenton, resigning his seat in this House. Whereupon, on motion of Mr. Outlaw, ordered that a writ of election issue to the sheriff of Chowan county, commanding him to hold an election for a member to supply said vacancy, on Thursday the 27th instant.

On motion of Mr. Potts, ordered, that a message be sent to the Senate, proposing that the two Houses ballot on to-morrow, for a Comptroller of public accounts, and informing that the names of Edmund B. Freeman, James K. Dodge, Louis H. Marsteller, Nathan A. Steedman and Robert Perry, are in nomination for the appointment.

The Speaker laid before the House the annual report of the Public Treasurer; which, on motion of Mr. Maclin, was ordered to be transmitted to the Senate with a proposition, that the report together with the documents accompanying, be printed, one copy for each member of the General Assembly.

The names of William P. Williams and Benjamin S. King, were added to the nominations for a Comptroller of public accounts, and the Senate informed thereof.

On motion of Mr. Craige,

*Resolved*, That so much of the message of his Excellency the Governor, as relates to the subject of a Convention, be referred to a select committee.

On motion of Mr. King, ordered that a message be sent to the Senate, proposing that a joint select committee of three persons on the part of each House be appointed to procure a bell, or agree upon some other signal to give notice of the meetings of the Legislature.

On motion of Mr. Waugh, ordered, that a message be sent to the Senate, proposing to raise a joint select committee on Military Affairs.

A message from the Senate, agreeing to the proposition of this House to ballot on to-morrow, for a Comptroller of public accounts. The names of Ichabod Wetmore and John B. Muse, were added to the nominations for this office.

The House now proceeded under the Rules of Order, to the appointment of the following standing committees, viz :

*Committee on Claims*—John C. Blatchford, J. R. J. Daniel, Turner Bynum, Nathan Foscue, Robert M. M'Cracken, Joseph J. Maclin, David M'Neill, John Stockard, Philip Irion, Richard C. Cotten, Jacob Williams, James Weaver, Jonathan Horton.

*Propositions and Grievances*—John Willey, Wm. E. Crump, Uriah Swanner, Abner Hartly, Nat. L. Mitchell, Robert Potter, Isaac Dockery, Wesley Jones, Leonard Ziglar, Charles Brummell, James M. Hutchinson, James W. Guinn, Solomon Loudermilk.

*Education*—Thomas C. Matthews, Thomas J. Pugh, John W. Potts, Matthias E. Manly, Archibald Monk, George Boddie, William Wadsworth, William A. Graham, Littleton A. Gwyn, William Foushee, Michael Hoke, James H. Perkins, Harrison M. Waugh.

*Agriculture*—Lemuel Riddick, Absalom B. Smith, John L. Swindell, George Whitfield, James K. Hill, William H. Battle, Francis Locke, Joseph Allison, William Adams, Benj. Hawkins, Henry Causler, John H. Bedford, William Horton.

*Internal Improvement*—James N. M'Pherson, Thomas Ousby, Charles M'Cleese, James Manney, Edward B. Dudley, Sandy Harris, James Seawell, William H. Haywood, John E. Brown, John Clement, Daniel M. Barringer, William Deyton, James A. King.

*Privileges and Elections*—Thomas Tillet, David Outlaw, Henry S. Clarke, Elijah S. Bell, Owen R. Kenan, Thomas J. Judkins, Pleasant W. Kittrell, James M. Williamson, Jesse H. Lindsay, Burton Craige, Michael Hoke, John L. Smith, Pleasant Henderson.

Mr. Waugh, from the committee appointed to prepare Rules of Order for the government of the House, reported the following; which were read and adopted:

#### THE SPEAKER.

1. He shall take the Chair every day, precisely at the hour to which the House shall have adjourned, on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order, may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any member. On which appeal, no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz. "As many as are of opinion that, (as the question may be), say Aye:" and after the affirmative voice is expressed, "as many as are of a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: Those in the affirmative of the question, shall first rise from their seat; and afterwards, those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side to tell the members in the affirmative; and which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except in case of sickness.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all cases of ballot by the House, the Speaker shall vote. In other cases, he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal: in case of such equal division, the question shall be lost.

8. The Speaker shall arrange the orders of the day, unless the House shall otherwise direct.

6. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpoenas issued by order of the House, shall be under his hand and seal, at tested by the Clerk.

10. In case of any disturbance or disorder in the galleries or lobby, the Speaker (or Chairman of the committee of the whole) shall have power to order the same to be cleared.

11. Stenographers wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

#### ORDER OF BUSINESS OF THE DAY.

12. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received without a special leave of the House, until the former is disposed of.

#### OF DECORUM AND DEBATE.

13. When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

14. If any member in speaking or otherwise transgress the rules of the House, the Speaker shall or any other member may call him to order; in which case the member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact or to explain; and the House shall, if appealed to, decide on the case. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

15. When two or more members shall rise at the same time, the Speaker shall name the member to speak.

16. No member shall speak more than twice on the same question, without leave of the House.

17. Whilst the Speaker is putting any question or addressing the House, no person shall speak or walk out or across the House; nor when a member is speaking entertain private discourse, or pass between him and the Chair.

18. No member shall vote on any question, in the event of which, he is immediately and directly interested, or in any case where he was not present when the question was put. Upon a division and count of the House on any question, no member without the bar shall be counted.

19. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

20. When a motion is made and seconded, it shall be stated by the Speaker, or if written, it shall be handed to the Chair, and read aloud by the Clerk before debated.

21. Every motion shall be reduced to writing, if the Speaker or any two members desire it;  
 22. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House; but it may be withdrawn before a decision or amendment.

23. When a question is under debate, no motion shall be received; but to adjourn; to lie on the Table; to postpone indefinitely; to postpone to a day certain; to commit or amend; which several motions shall have precedence in the order they stand arranged.

24. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

25. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

26. Any member may call for a division of the question, when the same will admit of it; which shall be determined by the Speaker.

27. When a motion has once been made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or the succeeding day.

28. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

29. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their first being read, unless when the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

30. No bill, petition, memorial, or other papers that may be introduced, shall be taken out of the possession of the House, or sent to the Senate until the time for re-consideration shall have elapsed.

31. When the yeas and nays are called for on any question, it shall be on motion before the question is put; and if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

32. No member shall be called upon for words spoken in the House, but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

33. Any twenty members, including the Speaker, shall be authorized to compel the attendance of absent members.

34. No member or officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability to attend.

35. Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

36. If any member shall be necessarily absent on a balloting committee, or attending to any other temporary business of the House, when the vote is taken upon any question, on entering the House, he shall be permitted upon motion to vote.

37. No standing rule or order shall be rescinded, altered or suspended without one day's notice given of the motion thereof; and to sustain such motion, two-thirds of the House shall be required.

#### COMMITTEES.

38. Six standing committees shall be appointed at the commencement of the session, viz. A committee on claims; a committee on propositions and grievances; a committee on education; a committee on agriculture; a committee on internal improvement, and a committee on privileges and elections. Each of said committees shall consist of thirteen members, one from each Congressional district, to be appointed by the members from the counties composing said district. In addition to the above standing committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the committee on private bills.

39. A select standing committee consisting of nine members, shall be appointed at the commencement of the session by the Speaker, and be denominated the committee on the judiciary.

40. Select committees shall consist of five members. It shall be the duty of the person first named on any committee, to cause the members of the committee to convene when necessary, and when so convened, they shall appoint some one of their number chairman.

41. In forming a committee of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

42. Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question on its passage be taken.

43. All questions, whether in committee, or in the House, shall be propounded in the order in which they were moved; except that in filling up blanks, the largest sum and the longest time shall be first put.

44. The rules of proceeding in the House, shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

45. In a committee of the whole House, a motion that the committee rise, shall always be in order, and shall be decided without debate.

OF BILLS, RESOLUTIONS, &c.

46. Every bill shall be introduced by motion for leave, or by order of the House on the report of a committee.

47. Every bill shall receive three several readings in the House previous to its passage; and the Speaker shall give notice at each, whether it be the first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

48. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or amendment; but no bill shall be amended upon its third reading without commitment.

49. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise, but no public bill shall be twice read on the same day, without the concurrence of two-thirds of the members present.

50. All resolutions which may grant money out of the Treasury, shall be treated in all respects in a similar manner with public bills.

51. When a bill is introduced to repeal a public law, or any part thereof, the law or part intended to be repealed, shall be read at each separate reading of the bill.

52. When a bill has been once rejected, no other upon the same subject shall be introduced again during the session.

53. The clerk of the House shall be deemed to continue in office until another is appointed.

Mr. Bragg, from the joint select committee appointed to prepare Joint Rules of Order, reported the permanent Joint Rules, heretofore adopted by the General Assembly with some verbal amendments; which report was read and concurred in.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 20, 1834.

The Speaker laid before the House sundry documents, relating to the eligibility of James Seawell, James Manney and Robert Potter, to their respective seats in this House. The reading of these papers was dispensed with, and, on motion of Mr. Outlaw, they were referred to the committee on Privileges and Elections.

Mr. Richard H. Alexander, introduced the petition of sundry citizens of the county of Rowan, praying the emancipation of a slave, named Daniel, the property of William S. Macay; which was, on his motion, referred to the committee on Propositions and Grievances.

Mr. McCleese and Mr. Wm. Horton, were appointed a committee to conduct the balloting for a Comptroller of Public Accounts.

On motion of Mr. Dudley, ordered that so much of the message of his Excellency the Governor, as relates to the outrage committed on the persons and property of American citizens, by certain inhabitants of Nassau, be referred to a select committee; said committee consists of Messrs. Dudley, McCracken, Mitchell, Long and Manly.

A message from the Senate, informing that Messrs. Cowper of Gates, and McCormick, attend this House as superintendents of the balloting for a Comptroller.

On motion of Mr. Waugh,

*Resolved*, That so much of the Governor's message as relates to internal improvement, be referred to the committee on Internal Improvement; and that so much thereof as relates to the revenue system of this State, be referred to the committee on Finance.

The Speaker appointed the following gentlemen to compose the committee on the Judiciary, viz. Messrs. Barringer, Bragg, Graham, Poindexter, Haywood, Battle, R. H. Alexander, Outlaw and Manly.

Mr. McCleese, from the committee appointed to conduct the balloting for a Comptroller, reported that no one had received a majority of the whole number, and that there was no election; the report was concurred in.

A message from the Senate, proposing that four additional copies of the annual communication of his Excellency the Governor, be printed for each member of the Legislature; the proposition was agreed to.

A message from the Senate, agreeing to the proposition of this House to print the annual report of the Public Treasurer.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee of five members on the part of each House, to be styled the committee on Military Affairs; and informing that Messrs. Moore, Moye of Greene, Kerr, Lowry and Brittain, composed said committee on their part; said committee on behalf of the Commons, consists of Messrs. Waugh, Marsteller, Ziglar, Welch and Wm. Horton.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee for the purpose of procuring a bell, or of agreeing on some other signal to give notice of the meetings of the Legislature; and informing that Messrs. Wyche, Flynt and Mast, compose their branch of said committee; Messrs. King, W. Jones and Maclin, compose this committee on the part of the Commons.

A message from the Senate, informing that Messrs. Beard, Branch, Dowd, Edwards, Fairly, Lockhart, Wyche and Wellborn, compose on their part the joint select committee on Finance; Messrs. Moye of Greene, and Sherard, the joint select committee on Enrolled Bills; and Messrs. Carson, Edwards and Sawyer, the joint select committee on the Library.

Mr. Bragg moved that a message be sent to the Senate, proposing that the two Houses proceed to ballot immediately for a Senator in Congress, to serve six years from and after the 4th day of March next. Mr. Outlaw moved that this motion be laid on the table. The question on Mr. Outlaw's motion was decided in the negative—yeas 50, nays 76. The yeas and nays, demanded by Mr. Bragg,

Those who voted in the affirmative, were Messrs. Adams, Albritton, B. H. Alexander, Baringer, Battle, Blatchford, Bray, Brummell, Byrum, Clement, Clarke, Craige, Crump, Davenport, Deyton, Dockery, Dudley, Fleming, Graham, Harper, Henderson, Henry, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Mitchell, M'Lean, M'Pherson, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Tillet, Watson, J. Williams, Williams of Greene, Williams of Richmond.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Baker, Bedford, Bell, Blalock, Boddie, Bragg, Braswell, Brown, Bynum, Cansler, Carter, Coor, Cotten, Davis, Fort, Foscue, Foushee, Frink, J. Guinn, L. A. Gwyn, Hamrick, Hawkins, Harris, Harrison, Hartly, Haywood, Hill, Hoke, J. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Marsteller, Monk, Mullen, M'Neill, M'Racken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Welch, Whitfield, Willey, Williamson, Witcher, Ziglar.

Mr. Craige now moved that the House adjourn; the question thereon was decided in the negative—yeas 48, nays 79. The yeas and nays demanded by Mr. Gwyn,

Those who voted in the affirmative, were Messrs. Adams, Albritton, R. H. Alexander, Baringer, Blatchford, Blalock, Brummell, Clement, Clark, Craige, Davenport, Deyton, Dockery, Dudley, Fleming, Graham, Harper, Henderson, Henry, W. Horton, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Mitchell, McCleese, M'Lean, M'Pherson, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Watson, Jacob Williams, Williams of Greene, Williams of Richmond.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Baker, Battle, Bedford, Bell, Boddie, Bragg, Braswell, Bray, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Crump, Davis, Fort, Foscue, Foushee, Frink, J. W. Guinn, L. A. Gwyn, Hamrick,

Hawkins, Harris, Harrison, Hartley, Haywood, Hill, Hoke, J. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Marsteller, Mullen, M'Neill, M'Racken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Welch, Whitfield, Willey, Williamson, Witcher, Ziglar.

The question now recurring on Mr. Bragg's motion to go immediately into the balloting, the same was decided in the affirmative—yeas 73, nays 54. The yeas and nays demanded by Mr. Haywood,

Those who voted in the affirmative, were Messrs. G. H. Alexander, Allison, Baker, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Davis, Fort, Foscue, Fouchee, Frink, J. W. Guinn, L. A. Gwyn, Hamrick, Hawkins, Harris, Harrison, Hartley, Haywood, Hill, Hoke, J. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Marsteller, Mullen, M'Neill, M'Racken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Welch, Whitfield, Willey, Williamson, Witcher, Ziglar.

Those who voted in the negative, were Messrs. Adams, Albritton, R. H. Alexander, Barringer, Battle, Bell, Blatchford, Blalock, Bray, Brummell, Clement, Clark, Craige, Crump, Davenport, Deyton, Dockery, Dudley, Fleming, Graham, Harper, Henderson, Henry, W. Horton, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Mitchell, M'Cleese, M'Lean, M'Pherson, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Swindell, Tillet, Watson, Jacob Williams, Williams of Greene, Williams of Richmond.

Bedford Brown, of Caswell, was thereupon nominated for this appointment. Mr. Long now moved that the House adjourn until to-morrow morning, 10 o'clock. This question was decided in the negative—yeas 43, nays 85. The yeas and nays demanded by M. Bragg,

Those who voted in the affirmative, were Messrs. Adams, Albritton, R. H. Alexander, Barringer, Bell, Blatchford, Blalock, Brummell, Clement, Craige, Deyton, Dockery, Dudley, Graham, Harper, Henderson, Henry, W. Horton, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Mitchell, M'Lean, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Watson, Jacob Williams, Williams of Richmond.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Baker, Battle, Bedford, Boddie, Bragg, Braswell, Bray, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Crump, Davenport, Davis, Fleming, Fort, Foscue, Foushee, Frink, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Hartly, Haywood, Hill, Hoke, J. Horton, Houlder, Hutchinson, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Marsteller, Monk, Mullen, M'Cleese, M'Donald, M'Neill, M'Racken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, John L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Walker, Watson, Waugh, Weaver, Welch, Whitfield, Willey, Williams of Greene, Williamson, Witcher, Ziglar.

Debate having arisen on the merits of the gentleman in nomination, Mr. Haywood here rose to a question of order, whether such debate could be allowed, the House having received and acted upon messages from the Senate since the nomination was made. The Chair decided that the debate was out of order; whereupon, Mr. Craige appealed from this decision to the House, and demanded the yeas and nays. The question being, "is the decision of the Chair, the decision of the House?" It was decided in the affirmative,—yeas 86, nays 39.

Those who voted in the affirmative, were Messrs. G. H. Alexander, R. H. Alexander, Allison, Baker, Barringer, Battle, Bedford, Boddie, Bragg, Braswell, Bray, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Davenport, Davis, Deyton, Fort, Foscue, Foushee, Frink, J. Guinn, L. A. Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartly, Haywood, Hill, Hoke, J. Horton, Houlder, Hutchinson, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Kittrell, Latham, Lee, Lyon, Maclin, Marsteller, Monk, M'Cleese, M'Donald, M'Lean, M'Neill, M'Racken, Perry, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Welch, Whitfield, Willey, Jacob Williams, Williams of Greene, Witcher, Ziglar.



Those who voted in the negative, were Messrs. Adams, Albritton, Bell, Blatchford, Blalock, Brummell, Clement, Clarke, Craige, Crump, Dockery, Dudley, Fleming, Graham, Henderson, Henry, King, Lilley, Lindsay, Locke, Loudermilk, Manly, Manney, Martin, Matthews, Mitchell, M'Pherson, Ousby, Outlaw, Perkins, Poindexter, Potter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Watson, Williams of Richmond.

A message from the Senate, agreeing to the proposition of this House to ballot immediately for a Senator in Congress, and informing that Messrs. Sawyer and Edwards, form their balloting committee. Ordered that the Senate be informed that Messrs. Bragg and R. H. Alexander, are appointed superintendents of the balloting on behalf of the Commons, and that the name of Thomas Settle, is added to the nomination for Senator.

A message from the Senate, proposing that the two Houses ballot on Monday next, for a Governor of the State for the ensuing year, and informing that David L. Swain, is nominated for the appointment; the proposition was agreed to.

On motion of Mr. Kittrell, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for a Comptroller.

A message from the Senate, agreeing to this proposition, informing that the name of Robert Perry is withdrawn from the nomination, and that Messrs. Hawkins and Moye of Greene, attend the Commons to conduct the balloting; ordered that Messrs. Register and Ziglar, superintend said balloting on the part of this House.

Mr. Bragg, from the committee appointed to conduct the balloting for a Senator in Congress, reported that Bedford Brown had received a majority of the whole number of votes, and was duly elected; the question to concur with this report, was decided in the affirmative.

The House then adjourned until to-morrow morning, 11 o'clock.

#### FRIDAY, NOVEMBER 21, 1834.

John R. J. Daniel, one of the members elect from the county of Halifax, and John L. Foreman, one of the members elect from the county of Pitt, appeared, and were qualified according to law.

The Speaker appointed Messrs. Haywood, M'Neill, Dudley, Lilly, Smallwood, Henry, Boddie and Mullen, to constitute on the part of the Commons the joint select committee of Finance; Messrs. Harrison, G. H. Alexander, Harper, Bell, Ousby, Judkins, W. Jones, Allison, Cotten, Rush, Williams of Richmond, and Dockery, the select committee on Private Bills; Messrs. King, Battle and Jordan, the joint select committee on the Library; and Messrs. Graham, Hutchison, Hoke and Perkins, the joint select committee on Enrolled Bills; Messrs. Craige, D. M. Barringer, Haywood, Outlaw and Clark, are appointed to constitute the select committee on so much of the message of his Excellency the Governor, as relates to the subject of a Convention.

Mr. Register, from the committee appointed to conduct the balloting for a Comptroller, reported that no one had a majority of the whole number of votes, and that there was no election; the report was concurred in.

On motion, leave of absence from the service of the House from and after this day, until Tuesday next, was granted to James M. Williamson.

On motion of Mr. Henry, ordered that a message be sent to the Senate, proposing that the two Houses ballot on to-morrow for a State Printer, and informing that Messrs. Gales & Son, and Lawrence & Lemay, are in nomination for the appointment.

A message from the Senate, proposing that another balloting be had immediately for a Comptroller, and informing that Messrs. Holmes and Cowper of Gates, form their balloting committee; the proposition was agreed to, and Messrs. Cansler and Mitchell, appointed to conduct the balloting on behalf of the Commons.

On motion of Mr. R. H. Alexander,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law relative to deeds of trust, so as to afford a greater publicity to their execution and registration, and whether it be not expedient to designate when the trust shall be executed, and that said committee have leave to report by bill or otherwise.

On motion of Mr. Barringer,

*Resolved*, That so much of the Governor's message as relates to the claims of this State on the General Government, be referred to the committee on Finance.

On motion of Mr. J. W. Guinn,

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee consisting of three members from each House, upon the subject of the Cherokee lands.

Mr. Cansler, from the committee appointed to conduct the balloting for a Comptroller, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

On motion of Mr. Graham, ordered that a message be sent to the Senate, proposing another balloting immediately for this officer.

A message from the Senate concurring in this proposition, informing that the name of John B. Muse, is withdrawn from the nomination, and that Messrs. Caldwell, and Moye of Pitt, form their balloting committee; ordered that Messrs. Kenan and Fouchee, superintend this balloting on our part.

Mr. Mitchell presented the petition of Peter Ambrose, of Onslow county, praying to be divorced from his wife; said petition on Mr. Mitchell's motion, was referred to the committee on Propositions and Grievances.

On motion of Mr. Henderson,

*Resolved*, That so much of the Executive message, as relates to the interest of North Carolina in the public lands, be referred to a select committee.

Mr. Haywood submitted the following resolution, which was read and adopted:

Whereas vacancies frequently occur in this House and the Senate of this State, by the death or resignation of Delegates after their election, and before the annual meeting of the General Assembly; and whereas no provision is made by law for supplying such vacancies until after the meeting of the Assembly, and thereby a portion of the people of the State are for a considerable period unrepresented: Therefore

*Resolved*, That the committee on the Judiciary enquire whether there is any thing in the Constitution of the State, which prohibits the passage of a law by the General Assembly, which shall empower the Executive authorities of the State, to issue writs of election to supply the vacancies that occur between the time of election by the people and the meeting of the Assembly.

*Resolved further*, That said committee shall report a bill to this House, providing against this evil if they shall ascertain that it may be done consistently with our State Constitution.

Mr. Kenan, from the committee appointed to conduct the balloting for a Comptroller, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

A message from the Senate, proposing another balloting immediately for this officer; the proposition was agreed to, and Messrs Cotten and M'Neil, appointed a committee to conduct the balloting on behalf of the Commons. A message from the Senate, informing that Messrs. M'Queen and Arrington, form said committee on their part.

On motion of Mr. Monk,

*Resolved*, That the committee on Education be instructed to inquire into and ascertain the

amount of the Literary Fund from all sources, exclusive of the lands appropriated to that object.

*Resolved further*, That said committee be instructed to enquire into the expediency of improving or disposing of a part or the whole of the Marsh and Swamp lands, lying in the eastern section of this State, appropriated to the use of common schools.

*Resolved further*, That said committee be instructed to inquire into the expediency of submitting some plan to ascertain the amount of latent claims to lands in this State, appropriated to the use of common schools.

Mr. Rush presented the petition of Robert Walker, of the county of Randolph, praying to have liberated his negro slave, named James; which was referred on Mr. Rush's motion, to the committee of Propositions and Grievances.

The resignations of Thomas Clancy, of Orange county, of Benjamin Ziglar, of Stokes county, of Thomas Bryan, of Wilkes, and of S. Goodwin, of Richmond counties, justices of the peace; and the the resignation of Wm. C. Mears, as colonel commandant, of the regiment of cavalry, attached to the 11th brigade and 4th division of the militia of the State, were presented, read and accepted.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

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SATURDAY, NOVEMBER 22, 1834.

Mr. Haywood was at his own request excused from serving on the committee raised on the subject of a Convention, and Mr. Graham, substituted in his place.

Mr. M'Neill, from the committee appointed to conduct the balloting for a Comptroller, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

Mr. Haywood presented the petition of John Williams, of Wake county, praying that a military warrant may issue to him for his revolutionary services; which was on Mr. Haywood's motion, referred to the committee on Claims.

Mr. J. W. Guinn presented the petition of Elizabeth Starnes, wife of John Starnes, of Macon county, praying to be divorced; which was on Mr. Guinn's motion, referred to the committee on Propositions and Grievances.

Messrs. Henderson, Potts, A. B. Smith, Poindexter and Powell, were appointed a select committee on so much of the Governor's message as relates to the interest of this State, in the public lands.

On motion of Mr. Outlaw, ordered that certain documents relating to the ineligibility of the Senator from Carteret, to his seat in that body, be transmitted to the Senate, the same having been erroneously addressed to the Speaker of this House.

A message from the Senate, agreeing to ballot on this day for State Printer, and informing that Messrs. Montgomery and Kendall, form their balloting committee; ordered that Messrs. Henry and W. Jones, superintend said balloting on the part of this House.

On motion of Mr. McCleese, ordered that a message be sent to the Senate, proposing another balloting immediately for a Comptroller, and informing that the name of Edmund B. Freeman, is withdrawn from the nomination. A message from the Senate, agreeing to this proposition and informing that Messrs. Mann and Brittain, form their balloting committee; ordered that Messrs. Bedford and Sloan, superintend said balloting on the part of this House.

On motion, leave of absence from the service of the House on Monday next, was granted to Mr. Tomlinson.

On motion of Mr. Dudley, ordered that a message be sent to the Senate, proposing to raise a joint select committee to take under consideration the late outrage by the authorities of one of the British West India Islands, upon the persons and property of certain American citizens; and the select committee heretofore raised on that subject, in this House, be regarded as one branch of said joint committee.

Mr. Henry, from the committee appointed to conduct the balloting for a State Printer, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

On motion of Mr. Haywood,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether there is any defect in the existing law, providing for the election of sheriffs by the people, and to report a bill for curing such defects if they are found to exist.

Mr. Haywood submitted the following resolution, which was read and adopted:

Whereas by the act of Assembly passed in 1832, providing for the election of clerks by the free people of the State, there is no provision for a second election of said officers, after the expiration of the term of office of such as are now elected under said act; and whereas, also, no provision is made for electing said officers when vacancies occur by death, and no mode of resigning said officers is pointed out by law: Therefore

*Resolved*, That the committee on the Judiciary be instructed to prepare and report a bill to this House, for the amendment of said act in these respects and others, which may seem to said committee necessary and proper.

Mr. Martin presented the petition of sundry citizens of the county of Wilkes, praying that a law may be passed prohibiting obstructions to the passage of fish in Roaring river; which was on motion of Mr. Martin, referred to the committee on Propositions and Grievances.

Mr. Outlaw presented the following resolutions, which were read and adopted:

Whereas it is believed that the tax now imposed by law on pedlars, is insufficient to answer the designs of the Legislature in imposing it; and whereas it is also believed that the State is frequently defrauded of the said tax: Therefore

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of increasing the said tax.

*Resolved*, That the said committee further inquire if any additional enactments are necessary more effectually to secure the collection of said tax, and that they have leave to report by bill or otherwise.

Mr. Bedford, from the committee appointed to conduct the balloting for a Comptroller, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

A message from the Senate, proposing another balloting immediately for Public Printer; the proposition was agreed to, and Messrs. Craige and Bragg, appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Sherard and Edmonston, form said committee on their part.

A message from the Senate, transmitting a document purporting to relate to a contested election of one of the members of this House, from the county of Carteret, and which it is presumed was directed to the Senate through mistake.

On motion of Mr. King, ordered that a message be sent to the Senate, proposing that the two Houses on Monday next, again ballot for Comptroller of Public Accounts.

Mr. R. H. Alexander presented a bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road on his own land; and Mr. Harris a bill to abolish the office of county trustee, in Granville, and for other purposes. These bills were severally read the first time and passed.

A message from the Senate, disagreeing to the proposition of this House to ballot on Monday next, for Comptroller, and proposing that the two Houses proceed to said balloting immediately; the proposition of the Senate was concurred in, and Messrs. Kittrell and Martin, appointed a balloting committee. A message from the Senate, informing that Messrs. Martin and Kerr, form said committee on their part.

Mr. Craige, from the committee appointed to conduct the balloting for a Public Printer, reported that Philo White, had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

Mr. Hawkins presented the petition of sundry citizens of Randolph county, praying the emancipation of a slave, named Edith, the property of Abraham Hammer; which was on motion of Mr. Hawkins, referred to the committee on Propositions and Grievances.

Mr. Kittrell, from the committee appointed to conduct the balloting for a Comptroller, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

On motion of Mr. Craige; the following Rule of Order reported on the 19th inst. by the committee appointed to prepare Rules, viz: In all cases of nominations to this House, they shall be briefly made unaccompanied with any comment by the member making the same, or any others, unless on leave first obtained of the House," was stricken out. Mr. Haywood in pursuance of notice heretofore given, now moved a reconsideration of that vote; the House agreed to reconsider. And the question recurring on the motion of Mr. Craige to strike out said Rule, was decided in the negative—yeas 31, nays 85. The yeas and nays demanded by Mr. Outlaw,

Those who voted in the affirmative, were Messrs. Clement, Clarke, Cotten, Craige, Dockery, Dudley, Fleming, Graham, Henderson, Henry, Eoke, Hutchison, King, Lilley, Long, Loudermilk, Mathews, M'Cleese, M'Lean, M'Neill, M'Pherson, Ousby, Outlaw, Perkins, Potter, Seawell, A. B. Smith, G. Smith, Watson, Weaver, J. Williams.

Those who voted in the negative, were Messrs. Adams, Albritton, G. H. Alexander, Allison, Barringer, Battle, Bedford, Bell, Blatchford, Blacklock, Braswell, Eray, Brown, Frummell, By num, Byrum, Cansler, Carter, Coor, Daniel, Davenport, Davis, Deyton, Foreman, Fort, Foscue, Foushee, Frink, J. Gunn, L. A. Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartly, Haywood, Hill, W. Horton, J. Horton, Houlder, Irion, R. Jones, W. Jones, Jordan, Kenan, Kittrell, Latham, Lee, Lindsay, Locke, Lyon, Manly, Manney, Marsteller, Martin, Mullen, M'Packen, Perry, Poindexter, Powell, Riddick, Register, Roebuck, Rush, Sanders, Sloan, J. L. Smith, S. Smith, Stoccard, Swanner, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Waugh, Welch, Whitfield, Willey, Williams of G., Williams of R., Witcher, Zaglar, Swindell.

So that the said rule, as reported by the committee, was adopted as one of the Rules of Order of this House.

The resignations of Samuel Mitchell, as colonel; William Malone, as lieutenant colonel of cavalry, attached to the 16th brigade of the militia; of Francis M'Gehee, as major of the militia of Haywood county; and of Calvin Coor, as lieutenant colonel of the Wayne county militia; and of John Logan of Burke county, of Thomas J. Pugh and J. S. Smallwood, of Bertie county; of Joseph Hoover of Randolph, of J. Cartwright of Camden; of James Bullock, of John White and Anderson H. Walker, of Granville; of Anthony H. Rhodes, Durant H. Rhodes and David W. Simmons, of Onslow county, justices of the peace were presented, read

and accepted. The resignation of James A. Dunn, as major of cavalry, attached to the 11th brigade, was also presented, read and accepted.

And then the House adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 24, 1834.

Mr. King, from the joint select committee raised on that subject, reported that the Presbyterian church bell had been tendered for the use of the Assembly the present session, and recommended that the tender be accepted. The report was concurred in.

Mr. Frink presented a bill to restore to credit William Sibbett, of Columbus county; which was read the first time and passed, and on motion of Mr. Frink, referred to the committee on Propositions and Grievances.

The bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road on his own land, was read and rejected. On motion of Mr. Battle, the said vote was reconsidered, when the said bill was read the second time and passed.

On motion of Mr. M'Cleese, ordered that a message be sent to the Senate, proposing another balloting immediately for a Comptroller.

The bill to abolish the office of county trustee, in the county of Granville, and for other purposes, was read, and on motion of Mr. R. H. Alexander, referred to the committee on the Judiciary.

On motion of Mr. Hutchinson, ordered that the Senate be informed that the name of William D. Mosely, is added to the nomination for Governor of the State, and that Messrs. King and Whitfield attend the Senate to conduct the balloting heretofore agreed on, to be had this day for this officer. A message from the Senate, informing that Messrs. Edmonston and Caldwell, form the balloting committee on their part.

Mr. Jordan presented certain papers, relating to the contested election of the member representing the town of Fayetteville; which were referred on Mr. Jordan's motion, to the committee on Privileges and Elections.

Mr. Monk presented a bill supplemental to an act, passed in the year 1802, respecting patrols; Mr. Haywood a bill to incorporate Wake Forest Lodge, number 97, in Wake county; Mr. Byrum a bill making compensation to the jurors of the county of Chowan; Mr. Guinn a bill granting to persons therein named, certain lands for the use of the Methodist Episcopal Church at Franklin, in Macon county; and Mr. Williams of Richmond, a bill to authorize Henry Haley of Richmond county, to erect a gate across a public road. These bills were severally read the first time and passed.

A message from the Senate, agreeing to the proposition of this House to ballot immediately for a Comptroller, and informing that Messrs. Holmes and Kendall, form their balloting committee. Ordered that Messrs. M'Cleese and Jonathan Horton, conduct said balloting on behalf of the Commons.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee to take into consideration the late outrage by the authorities of one of the British West India Islands, upon the persons and property of certain American citizens, and informing that Messrs. Beard, Holmes, Moore, Sawyer and Spaight, compose said committee on their part.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee on the subject of Cherokee lands, and informing that Messrs. Wellborn, Edmonston and Britain, form their branch of

said committee. Ordered, that Messrs. Guinn, Henry and Hawkins, compose this committee on the part of the Commons.

Mr. King, from the committee appointed to conduct the balloting for a Governor of the State, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

On motion of Mr. Poindexter, ordered that a message be sent to the Senate, proposing another balloting immediately for Governor. A message from the Senate, agreeing to this proposition, and informing that Messrs. Edwards and Beard attend this House as their balloting committee. Ordered, that Messrs. Poindexter and Marsteller, superintend said balloting on behalf of this House.

On motion of Mr. Waugh,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing a public law, investing the county courts with power to authorize the erection of gates across the public highways, and that they report by bill or otherwise.

The bill to authorize Michael Brown, of the county of Rowan, to erect a gate or gates across the public road on his own land, was read the third time and passed, and ordered to be engrossed.

Mr. M'Cleese, from the balloting committee for a Comptroller, reported that there was no election. The report was concurred in, and on motion of Mr. Harris, a message sent to the Senate, proposing that another balloting be had immediately. A message from the Senate, agreeing to this proposition, and informing that Messrs. Whitaker and Baker compose their branch of the committee. Ordered, that Messrs. Gwyn and J. L. Smith, superintend this balloting on behalf of the Commons.

Mr. Outlaw, was at his own request, excused from serving on the select committee raised on the subject of Convention, and Mr. Potts substituted in his place.

Mr. Marsteller, from the committee appointed to conduct the balloting for Governor, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

On motion of Mr. Henderson, ordered that a message be sent to the Senate, proposing another balloting immediately for Governor. A message from the Senate agreeing to this proposition, and informing that Messrs. Moye of Greene, and Shipp, form their balloting committee, and proposing that the balloting committee wait upon the sick members of the Legislature to receive their ballots. Ordered, that a message be sent to the Senate, informing that the House of Commons do not concur in this proposition of the Senate. Ordered, that Messrs. Harris and Henderson, conduct said balloting on the part of this House.

The resignations of George Hoover, as brigadier general of the 6th brigade and 4th division of the militia; of James C. Wren, as colonel; Peter Julin, as lieutenant colonel; and Garret Lane, as major of the 56th regiment of North Carolina militia, were presented, read and accepted.

Mr. Gwyn, from the committee appointed to conduct the balloting for a Comptroller, reported that no person had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

On motion of Mr. King, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for Comptroller, and informing that the names of James R. Dodge and William P. Williams,

are withdrawn from the nomination. A message from the Senate, concurring in this proposition, and informing that the name of Benjamin S. King, is withdrawn from the nomination, and that Messrs. Cowper of Gates, and Ennett, compose their balloting committee. Ordered, that Messrs. King and Baker, superintend said balloting on behalf of this House.

Mr. Harris, from the committee appointed to conduct the balloting for a Governor of the State, reported that David L. Swain had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 25, 1834.

Mr. King, from the committee appointed to conduct the balloting for a Comptroller of public accounts, reported that Nathan A. Stedman of Chatham county, had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

Mr. Cotten presented a resolution in favor of George R. Griffith, administrator of Elisha Browne; which was read the first time and passed, and on motion of Mr. Cotten, referred to the committee on Claims.

Mr. Manly presented the petition of Sally Flowers, wife of Christopher Flowers, of Craven county, praying to be divorced; said petition, was on Mr. Manly's motion, referred to the committee on Propositions and Grievances.

Mr. Weaver presented the petition of sundry citizens of Buncombe county, praying that Joseph Wilson may be restored to his rights forfeited on a conviction for petit larceny; said petition was on motion of Mr. Weaver, referred to the committee on Propositions and Grievances.

The resignation of Walker Anderson, as a justice of the peace, of the county of Orange, was presented, read and accepted.

The bill to authorize Henry Haley, of Richmond county, to erect a gate across a public road, was read the second time and rejected.

The bill to incorporate Wake Forest Lodge No. 97, in Wake county; and the bill making compensation to the jurors of the county of Chowan, were severally read the second and third times, passed and ordered to be engrossed.

The bill granting to persons therein named, certain lands for the use of the Methodist Episcopal Church at Franklin, in Macon county; and the bill supplemental to an act, passed in the year 1802, respecting patrols, were severally read the second time and passed.

Mr. Jordan presented the certificate of the county court of Cumberland, in favor of Martha Spears, a State pensioner, allowing her the sum of fifty dollars for the ensuing year; which was on Mr. Jordan's motion, ordered to be countersigned by the Speaker of this House, and transmitted to the Senate.

On motion of Mr. Bragg,

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee consisting of three members of each House, whose duty it shall be to ascertain from the proper authorities, whether the Presbyterian Church and Session House can be procured for the use of this Legislature, and if so that said committee be instructed to make such arrangements at said Church and Session House, as may be necessary for the comfortable accommodation of this body.

On motion of Mr. Graham,



*Resolved*, That the committee on the Judiciary be instructed to inquire whether it be not expedient to provide by law, for the temporary appointment of registers when vacancies in that office shall occur, during the recess of the county courts.

Alexander W. Brandon, one of the members elect from the county of Ansan, appeared, and was qualified according to law.

Mr. Blalock presented the petition of sundry citizens of Yancy county, praying that John Masters, heretofore convicted of petit larceny, may be restored to his forfeited rights; said petition was on motion of Mr. Blalock, referred to the committee on Propositions and Grievances.

Mr. Register a bill to authorize James Mott, to establish a ferry on Black river, in the county of New Hanover; and Mr. M'Cleese a bill to repeal in part an act passed in the year 1824, concerning retailers of spirituous liquors, in the counties of Hyde and Tyrrell. These bills were read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. J. L. Smith,

*Resolved*, That the joint select committee raised on the subject of Cherokee lands, be instructed to inquire into the expediency of granting to John Bokannan, a lease to work for gold on a certain piece or parcel of land, being part of the Cherokee lands, now owned by the State, lying in the county of Haywood, and that they report by bill or otherwise.

Mr. Seawell presented the annual report of the President and Directors of the Cape Fear, Yadkin and Peelee Rail Road Company; which was read, and on motion of Mr. Seawell, referred to the committee on Internal Improvement.

On motion of Mr. Harris,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the practicability of so amending the insolvent laws of this State, as to compel the plaintiff or officer when a *ca. sa.* has been served, to return the same on or before the first day of the term, at which the defendant is bound to appear.

Mr. Hawkins presented a resolution in favor of the heirs at law of Joseph Hale, deceased; which was read the first time and passed, and on motion of Mr. Hawkins, referred to the committee on Claims.

Mr. Willey presented a bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him; which was read the first time and passed, and on Mr. Willey's motion, referred to the committee on Private Bills.

Mr. Outlaw, on behalf of the committee on Privileges and Elections, asked and obtained leave to send for persons and papers, to be used in evidence in the cases of contested elections, now pending before said committee.

The House then adjourned until to-morrow morning, 10 o'clock.

### WEDNESDAY, NOVEMBER 26, 1834.

James W. Howard, one of the members elect from the county of Jones, appeared this day, and was qualified according to law.

On motion of Mr. Manly, ordered that a message be sent to the Senate, proposing to raise a joint select committee of two members on the part of each House to wait upon his Excellency David L. Swain, inform him of his re-election as Governor of the State, and to learn at what time it will be agreeable to him to take the oaths of office.

On motion, leave of absence from the service of this House was granted to Mr. Coor, from and after this day, until Friday next.

Received from his Excellency the Governor, by his private Secretary, the following communication:

*To the General Assembly of the State of North Carolina.*

GENTLEMEN: In compliance with a resolution adopted by the General Assembly at their last session, authorizing the Governor, for the time being, to have suitable Grave Stones placed at the graves of all members of the Legislature, who have been or may be hereafter interred in the city of Raleigh. This appropriate tribute of respect has been rendered to the memory of the late Absalom Tatorn, of Hillsborough; John B. W. Smith, of Jones; Leonard Martin, of Hertford; and John J. Bonner, of Hyde. The vouchers for the small expenditure incurred in the discharge of this duty, are herewith transmitted.

As the burying ground of this city contains but little vacant space, it is perhaps worthy of consideration, whether one of the public lots should not be selected and set apart as the future place of interment for those who may die in the public service; and whether the resolution should not be so amended, as to include the Heads of Departments, as well as members of the General Assembly.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, N. C. Nov 26, 1824.

The foregoing communication was read, and on Mr. Haywood's motion, it was ordered that it be transmitted to the Senate, with a proposition that the same be referred to the committee on Finance.

Mr. Barringer, from the committee on the Judiciary to whom was referred a resolution upon the subject, reported a bill, vesting the power to authorize the erection of gates across public roads, in the several county courts; the said bill was read the first time and passed.

Mr. Daniel, from the committee on Claims to whom was referred a resolution in favor of George R. Griffith, administrator of Elisha Browne, reported favorably thereon, when the said resolution was read the second time and passed.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred a petition upon the subject, reported a bill to emancipate Daniel, a slave; which was read the first time and passed.

Mr. Guinn, from the same committee reported also a bill to divorce Elizabeth M. Starnes, from her husband John Starnes, of Macon county; which was read the first time and passed.

A message from the Senate, concurring in the proposition of this House, upon the subject of a removal of the sittings of the Assembly to the Presbyterian Church and Session House, with an amendment, and asking the concurrence of this House therein; the amendment was read and concurred in, and Messrs. Bragg, W. Jones and Marsteller, appointed a committee on the part of the Commons to carry said resolution into effect.

Mr. Guinn, from the committee on Propositions and Grievances, reported a bill to divorce Peter Ambrose, of Onslow county, from his wife Thirza Ambrose; which was read the first time and passed.

Mr. Seawell presented the petition of James H. Hooper, ex'r. of Thomas C. Hooper, praying the emancipation of a slave, named Matilda, also the petition of John Murchison, senr. and others, praying the emancipation of a slave named Thomas; these petitions were on motion of Mr. Seawell, referred to the committee on Propositions and Grievances.

Mr. Guinn presented the petition of John Bates, of Macon county; and Mr. Henry the petition of Thomas E. Justice, of Buncombe county, praying to be restored to credit. These petitions were severally read and referred to the committee on Propositions and Grievances.

Mr. Seawell presented the certificate of the county court of Cumberland, in favor of Isabella Campbell, a State prisoner, allowing her the sum of forty dollars for the ensuing year; which was on motion of Mr. Seawell, countersigned by the Speaker of this House, and ordered to be sent to the Senate.

Mr. Hutchison presented the certificate of the county court of Mecklen-

burg, in favor of Martha Thompson, allowing her the sum of fifty dollars; which was on Mr. Hutchison's motion, countersigned by the Speaker of this House and transmitted to the Senate.

Mr. Hutchison presented the petition of Matthew Miller of Mecklenburg county, praying that he be allowed a pension for his revolutionary services; which was on Mr. Hutchison's motion, referred to the Committee on Claims.

Mr. Weaver presented a resolution, authorizing a grant to be issued to William Wilson; which was read the first time and passed, and on motion of Mr. Weaver, referred to the Committee on Claims.

On motion of Mr. Manly,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether it be expedient and practicable to provide by a general law, for the punishment of all breaches of trust, and particularly for the punishment of officers of corporations, who embezzle, purloin, or act fraudulently with the funds belonging to the same.

On motion of Mr. Welch,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law, relative to the assessment of damages for injuries done to the owners of land, by the erection of mills, as to enable the persons injured to recover at once full damages for the injury sustained in all cases, instead of annual damages as at present, and that they report by bill or otherwise.

Mr. Manly presented a bill relating to the inspection of fire wood, in the town of Newbern; Mr. Monk a bill to amend the first section of an act passed in 1831, chapter 52, entitled an act to abolish the offices of county trustee and treasurer of public buildings, in the counties of Richmond, Columbus, Sampson and Robeson; Mr. Swindell a bill to alter the name of Albert Spring, of the county of Hyde; and Mr. Saunders a bill for the better administration of justice to the poor of Onslow county. These bills were severally read the first time and passed.

Mr. Blalock presented a bill to provide for the holding of a superior court in the county of Yancy; which was read the first time and passed, and, on motion of Mr. Blalock, referred to the committee on the Judiciary.

Mr. Hawkins presented a resolution in favor of William Kenly, of Davidson county; which was read the first time and passed, and, on motion of Mr. Graham, referred to the committee on Claims.

The bill supplemental to an act passed in the year 1802, respecting patrols; and the bill granting to persons therein named, certain lands for the use of the Methodist Episcopal Church, at Franklin, Macon county, were each read the third time and passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed resolution, authorizing the burning of certain treasury notes, and asking the concurrence of this House. The said resolution was read the first time and passed. On motion of Mr. Haywood, two thirds of the House concurring in the said resolution, was read the second and third times and passed. The House on motion of Mr. Potter, agreed to re-consider their vote on the third reading of the resolution, when Mr. Potter moved that said resolution be laid on the table. The question on this motion, was decided in the negative, and the resolution again read the third time and passed, and was ordered to be enrolled.

The following resignations received from the Senate, were read and accepted, viz. That of John Murdock, as colonel; David Ramsey, as lieutenant colonel; and David M. Stevenson, as major of the first regiment of Iredell county militia; of David Glass, of Burke, and of Jesse Hardison, of Martin counties, justices of the peace.

The resignations of Nathaniel L. Mitchell, as major of the Onslow militia; of Thomas Brown, as colonel of the Ashe regiment; of Wilson G. Lamb, as lieutenant colonel of the second regiment of militia; of William Long, as lieutenant colonel of the seventy-sixth, and of Elijah Walker, as lieutenant colonel of 77th regiments of the militia of the State; and the resignations of George F. Thomas, Joseph Young, jr. and Armstead F. Brackin, of Rockingham, of Thomas Wright, sen. of Surry, of Dan. Alexander, of Mecklenburg, of Henderson Forsythe, of Iredell, and of Christian Bingle, of Rowan, justices of the peace of their respective counties, were presented, read and accepted.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 27, 1834.

A message from the Senate, informing that Messrs. Montgomery of Orange, Moye of Greene, and M'Williams, form the committee on the part of the Senate, to inquire into the practicability of removing the present sittings of the Legislature to the Presbyterian Church.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee of two members on the part of each House, to wait upon his Excellency the Governor elect, and learn when he will be ready to take the oaths of office, and informing that Messrs. Sherard and Shipp, form said committee on their part; ordered that Messrs. Manly and Hoke, form said committee on behalf of the Commons.

A message from the Senate, proposing that a joint select committee be raised whose duty it shall be to examine the manner in which the monies appropriated for rebuilding the Capitol have been expended, and the reasons which led to the dismissal of William S. Drummond, superintendent of public buildings, and that they report to the Legislature: and further, that they report the probable amount of money that will be required to finish and furnish the Capitol, and when it will be ready for the reception of the Legislature; the proposition was concurred in, and Messrs. Daniel, Cansler, Hutchison, Cotten and Harper appointed said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to repeal an act, entitled an act to raise a fund to establish free schools, in the county of Johnston, and for the government thereof, passed in the year 1831; and a bill to authorize Thomas H. Blount, of Beaufort county, to make a road on his own land in Hyde county, from Rose Bay Turnpike, to the present settlement on Swan quarter, and to receive toll for passing the same; and asking the concurrence of this House. The said bills were read the first time and passed, and, on motion of Mr. Houlder, the bill to repeal an act, entitled an act to raise a fund to establish free schools, in the county of Johnston, and for the government thereof, passed in the year 1831, was read the second and third times, passed, and ordered to be engrossed.

Mr. Daniel presented a bill for turning or altering roads in certain cases; which was read the first time and passed.

The bill to divorce Elizabeth Starnes, from her husband John Starnes, of Macon county, was read, and on motion of Mr. Battle, recommitted to the committee on Propositions and Grievances.

Received from the Senate the certificate of the county court of Cumber-

land, in favor of Martha Spears, a State pensioner, countersigned by the Speaker of that body.

The resignations of Elijah Morgan and Johnston Ledbetter, of Rutherford, of John Bethune, of Robeson, and of James Marsh, of Anson county, justices of the peace of their respective counties, received from the Senate, were read and accepted.

On motion of Mr. Graham,

*Resolved*, That William W. Hall, one of the Engrosing Clerks of this General Assembly, be excused from the service of the Legislature for ten days from this time, he furnishing a competent substitute in his stead.

On motion of Mr. Sloan,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so revising and amending the revenue laws, as to afford a more efficient and uniform mode of listing taxable property, and that they report by bill or otherwise.

Mr. Bell presented a bill to alter the name of Julia Ann Thompson, of Carteret county; which was read the first time and passed.

A message from the Senate, proposing that the two Houses ballot on tomorrow for a brigadier general, of the 6th brigade and 4th division of the militia, and informing that Joseph Allison is in nomination for the appointment; the proposition was agreed to.

Mr. Craige, from the committee on Privileges and Elections to whom were referred certain papers, relating to the ineligibility of James Manney, one of the members from Carteret county, to his seat in this House, made a report in favor of the sitting member. Mr. Outlaw moved that said report lie on the table; the question was decided in the negative. After debate, Mr. Haywood again moved that the report lie on the table; which was not agreed to. Mr. King moved that the report be recommitted to the committee on Privileges and Elections; which motion also failed, when the question, will the House concur in the report of the committee, was decided in the affirmative—yeas 70, nays 49. The yeas and nays demanded by Mr. Outlaw,

Those who voted in the affirmative, were Messrs. Adams, R. H. Alexander, Allison, Baker, Barringer, Bedford, Bell, Blalock, Boddie, Brandon, Braswell, Brummell, Cansler, Clement, Coor, Cotten, Craige, Deyton, Dockery, Dudley, Fleming, Fouché, Frink, J. W. Gunn, Hamrick, Hawkins, Harper, Harris, Hartley, Henderson, Hoke, W. Horton, J. Horton, Howard, Hutchison, Irion, R. Jones, Judkins, Kean, Kittrell, Lilly, Lindsay, Locke, Loudermilk, Manly, Marsteller, Matthews, Mitchell, Monk, M'Cleese, M'Lean, Perkins, Perry, Poindexter, Potter, Register, Rush, Sanders, G. Smith, J. L. Smith, Stockard, Tatham, Taylor, Wadsworth, Walker, Waugh, Weaver, Williams of Greene, Williamson, Ziglar.

Those who voted in the negative, were Messrs. G. H. Alexander, Battle, Blatchford, Bray, Brown, Bynum, Byrum, Carter, Clark, Ciump, Daniel, Davenport, Davis, Foreman, Graham, L. A. Gwyn, Harrison, Haywood, Hill, Houlder, Jordan, King, Latham, Lee, Long, Lyon, Maclin, Martin, Mullen, M'Pherson, M'Racken, Ousby, Outlaw, Powell, Pugh, Riddick, Roebuck, Sloan, Smallwood, A. E. Smith, S. Smith, Swanner, Tillet, Tomlinson, Watson, Welch, Whitfield, Willey, Williams of Richmond.

Mr. Blatchford presented a bill to alter the name of, and legitimate Lurany Alexander; which was read the first time and passed.

Mr. Allison, from the committee on Private Bills to whom was referred the bill to alter the name of Isaac Blanchard, of the county of Gates, reported favorably thereon, when the said bill was read the second time and passed.

Mr. Gunn, from the committee on Propositions and Grievances to whom was referred a petition on the subject, reported a bill to emancipate Jim, a slave. The said bill was read the first time and passed.

The bill to divorce Peter Ambrose, of Onslow county, from his wife Thirza, was read the second time and passed.

Mr. Manly, from the joint select committee raised on that subject, reported that his Excellency David L. Swain, would on Wednesday the 10th day of December ensuing, wait on the Legislature for the purpose of taking the oaths of office.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 28, 1834.

Messrs. Stockard and Rush were appointed a committee to conduct the balloting on behalf of the Commons, for a brigadier general of the 6th brigade and 4th division. A message from the Senate, informing that Messrs. M'Cormick and Cowper of Gates, form said committee on behalf of the Senate.

Mr. Poindexter, presented a bill to provide for the relief of sureties in certain cases; which was read the first time and passed, and referred on motion of Mr. Outlaw, to the committee on the Judiciary.

Mr. Dudley presented the following resolution:

*Resolved*, That the committee on Finance take into consideration and confer with the Bank of Cape Fear, on the expediency of repealing so much of the charter as prohibits the stockholders residing out of the State, the right of representation by proxy at the meeting of said stockholders, retaining the prohibition only as regards stockholders residing without the limits of the United States.

On Mr. Haywood's motion, the resolution was amended by adding, that the committee enquire into the expediency of amending the charter of said bank at the same time, so as to forbid the issuing of notes by the said bank, for a less sum than five dollars. The said resolution as thus amended, was read and adopted.

The certificate of the county court of Cumberland, in favor of Izabella Campbell; and the certificate of the county court of Mecklenburg, in favor of Martha Thompson, State pensioners, were received from the Senate, countersigned by the Speaker thereof.

A message from the Senate, agreeing to the proposition of this House, that the communication of his Excellency the Governor of the 26th inst., be referred to the committee on Finance.

A message from the Senate, transmitting a communication from the proper authorities of the Presbyterian Church, declining to permit their buildings to be occupied by the General Assembly during the present session.

Mr. Stockard, from the balloting committee for a brigadier general, of the 6th brigade and 4th division, reported that Joseph Allison, had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

A message from the Senate, transmitting certain resolutions requiring information from the commissioners appointed to superintend the building of the Capitol; and asking the concurrence of this House. The said resolutions were read, amended on motion of Mr. Alison, and passed; ordered that the concurrence of the Senate be asked in said amendment.

The Speaker laid before the House the annual report of the Adjutant General; which was on motion of Mr. Graham, ordered to be sent to the Senate with a proposition to print, and to refer to the committee on Military Affairs.

Mr. Barringer, from the committee on the Judiciary to whom was referred a resolution directing them to inquire into the expediency of amending the insolvent laws, reported that the objects contemplated by the resolution

are already sufficiently provided for by law, and prayed to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Haywood presented a memorial from Wm. S. Drummond, late superintendent of the rebuilding of the Capitol; which was read, and on motion of Mr. Haywood, referred to the committee on Public Buildings.

Mr. Haywood presented a bill, founded on a petition and sundry certificates, entitled a bill to emancipate Waller; said bill was read the first time and passed, and referred on motion of Mr. Haywood, to the committee on Propositions and Grievances.

Mr. Graham, from the committee on the Judiciary to whom was referred a resolution upon the subject, reported a bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected. Said bill was read the first time and passed.

Mr. Blatchford presented a bill to repeal in part an act passed in the year 1831, entitled an act to provide for the compensation of certain jurors of the counties of Perquimons, Pasquotank and Gates; which was read the first time and passed.

Mr. Potts introduced the following resolutions:

Resolved, That the Legislature of a State, acting as the representatives of the people of the State, have a right to instruct their Senators in Congress, and a just vindication of the character of our political institutions, requires that such instructions should be given whenever a Senator misrepresents the will of the State, upon great questions of national policy, or in times of public emergency.

Resolved, That the Honorable Willie P. Mangum, one of the Senators from this State, in the Congress of the United States be, and he is hereby instructed to vote for expunging from the records of the Senate of the United States, the resolution declaring that the President in his late executive proceedings, in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.

Resolved, That his Excellency the Governor of this State, be requested to transmit forthwith to the Honorable Willie P. Mangum, and to the Honorable Bedford Brown, one copy each of the foregoing resolutions.

These resolutions were read, and on motion of Mr. Potts, ordered to be printed, and made the order of the day for Thursday next.

Mr. Potter presented the following resolution, which was read, and on motion of Mr. Outlaw, laid on the table:

Whereas, in all cases where the right of a member to his seat shall be contested, the law requires that thirty days notice shall be given previous to the sitting of the General Assembly; therefore

Resolved, That the Committee on Privileges and Elections, be instructed to require proof that such notice has been given, before they put any member of this House upon proof of his right to a seat here.

On motion of Mr. Kitrell,

Resolved, That the committee on Internal Improvement be instructed to inquire into the probable cost of continuing the Cape Fear, Yadkin and Pedee Rail Road, the first fifty miles from Fayetteville, pursuing the projected route westwardly; and that they report the same to this House.

On motion of Mr. Dudley,

Resolved, That the Committee on Finance, take into consideration the expediency of authorizing the Public Treasurer to issue stock, bearing an interest not exceeding 5 per cent. per annum, and dispose of the same at the best possible price in or out of the State; provided it can be effected at par, to such amount as may be necessary to pay the balance of the subscription of the State to the Bank of the State, or the expediency of relinquishing the right to take the amount of stocks in the Bank of the State which are unpaid for.

The bill to emancipate Daniel, a slave, was read the second time and passed—yeas 62, nays 60. The yeas and nays called for by Mr. Clarke,

Those who voted in the affirmative, were Messrs. Adams, R. H. Alexander, Allison, Barlinger, Bedford, Blalock, Bragg, Braswell, Brummell, Cansler, Clement, Cotten, Craig, Daniel, Davenport, Deyton, Dockery, Fleming, Foushee, Frink, Graham, Guinn, Hamrick,

Hawkins, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Hutchison, Irion, King, Kittrell, Lilly, Lindsay, Locke, Loudermilk, Manly, Martin, Mitchell, Matthews, M'Lean, M'Neill, Ousby, Perkins, Perry, Poindexter, Potter, Rush, Seawell, G. Smith, J. L. Smith, S. Smith, Tatham, Wadsworth, Watson, Waugh, Weaver, Jacob Williams, Witcher, Ziglar.

Those who voted in the negative, were Messrs. Albritton, G. H. Alexander, Battle, Bell, Blatchford, Boddie, Bray, Brown, Bynum, Byrum, Carter, Clark, Coor, Crump, Davis, Dudley, Foreman, Foscue, Gwyn, Harper, Harris, Harrison, Hartley, Hill, Houlder, Howard, R. Jones, W. Jones, Judkins, Kenan, Latham, Lee, Long, Lyon, Maclin, Manney, Monk, Mullen, M'Pherson, M'Racken, Outlaw, Potts, Powell, Pugh, Register, Roebuck, Sanders, Sloan, Smallwood, A. B. Smith, Stockard, Swanner, Swindell, Taylor, Tillet, Tomlinson, Welch, Willey, Williams of Greene, Williamson.

Mr. Matthews presented a bill amendatory of an act passed in the year 1829, entitled an act to authorize the forming a fire engine company in the town of Elizabeth City; which was read the first time and passed.

On motion of Mr. R. H. Alexander, the bill to emancipate Daniel, was again read, and the question, shall the said bill pass the third reading? it was determined in the affirmative—yeas 59, nays 56. The yeas and nays demanded by Mr. Bynum,

Those who voted in the affirmative, were Messrs. Adams, R. H. Alexander, Allison, Barringer, Bedford, Blalock, Bragg, Brandon, Braswell, Brummell, Cansler, Clement, Cotten, Craige, Daniel, Deyton, Fleming, Foushee, Frink, Guinn, Hamrick, Hawkins, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Hutchison, Irion, King, Kittrell, Lilly, Lindsay, Locke, Loudermilk, Manly, Martin, Mathews, M'Lean, M'Neill, Ousby, Perkins, Perry, Poindexter, Rush, Seawell, G. Smith, John L. Smith, S. Smith, Tatham, Wadsworth, Walker, Watson, Waugh, Weaver, J. Williams, Witcher, Ziglar.

Those who voted in the negative, were Messrs. Albritton, G. H. Alexander, Battle, Bell, Blatchford, Boddie, Bray, Brown, Bynum, Byrum, Carter, Clark, Coor, Crump, Davis, Dudley, Foreman, Foscue, Gwyn, Harper, Harris, Harrison, Hartly, Hill, Houlder, Howard, R. Jones, W. Jones, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Manney, Monk, Mullen, M'Pherson, M'Racken, Powell, Pugh, Register, Roebuck, Sanders, Sloan, Smallwood, Stockard, Swanner, Swiadell, Taylor, Tillet, Tomlinson, Welch, Willey, Williams of Greene, Williamson.

Ordered that said bill be engrossed.

The following resignations received from the Senate, were read and accepted, viz. Of Josiah Daniel, of Pitt; of William Donnelly, of Moore; of J. W. Williams, of Green; of Hugh Walker, of Caswell; and of Stafford Gibson and Silas A. Drake, of Richmond, justices of the peace of their respective counties.

The House then adjourned until to-morrow morning, 10 o'clock.

#### SATURDAY, NOVEMBER 29, 1834.

On motion of Mr. R. Jones, ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for colonel and lieutenant colonel of cavalry attached to the 16th brigade of the militia, and informing that Joseph M. Stanfield is nominated for the first, and Henry R. Beard for the second named appointment.

The bill to divorce Peter Ambrose of Onslow county, from his wife Thirza Ambrose; and the bill to alter the name of Isaac Blanchard of the county of Gates, and to legitimate him, were severally read the third time and passed, and ordered to be engrssed.

The resolution in favor of George R. Griffith, administrator of Elisha Brown, was read the third time and passed, and ordered to be engrossed.

Mr. Hill presented a bill to establish Hannah Moore Academy, in the county of Duplin, and incorporate the Trustees thereof; which was read the first time and passed.

On motion of Mr. J. Horton,

*Resolved*, That the committee on so much of the Governor's Message as relates to the



subject of amending the Constitution of the State, be instructed to inquire into the expediency and propriety of submitting to the people for their adoption, certain specific amendments instead of calling a Convention.

Mr. J. W. Guinn presented the following resolutions, which were read and adopted :

Whereas, the Legislature at its last session, directed the Governor to issue two grants for land to Asa Delozier and Henry Regan, for the purpose of discovering a silver mine, under certain conditions ; be it therefore

*Resolved*, That the Governor be requested to communicate to this Legislature, whether the grants have been issued, and what development of the mineral resources of the mountainous regions of this State have been made by said Asa Delozier and Henry Regan.

And be it further resolved, That he further communicate to this Legislature all the information that may be in his possession, as to the value and extent of the discovery made by said Delozier and Regan.

On motion of Mr. Waugh,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so altering the law as respects administrators or executors in regard to the payment of debts of deceased insolvent debtors, so as to compel them to allow each and every creditor an equal ratio of payment, proportional to the demands of the creditors and the effects of the debtor ; and that they report thereon by bill or otherwise.

Mr. Manly presented a bill to establish the Merchants' Bank of the town of Newbern ; which was read the first time and passed, and on motion of Mr. Hartley, ordered to be printed.

The Speaker laid before the House, the annual report of the President and Directors of the Literary Fund ; which was on motion of Mr. Barringer, ordered to be sent to the Senate, with a proposition that it be printed.

Mr. King presented a bill to incorporate the Iredell Manufacturing Company ; which was read the first time and passed.

On motion, leave of absence from the service of the House, from this day until next Thursday, was granted to Mr. A. B. Smith, and to Mr. Davis for ten days.

Mr. Barringer, from the committee on the Judiciary, to whom was referred the bill to provide for the holding of a Superior Court in the county of Yancy, reported the same with sundry amendments. The said amendments were read and concurred in, and the bill as amended, read the second time and passed.

A message from the Senate, proposing that two additional copies of the annual Report of the Public Treasurer be printed for each member of the Legislature. The proposition was agreed to.

A message from the Senate, informing that they had passed the engrossed bill, granting to persons therein named, certain lands for the use of the Methodist Episcopal Church at Franklin in Macon county, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate agreeing to ballot immediately for cavalry officers of the 16th brigade, and informing that Messrs. Kerr and Mebane, form their balloting committee. Ordered that Messrs. R. Jones and Biaswell, superintend this balloting on behalf of the Commons.

A message from the Senate, informing that they have passed the following engrossed bills, viz. A bill to authorize and empower the court of pleas and quarter sessions, to allow compensation to commissioners who shall attend with a processioner to establish disputed lines ; and a bill to amend an act, entitled an act to establish and regulate a turnpike road in the county of Haywood, to be called the "Tennessee River Turnpike Road," passed

in 1826, chapter 36. These bills were read the first time and passed and the first named bill was, on motion of Mr. Poindexter, referred to the committee on the Judiciary.

Mr. Henderson presented a petition from sundry citizens of the county of Surry, praying that Abner Dunningan of said county, may be restored to the rights of citizenship, lost by a conviction for petit larceny. Said petition was, on motion of Mr. Henderson, referred to the committee on Propositions and Grievances.

The bill to alter the name of Albert Spring, of the county of Hyde; and the bill to amend the first section of an act passed in 1831, chapter 52, entitled an act to abolish the offices of county Trustee and Treasurer of public buildings in the counties of Richmond, Columbus, Sampson and Robeson, were severally read the second and third times, passed, and ordered to be engrossed.

The bill to repeal an act passed in the year 1832, entitled an act concerning the inspection of fire-wood in the town of Newbern, was read the second time.

Mr. Hartley moved to amend said bill, by striking out all after the enacting clause, and inserting "that from and after the passage of this act, no person shall receive or demand any fee or emolument for inspecting wood in the town of Newbern; and hereafter, there shall be no inspector of wood appointed in and for said town, and all laws and clauses of laws coming within the meaning and purview of this act be, and the same are hereby repealed." This amendment was rejected. Mr. Hartley moved that said bill be postponed indefinitely; this question was decided in the negative, and the bill passed its second reading.

The said bill was thereupon read the third time, passed, and ordered to be engrossed.

Mr. Walker presented a bill concerning the appointment of commissioners of a public road in Haywood county.

Mr. Taylor, a bill regulating the county courts of Nash, and Mr. Daniel, a bill to emancipate Doctor. These bills were read the first time and passed, and the last named bill was, on motion of Mr. Marsteller, referred to the committee on Propositions and Grievances.

The bill to alter the name of Julia Ann Thompson of Carteret county; the bill for the better administration of justice to the poor of Onslow county; and the bill to alter the name of and legitimate Luraney Alexander, were each read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to authorize Thomas H. Blount of Beaufort county, to make a road on his own land in Hyde county, from Rose Bay Turnpike to the present settlement on Swan Quarter, and to receive toll for passing the same, was read the second time, and on motion of Mr. Dockery, postponed indefinitely.

The bill to emancipate Jim, was read the second time and rejected—yeas 48, nays 69. The yeas and nays demanded by Mr. Battle,

Those who voted in the affirmative, were Messrs. Adams, R. H. Alexander, Allison, Bedford, Blalock, Brummell, Clement, Cotten, Craige, Daniel, Deyton, Dockery, Foushee, Graham, J. W. Guinn, Hamrick, Hawkins, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Hutchison, Kittrell, Lilly, Lindsay, Loudermilk, Manly, Martin, M'Lean, Ousby, Perkins, Poindexter, Potter, Rush, G. Smith, J. L. Smith, Swindell, Tatham, Wadsworth, Walker, Watson, Waugh, Weaver, J. Williams, Williams of Richmond, Witcher.

Those who voted in the negative, were Messrs. Albritton, Baker, Barringer, Battle, Bell,

Blatchford, Boddie, Bragg, Bray, Brown, Eynum, Byrum, Cansler, Carter, Clarke, Coor, Crump, Davenport, Dudley, Foreman, Foscue, Frink, L. A. Gwyn, Harper, Harris, Harrison, Hartly, Hill, Houlder, Howard, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Long, Lyon, Macklin, Mauney, Marsteller, Matthews, Monk, Mullen, M'Pherson, Outlaw, Perry, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, Smallwood, A. B. Smith, S. Smith, Stockard, Swanner, Taylor, Tillett, Tomlinson, Whitfield, Willey, Williams of Greene, Williamson, Ziglar.

Mr. J. W. Guinn presented the petition of Thomas Welch, praying to be allowed to erect a mill on the public lands, in Macon county; which was referred on Mr. Guinn's motion, to the committee on Cherokee Lands.

A message from the Senate, agreeing to the amendment proposed by the House of Commons, to the engrossed resolution requiring information from the commissioners appointed to superintend the building of the Capitol.

A message from the Senate, agreeing to the proposition of this House that the report of the Adjutant General be printed, and referred to the committee on Military Affairs.

Mr. R. Jones, from the committee appointed to conduct the balloting for cavalry officers, attached to the 16th brigade, reported that Joseph M. Stanfield was duly elected colonel, and Henry R. Beard lieutenant colonel; the report was concurred in.

The House then adjourned until Monday morning, 10 o'clock.

#### MONDAY, DECEMBER 1, 1834.

On motion of Mr. Henderson, the committee on Privileges and Elections obtained leave to sit during the sitting hours of this House.

Mr. Watson who voted in the majority on Saturday last, on the question of indefinite postponement of the engrossed bill to authorize Thomas H. Blount, of Beaufort county, to make a road on his own land in Hyde county, from Rose Bay Turnpike to the present settlement on Swan quarter, and to receive toll for passing the same; moved that the House do now reconsider that vote. The House agreed to reconsider, when the said bill was read the second and third times, passed, and ordered to be enrolled.

Mr. Bedford presented a resolution in favor of John Cherry; which was read the first time and passed, and on motion Mr. Graham, referred to the committee on Claims.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to repeal in part an act passed in 1831, to prevent obstructions to the passage of fish up the Pedee and Yadkin rivers; and a bill to secure to Theresa Brownrigg, such property as she may hereafter acquire; and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. Barringer, from the committee on the Judiciary to whom was referred a resolution directing them to inquire into the expediency of vesting in the Executive authorities of the State, the power to issue writs of election to supply the vacancies of members of this Assembly in certain cases, reported that in the opinion of said committee the Legislature has no power under the Constitution to change the law as contemplated, and prayed to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Barringer, from the same committee to whom was referred a resolution instructing them to inquire into the expediency of amending the law, relative to the assessment of damages for injuries done to the owners of

land by the erection of mills, reported that it is not expedient to legislate in the manner proposed, and prayed to be discharged from the further consideration thereof; the report was concurred in.

Mr. Barringer, from the same committee to whom was referred the bill to provide for the relief of sureties in certain cases, reported unfavorably thereon. The said bill was thereupon on motion of Mr. Poindexter, laid on the table.

Mr. Graham, from the same committee to whom a resolution on the subject was referred, reported a bill to provide for the temporary appointment of registers in certain cases. The said bill was read the first time and passed.

Mr. Barringer, from the same committee to whom was referred a bill to abolish the office of county trustee, in the county of Granville, and for other purposes, reported the same with amendments. The amendments were read and concurred in, and the said bill read the second time amended and passed.

Mr. J. W. Guinn, from the committee on Propositions and Grievances to whom the subject was referred, reported a bill to prevent obstructing the passage of fish up Roaring river, in the county of Wilkes; which was read the first time and passed.

Mr. Guinn, from the same committee reported unfavorably on the petition from sundry citizens of Randolph, praying the emancipation of a negro woman, named Edith, the property of Abram Hammer; the report was concurred in.

Mr. J. L. Smith presented a bill to restore to credit Israel Robertson, of Haywood county; which was read the first time and passed, and, on motion of Mr. Smith, referred to the committee on Propositions and Grievances.

On motion of Mr. Bedford,

*Resolved*, That the committee on Military Affairs be instructed to inquire into the propriety of an immediate distribution among the militia officers of this State, of the remaining copies of infantry and artillery tactics in the Executive Office, and that they report by bill or otherwise.

Received from the Senate, the certificates of the county court of Cumberland, in favor of Ann Morrison, a State pensioner, allowing her the sum of forty dollars; also the certificates of the county court of Craven, in favor of John Rhem, Thomas Ewell and Christopher Bexly, pensioners of the State, allowing the said Rhem one hundred dollars, the said Ewell and Bexly, the sum of fifty dollars each. These certificates were read and ordered to be countersigned by the Speaker of the Commons, and returned to the Senate.

A message from the Senate, announcing to the House of Commons the death of Ephraim Mann, esquire, Senator from the county of Tyrrell, and proposing that a joint select committee of three members on the part of each House, be appointed to make arrangements for the funeral of the deceased, and further proposing that as a testimony of respect to the memory of the deceased, each member of the Legislature wear the usual badge of mourning on the left arm for the remainder of the session. The propositions were concurred in, and Messrs. M'Cleese, G. H. Alexander and Davenport, were appointed said committee on behalf of the Commons. A message from the Senate, informing that Messrs. Sawyer, Wilson and Mebane, compose said committee on behalf of the Senate.

Whereupon the House adjourned until Wednesday morning, 10 o'clock.

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WEDNESDAY, DECEMBER 3, 1834.

Frederick Norcom the member elect from the town of Edenton, appeared, and was qualified according to law.

The Speaker laid before the House a communication from Edwin S. Smithwick, resigning his seat as a member of this House, from the county of Martin; the said resignation was read and accepted.

Mr. Poindexter presented a bill to establish Germanton Academy, in the county of Stokes, and to incorporate the trustees thereof; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Battle presented a bill to authorize the commissioners of the town of Lousburg, to sell a part of the town commons; which was read the first time and passed.

Mr. J. W. Guinn, from the committee on Propositions and Grievances reported a bill to restore to credit Joseph Wilson, of Buncombe county; which was read the first time and passed.

Mr. Guinn, from the same committee to whom was re-committed the bill to divorce Elizabeth M. Starnes, of Macon county, reported the same without amendment, when the said bill was read the second time and passed.

Received from his Excellency Governor Swain, the following communication:

*To the General Assembly of the State of North Carolina.*

GENTLEMEN: The accompanying file of papers consists of original letters addressed to the Adjutant General by Maj. Churchill, of the Army of the United States, and copies of the replies of the former in relation to a claim against the State, for services rendered at Smithville, in preserving public arms which had been deposited at that post.

The letter addressed to me by the Adjutant General on the subject, a copy of which is likewise communicated, will sufficiently explain the course which I deemed it my duty to pursue, and the motives by which I was influenced. Under all the circumstances of the case, I have determined to submit to the Legislature the propriety of appropriating the sum requisite to a fair settlement of this claim.

It was rejected at this department not because it was considered unjust, but for the simple reason that I did not regard myself as having any authority to pay it.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, Dec. 3, 1834.

The foregoing communication was read, and on motion Mr. Marsteller, ordered that the same be transmitted to the Senate with a proposition that it be referred to the committee on Military Affairs.

The Speaker laid before the House a report from the commissioners appointed to superintend the rebuilding of the State Capitol; which was read, and on motion of Mr. Bragg, ordered to sent to the Senate with a proposition that it be referred to the joint select committee raised on the subject of the Public Buildings.

Mr. Haywood presented the petition of Eldridge Smith, of the city of Raleigh, praying to be restored to credit; which was on motion of Mr. Haywood, referred to the committee on Propositions and Grievances.

Mr. Haywood introduced a bill declaring and explaining the law on the subject of gifts and settlements; which was read the first time and passed, and on motion of Mr. Haywood, was ordered to be printed, and referred to the committee on the Judiciary.

Mr. Barringer presented a bill concerning coroner's fees; which was read the first time and passed.

On motion of Mr. Waugh,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of giving to a majority of the justices of the county courts, power to appoint a special court whenever they may think the interest of the county require it, and that they report by bill or otherwise.

On motion of Mr. Dudley,

*Resolved*, That the committee on Internal Improvements take into consideration the expe-

diency of authorizing and directing the Public Treasurer to subscribe and pay for, on the part of the State, two-fifths of the stock of any chartered Rail Road Company in the State, where three-fifths of said stock shall first have been subscribed by responsible individuals; also authorizing and directing the Public Treasurer to borrow the necessary amount of money to pay said subscription, provided it can be had at or under \_\_\_\_\_ per cent. per annum, interest, and for the payment of said loan, pledge the faith of the State, and that said committee report by bill or otherwise.

Mr. Ziglar presented the petition of Susan Overby, of Stokes county, wife of William Overby, praying to have a law passed to secure her in such property as she may hereafter acquire; which was on motion of Mr. Ziglar, referred to the committee on Propositions and Grievances.

Mr. Haywood presented a bill to amend an act, entitled an act to establish a Bank in the State of North Carolina, passed at the last session of the General Assembly; which was read the first time and passed, and, on motion of Mr. Haywood, referred to the committee on Finance.

Mr. Clement presented the memorial of sundry inhabitants of the counties of Cumberland, Robeson, Richmond, Moore, Anson, Montgomery and Rowan, praying an appropriation in aid of the Cape Fear, Pedee and Yadkin Rail Road. The memorial was read, and on motion of Mr. Clement, referred to the committee on Internal Improvement.

The bill regulating the county courts of Nash, was read the second time and rejected.

The engrossed bill to amend an act, entitled an act to establish and regulate a Turnpike Road, in the county of Haywood, to be called the Tennessee River Turnpike Road, passed 1826—36, was read the second and third times amended and passed; ordered that the concurrence of the Senate be asked in the amendment.

The bill to abolish the office of county trustee, in the county of Granville, and for other purposes; and the bill to provide for the holding of a superior court, in the county of Yancy, were read the third time, passed, and ordered to be engrossed.

The bill to prevent obstructing the passage of fish up Roaring river, in the county of Wilkes; the bill concerning the appointment of commissioners of a public road, in Haywood county; the bill to establish Hannah Moore Academy, in the county of Duplin, and incorporate the trustees thereof; the bill to incorporate the Iredell Manufacturing Company; the bill amendatory of an act passed in the year 1829, entitled an act to authorize the forming a fire engine company, in the town of Elizabeth City; and the bill to repeal in part an act passed in the year 1831, entitled an act to provide for the compensation of certain jurors of the counties of Perquimons, Pasquotank and Gates, were severally read the second and third times, passed, and ordered to be engrossed.

Mr. Graham presented a petition from sundry justices of the peace, of Orange county, praying the passing of a law authorizing fifteen justices of said county, to do and perform all such acts as are now required of a majority of the whole number. The said petition was on motion of Mr. Graham, referred to the committee on the Judiciary.

Mr. Swanner presented a bill directing the manner in which lands shall be sold for taxes, in the county of Washington; which was read the first time and passed.

The engrossed bill to repeal in part an act passed in the year 1831, to prevent the obstructions to the passage of fish up the Pedee and Yadkin

rivers, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, agreeing that the report of the president and directors of the Literary Fund be printed.

The engrossed bill to secure to Theresa Brownrigg, such property as she may hereafter acquire, was read the second time and passed. The said bill was again read the third time, and the question shall the said bill pass the third reading? was decided in the affirmative—yeas 93, nays 28. The yeas and nays demanded by Mr. Outlaw,

Those who voted in the affirmative, were Messrs. R. H. Alexander, Allison, Baker, Bedford, Bell, Blachford, Blalock, Buddie, Bragg, Brandon, Braswell, Brown, Brummell, Bynum, Canster, Carter, Clark, Coor, Cotten, Crump, Daniel, Davenport, Deyton, Dudley, Foreman, Fort, Foscue, Fouchee, Frink, Gunn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartley, Henderson, Henry, Houlder, Hatchison, Irion, R. Jones, W. Jones, Judkins, Kenan, Kittrell, Latham, Lee, Lilly, Lindsay, Locke, Long, Lyon, Machin, Marsteller, Martin, Matthews, Monk, Mullen, M'Cleese, M'Lean, M'Neill, M'Racken, Onsby, Perry, Potter, Potts, Register, Roebuck, Rush, Sanders, Sloan, Smallwood, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillet, Wadsworth, Walker, Watson, Welch, Whitfield, Willey, J. Williams, Williams of Greene, Williams of Richmond, Witcher.

Those who voted in the negative, were Messrs. Albritton, G. H. Alexander, Barringer, Battle, Bray, Byrum, Clement, Dockery, Graham, Haywood, Hill, Hoke, Howard, King, Loudermilk, Manly, Manney, M'Pherson, Norcom, Outlaw, Perkins, Poindexter, Powell, Pugh, Tomlinson, Waugh, Weaver, Ziglar.

Ordered that said bill be enrolled.

The bill to provide for the temporary appointment of registers in certain cases; the bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected; also the bill for turning or altering roads in certain cases; and the bill vesting the power to authorize the erection of gates across public roads, in the several county courts, were each read the second time and passed.

On motion of Mr. Outlaw, ordered that a writ of election be issued to the sheriff of Martin county, commanding him to hold an election in said county, on Thursday the 11th inst. for a member of the House of Commons, to supply the vacancy occasioned by the resignation of Edwin S. Smithwick.

The House then adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, DECEMBER 4, 1834.

Mr. Tillet presented a resolution in favor of Caleb Barco; and Mr. Foreman a bill to alter the name of Phenetta Parker, and to legitimate her, and Josiah Wilson Pollard, of the county of Pitt; which were read the first time and passed.

Mr. Waugh presented a resolution in favor of Elizabeth Forbes; which was read the first time and passed.

Mr. Craige on behalf of the joint select committee raised on that subject, reported a bill concerning a Convention to amend the Constitution of the State of North Carolina; which was read the first time and passed, and, on motion of Mr. Craige, ordered to be printed, and made the order of the day for Thursday next.

Mr. Fleming presented a bill to incorporate the Burke County Gold Mining Company; which was read the first time and passed.

Mr. Clark presented a memorial from a regimental court martial of the county of Beaufort, proposing certain alterations in the militia laws of the

State; which was referred on motion of Mr. Clark, to the committee on Military Affairs.

Mr. Guinn, from the committee on Propositions and Grievances, reported a bill to restore to credit John Bates, of Macon county; which was read the first time and passed.

Mr. Daniel, from the committee on Claims to whom was referred a resolution in favor of the heirs at law, of Joseph Hale, deceased, reported unfavorably thereon; when the said resolution was read the second time and rejected.

Mr. Daniel from the same committee, reported favorably on the resolution authorizing a grant to be issued to William Wilson; when the said resolution was read the second time and passed.

Received from his Excellency Governor Swain, by his private Secretary, the following communication:

*To the General Assembly of the State of North Carolina.*

GENTLEMEN: I have the honor to transmit herewith a communication from James Iredell and William H. Battle, Esquires, two of the commissioners appointed to revise the Public Statute Laws of this State.

I concur in all the opinions expressed by these gentlemen, and entertain sanguine expectations, that the duties confided to them will be discharged in a manner highly creditable to them, and eminently useful to the public.

The appointment of a clerk as suggested would, I am satisfied not only facilitate and expedite the labours of the commissioners, but greatly promote the convenience of the legislative body, to which the work will be submitted for revision and confirmation. An appropriation of three hundred dollars would afford adequate compensation for the labours of a competent clerk.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, 4th Dec. 1834.

On motion of Mr. Barringer, ordered that the foregoing be transmitted to the Senate with a proposition to print the message and report, and to refer them with the accompanying documents to a joint select committee of three members on the part of each House.

Received also from his Excellency the Governor, a reply to the resolution of this House of the 29th ult. in relation to the grant of land to Asa Delozier and Henry Reagan. Whereupon, on motion of M. J. W. Guinn, it was ordered that the said communication be referred to the joint select committee upon the subject of Cherokee Lands, and that said committee be instructed to inquire whether said Delozier and Reagan, have made any discovery that will prove valuable to the State, and if no such discovery has been made by them, that the committee inquire into the expediency of passing a general law upon the subject, and that they report by bill or otherwise.

Mr. Daniel, from the committee on Claims, reported favorably on the resolution in favor of William Kenly, of Davidson county; when the said resolution was read the second time and passed.

Mr. Long presented a bill to alter the names of James Morris and Nancy Morris, and to legitimate them; Mr. Register a bill to alter the name of Eli L. Lewis, of the county of New Hanover, and to legitimate him; and Mr. Baker a bill to alter the name of Moses Holmes, and to legitimate him. These bills were read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill for the better regulation of the courts of pleas and quarter sessions of the county of Yancy; a bill to authorize the appointment of two surveyors in the counties of Montgomery and Haywood; and a bill to alter the time of opening and closing the polls of the elections in the



county of Pasquotank; and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate transmitting to this House the report of the committee on Finance, on the state of the Public Treasury together with a letter from Wm. S. Mhoon, Esq. Public Treasurer, declining a re-election to that office; and proposing that the two Houses proceed to ballot on Monday next, for Public Treasurer for the ensuing year, and informing that Samuel F. Patterson and Samuel Spruill, are in nomination for the appointment; the proposition was agreed to.

Mr. Guinn, from the committee on Propositions and Grievances, reported a bill to emancipate Daniel. The said bill was read the first time, and, on motion of Mr. Battle, rejected—yeas 97, nays 27. The yeas and nays demanded by Mr. Tomlinson,

Those who voted in the affirmative, were Messrs. Albritton, G. H. Alexander, Baker, Barringer, Battle, Bedford, Bell, Blatchford, Blalock, Boddie, Bragg, Brandon, Braswell, Bray, Brown, Brummiell, Bynum, Byrum, Cansler, Carter, Clement, Clark, Coor, Cotten, Davenport, Dockery, Dudley, Fleming, Foreman, Fort, Foscué, Foushee, Frink, Gwyn, Hamrick, Harper, Harris, Harrison, Hartley, Haywood, Henderson, Hill, Houlder, Howard, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Kittrell, Latham, Long, Lyon, Maclin, Manney, Marsteller, Martin, Matthews, Mitchell, Monk, Mullen, M'Cleese, M'Lean, M'Pherson, M'Racken, Ousby, Outlaw, Perkins, Perry, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, Smallwood, A. B. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillet, Tomlinson, Walker, Watson, Welch, Whitfield, Willey, Williams of Greene, Williams of Richmond, Williamson, Ziglar.

Those who voted in the negative, were Messrs. Allison, Craige, Crump, Daniel, Deyton, Graham, Guinn, Hawkins, Henry, Hoke, Hutchison, King, Lilly, Lindsay, Locke, Loudermilk, Manly, Poindexter, Potter, Rush, G. Smith, J. L. Smith, Wadsworth, Waugh, Weaver, Jacob Williams, Witcher.

The Speaker laid before the House the report of the commissioners for rebuilding the State Capitol, made in answer to certain resolutions heretofore adopted by the Assembly, calling on said commissioners for information as to the progress of the work. The said report was read, and, on motion of Mr. Graham, ordered to be sent to the Senate with a proposition that it be referred to the joint select committee on this subject, and that the report without the exhibits be printed.

The resignation of William G. Anderson, as major of the third regiment of militia, of Buncomb county, was read and accepted.

The House now proceeded to the orders of the day, and took up for consideration the political resolutions heretofore submitted by Mr. Potts. Mr. Barringer moved that the resolutions lie upon the table; the question thereon, was decided in the negative—yeas 59, nays 70. The yeas and nays demanded by Mr. Barringer,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bell, Blatchford, Blalock, Brandon, Bray, Brummell, Clement, Clark, Craige, Crump, Davenport, Dockery, Dudley, Fleming, Foreman, Graham, Harper, Henderson, Henry, W. Horton, Howard, King, Kittrell, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Mitchell, Mullen, M'Cleese, M'Lean, M'Pherson, Noreom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Swindell, Tillett, Watson, Weaver, Jacob Williams, Williams of Greene, Williams of Richmond.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Deyton, Fort, Foscué, Foushee, Frink, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Hartly, Haywood, Hill, Hoke, Houlder, Hutchinson, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Marsteller, M'Neil; M'Racken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Welch, Whitfield, Willey, Williamson, Witcher, Ziglar.

Discussion having arisen on the subject, Mr. R. H. Alexander moved

that the House adjourn till to-morrow morning 10 o'clock; the question thereon, was decided in the negative—yeas 55, nays 64. The yeas and nays demanded by Mr. R. H. Alexander,

Those who voted in the affirmative, were Messrs. R. H. Alexander, G. H. Alexander, Barringer, Battle, Bell, Blalock, Brummell, Cansler, Clement, Clark, Cotten, Crump, Davenport, Dudley, Fleming, Foreman, Frink, Graham, Guinn, Henderson, Henry, Hoke, Howard, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Mitchell, Monk, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Swindell, Tillet, Watson, Welch, Williams of Greene, Williams of Richmond, Ziglar.

Those who voted in the negative, were Messrs. Albritton, Bedford, Blatchford, Boddie, Bragg, Braswell, Bray, Brown, Bynum, Byrum, Carter, Coor, Daniel, Deyton, Fort, Foscue, Foushee, Gwyn, Hamrick, Hawkins, Harris, Harper, Harrison, Hartly, Haywood, Hill, Houlder, Hutchinson, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Mullen, M'Racken, Perry, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Tatham, Taylor, Tomlinson, Wads, worth, Walker, Waugh, Whitfield, Willey, J. Williams, Williamson, Witcher.

Mr. Craige moved that said resolutions be postponed indefinitely, and having further continued the debate, Mr. Matthews moved that the House adjourn until to-morrow morning 10 o'clock; this question was decided in the negative—yeas 56, nays 61. The yeas and nays called for by Mr. Clark,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Barringer, Battle, Bell, Blalock, Brummell, Cansler, Clement, Clark, Cotten, Crump, Dudley, Fleming, Foreman, Graham, Guinn, Harper, Henderson, Henry, Hoke, Howard, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Mitchell, Monk, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, J. L. Smith, Swindell, Tillet, Welch, Williams of Greene, Williams of Richmond, Ziglar.

Those who voted in the negative, were Messrs. Allison, Bedford, Boddie, Bragg, Braswell, Bray, Brown, Bynum, Byrum, Carter, Coor, Daniel, Deyton, Fort, Foscue, Foushee, Frink, Gwyn, Hamrick, Hawkins, Harrison, Hartley, Haywood, Hill, Houlder, Hutchinson, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Mullen, M'Racken, Perry, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, S. Smith, Stockard, Swanner, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Whitfield, Willey, J. Williams, Williamson, Witcher.

Before Mr. Craige had concluded his remarks, on motion of Mr. Long, the House adjourned until to-morrow morning, 10 o'clock.

#### FRIDAY, DECEMBER 5, 1834.

Mr. Smallwood presented the petition of sundry citizens of the county of Beaufort, praying the emancipation of a slave, named George, the property of one Edny Brown; which was on motion of Mr. Smallwood, referred to the committee on Propositions and Grievances.

Mr. Guinn, from the committee on Propositions and Grievances to whom was referred a petition on the subject, reported a bill to restore to credit John Masters, of Yancy county; which was read the first time and passed.

A message from the Senate, agreeing to refer the Governor's communication of the 3d inst., with the accompanying documents to the committee on Military Affairs.

A message from the Senate, concurring in the amendments made by this House to the engrossed bill to amend an act, entitled an act to establish and regulate a Turnpike Company, in the county of Haywood; ordered that said bill be enrolled.

A message from the Senate, proposing that the report of the commissioners for rebuilding the State Capitol, be referred to a joint select committee to be styled the committee on Public Buildings; the proposition was concurred

in, and Messrs. Haywood, Houlder, Brandon, Daniel and Dudley, appointed a committee on behalf of the Commons.

Mr. Guinn presented a petition from sundry citizens of Macon county, praying a grant of land whereon to erect a house of public worship; which was referred to the committee on Cherokee Lands.

Benjamin Fitzrandolph the member elect from the county of Bladen, to supply the vacancy occasioned by the death of Amos Richardson, appeared, produced the certificate of his election, and was qualified according to law.

Mr. Daniel introduced the following resolution, which was read and adopted.

Whereas petitions for divorce are required to be filed in the superior courts of law, and are in all respects proceedings at law, which is sometimes found inconvenient in practice: Therefore

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law, as to authorize petitions for divorce to be filed in the courts of equity, and of giving to the judges of the supreme and superior courts the power to issue writs of sequestration upon such petitions, and such other process as the rules of law may warrant in equity proceedings, and the facts may render necessary; and that they report by bill or otherwise

Mr. Mullen presented a bill amendatory of an act passed in the year 1777, chapter 23, respecting water grist mills; Mr. Lilly a bill for the better government of the town of Lawrenceville, in Montgomery county; Mr. Seawell a bill to incorporate the Fayetteville Mechanic's Benevolent Society; and Mr. Tatham a bill to incorporate the Tuckaleecha Smokey Mountain Turnpike Company. These bills were read the first time and passed.

The bill to restore to credit Joseph Wilson, of Buncombe county, was read the second time and rejected.

The bill to incorporate the Burke County Gold Mining Company, was read the second time and passed.

Mr. Coor presented a bill to amend an act passed in the year 1831, for the better regulation of the town of Waynesborough; which was read the first time and passed.

The bill to restore to credit John Bates, of Macon county; the bill to alter the name of Eli L. Lewis, of the county of New Hanover, and to legitimate him; also the bill to alter the names of James Morris and Nancy Morris, and to legitimate them; the bill directing the manner in which lands shall be sold for taxes, in the county of Washington; the bill to authorize the commissioners of Louisburg, to sell a part of the town commons, were severally read the second and third times, passed, and ordered to be engrossed.

Mr. Haywood, from the committee on Finance to whom was referred the bill to amend an act, entitled an act to establish a Bank in the State of North Carolina, passed at the last session of the General Assembly, reported the same with amendments. The amendments were read and concurred in, and, on motion of Mr. Barringer, the said bill was ordered to lie on the table.

Mr. Haywood presented a paper relating to the emancipation of Waller Freeman; which was on his motion, referred to the committee on Propositions and Grievances.

Mr. Outlaw, from the committee on Privileges and Elections to whom was referred certain papers relating to the ineligibility of Robert Potter, made a report thereon, and prayed to be discharged from the further consideration of the subject; the report was concurred in, and the committee discharged.

The resignations of James H. Hooper, as colonel commandant of the 33d

regiment of militia, and of J. G. Dickson, as a justice of the peace, of the county of Duplin, were presented, read and accepted.

The House now proceeded to the order of the day, and took up the unfinished business of yesterday, being the resolutions heretofore submitted by Mr Potts; and after some time spent in their consideration and discussion, Mr. raige moved that the House adjourn until to-morrow 10 o'clock.—The question thereon, was decided in the negative—yeas 52, nays 75. The yeas and nays demanded by Mr. Haywood,

Those who voted in the affirmative, were Messrs. G. H. Alexander, R. H. Alexander, Baker, Barringer, Bell, Blalock, Brandon, Bray, Brummell, Clement, Clarke, Craige, Crump, Davenport, Deyton, Dockery, Dudley, Fleming, Foreman, Graham, Henderson, Henry, W. Horton, Howard, Kenan, King, Kittrell, Latham, Lilly, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Tillet, Williams of Richmond.

Those who voted in the negative, were Messrs. Albritton, Allison, Bedford, Blatchford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Fort, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartly, Haywood, Hill, Hoke, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Lee, Lindsay, Lyon, Macklin, Marsteller, Monk, Mullen, M'Racken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Watson, Waugh, Weaver, Welch, Whitfield, J. Williams, Williams of Greene, Williamson, Witcher, Ziglar.

Mr. Dockery moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon, was decided in the negative—yeas 59, nays 70. The yeas and nays demanded by Mr. Waugh,

Those who voted in the affirmative, were Messrs. R. H. Alexander, G. H. Alexander, Baker, Barringer, Battle, Bell, Blalock, Brandon, Bray, Brummell, Clement, Clarke, Craige, Crump, Davenport, Deyton, Dockery, Dudley, Fleming, Foreman, Graham, Henderson, Henry, Hoke, W. Horton, Howard, Kenan, King, Kittrell, Latham, Lilly, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Mitchell, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Tatham, Tillet, Walker, Watson, Weaver, Williams of Richmond.

Those who voted in the negative, were Messrs. Albritton, Allison, Bedford, Blatchford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Fort, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harper, Harrison, Hartly, Haywood, Hill, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Lindsay, Lyon, Macklin, Marsteller, Monk, Mullen, M'Racken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Taylor, Tomlinson, Wadsworth, Waugh, Welch, Whitfield, Willey, J. Williams, Williams of Greene, Williamson, Witcher, Ziglar.

Mr. Whitfield moved that the House adjourn until to-morrow one o'clock P. M. The question thereon was decided in the negative—yeas 13, nays 110. The yeas and nays demanded by Mr. Tomlinson,

Those who voted in the affirmative were, Messrs. Baker, Craige, Dockery, Dudley, Graham, Henderson, Henry, Lilly, M'Cleese, M'Lean, M'Pherson, Norcom, Whitfield.

Those who voted in the negative were, Messrs. Albritton, R. H. Alexander, G. H. Alexander, Allison, Barringer, Battle, Bedford, Bell, Blatchford, Blalock, Boddie, Bragg, Brandon, Braswell, Bray, Brown, Brummel, Bynum, Byrum, Cansler, Carter, Clement, Clark, Coor, Cotten, Crump, Daniel, Davenport, Deyton, Foreman, Fort, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartley, Haywood, Hill, Hoke, W. Horton, Houlder, Howard, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, King, Kittrell, Latham, Lee, Lindsay, Locke, Loudermilk, Lyon, Maclin, Manly, Manney, Marsteller, Martin, Mitchell, Monk, Mullen, M'Neill, M'Racken, Ousby, Outlaw, Perkins, Perry, Poindexter, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Rush, Sanders, Sloan, Smallwood, A. B. Smith, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Waugh, Welch, Willey, Jacob Williams, Williams of Green, Williams of Richmond, Williamson, Witcher, Ziglar.

Mr. Norcom moved that the House adjourn until to-morrow morning 10 o'clock. The question thereon was decided in the negative—ayes 59, nays 68. The yeas and nays demanded by Mr. Norcom,

Those who voted in the affirmative were, Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bell, Blalock, Bray, Brummell, Cansler, Clement, Clarke, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Graham, Outlaw, Henderson, Henry, Hoke, W. Horton, Howard, Kenan, King, Kittrell, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Mitchell, Monk, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Tatham, Tillett, Jacob Williams, Williams of Green, Williams of Richmond, Williamson.

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Bedford, Blatchford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Carter, Coor, Cotten, Daniel, Davenport, Dayton, Fort, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Hartley, Haywood, Hill, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Latham, Lee, Lyon, Macklin, Marsteller, Mullen, M'Racken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Taylor, Tomlinson, Wadsworth, Watson, Waugh, Welch, Whitfield, Willey, Witcher, Ziglar.

Mr. Haywood moved that the House adjourn until 6 o'clock P. M.; and Mr. Outlaw moved to amend the motion, by fixing the time at 10 o'clock to-morrow. The question being put on the longest time, was decided in the affirmative—yeas 62, nays 62. The yeas and nays demanded by Mr. Haywood,

Those who voted in the affirmative were, Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bedford, Bell, Blalock, Bray, Brummell, Cansler, Clement, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Graham, Guinn, Harper, Hartley, Henderson, Henry, Hoke, W. Horton, Howard, Kenan, King, Kittrell, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Mitchell, Monk, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Tatham, Tillett, Watson, Jacob Williams, Williams of Green, Williams of Richmond, Williamson.

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Blatchford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Carter, Coor, Cotten, Daniel, Davenport, Dayton, Fort, Foushee, Frink, Fitzrandolph, Gwyn, Hamrick, Hawkins, Harris, Harrison, Haywood, Hill, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Latham, Lee, Lyon, Macklin, Marsteller, Mullen, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Taylor, Tomlinson, Wadsworth, Waugh, Welch, Willey, Witcher, Whitfield, Ziglar.

The House being thus equally divided, the Speaker voted in the affirmative; and so the House adjourned until to-morrow morning, 10 o'clock.

#### SATURDAY, DECEMBER 6, 1834.

Mr. Guinn, from the committee on Propositions and Grievances reported a bill to divorce Sally Flowers from her husband Christopher Flowers; which was read the first time and passed.

Mr. Hill presented a bill supplemental to an act, passed in the year 1829, chapter 55, entitled an act to provide for the compensation of the jurors of the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; and Mr. Smallwood, a bill to incorporate Washington Academy in the town of Washington, Beaufort county, and appoint trustees thereof. These bills were read the first time and passed.

Mr. Clarke presented a bill to divorce William Harvey of Beaufort county; which was read the first time and passed, and, on motion of Mr. Clarke, referred to the committee on Propositions and Grievances.

A message from the Senate, informing that they had rejected the engrossed bill to repeal an act, passed in the year 1832, entitled an act con-

cerning the inspection of firewood, in the town of Newbern; and the engrossed bill to legitimate and alter the name of Albert Spring, of the county of Hyde.

A message from the Senate, agreeing to the proposition of this House that the report of the Commissioners on the State Capitol, be referred to the joint select committee on that subject, and that the report be printed, and proposing that the exhibits accompanying the same, also be printed. The Senate's proposition was agreed to.

A message from the Senate, agreeing to the proposition of this House, that the message of his Excellency the Governor, and the report of the commissioners appointed to revise the statute laws of this State, together with the accompanying documents, be referred to a joint select committee of three on the part of each House, and that the message and report be printed, and informing that Messrs. Branch, Holmes and Sawyer, compose their branch of said committee; said committee on behalf of this House consists of Messrs. Barringer, Poindexter and Clarke.

A message from the Senate, informing that they have passed the following engrossed bills and resolutions, viz. A bill to abolish the offices of county trustee and treasurer of public buildings, in the counties of Gates and Hyde; a bill to give exclusive jurisdiction to the superior courts for the counties of Anson and Montgomery, in all cases where the intervention of a jury may be necessary; a bill to protect seine places on Roanoke river; and a resolution in favor of James Monk, and asking the concurrence of this House, the said bills and resolution were read the first time and passed.

The bill to alter the name of Phenetta Parker and to legitimate her, and Josiah Wilson Pollard, of the county of Pitt, was read the second and third times, passed and ordered to engrossed.

The bill to incorporate the Burke county gold mining company; and the bill to divorce Elizabeth M. Starnes, of Macon county, were each read the third time and passed, and ordered to be engrossed.

The engrossed bill to authorize the appointment of two surveyors, in the counties of Montgomery and Haywood, was read the second and third times, amended on motion of Mr. Witcher and passed. Ordered, that the concurrence of the Senate be asked in said amendment.

The bill to establish the merchants bank of the town of Newbern, was on motion of Mr. Manly, made the order of the day for Wednesday next.

The resignations of R. D. Gillis, as lieutenant colonel of the first division of Cumberland county militia; of John F. M'Corkle, as lieutenant colonel of the 63rd regiment of North militia; of Elijah Jacobs of Person county, and Jonathan Wood of Johnston county, justices of the peace, were presented, read and accepted.

The resignations of James Harper, as colonel commandant of cavalry, attached to the 2nd brigade; of Joseph D. Ward, as major of cavalry attached to the third brigade; of Eli Harris, a justice of the peace of the county of Montgomery, received from the Senate, were read and accepted.

Mr. Foushee presented a bill to reduce the salaries of the Supreme Court Judges; Mr. Clarke moved that said bill be rejected. The question thereon, was decided in the negative—yeas 55, nays 63. The yeas and nays demanded by Mr. Taylor,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Boddie, Bragg, Brandon, Brummell, Cansler, Clement, Clarke, Craige, Crump, Dockery, Fleming, Foreman, Graham, Harper, Harrison, Hartley, Haywood, Hill, Hoke, Howard, Hutchinson, W. Jones, Jordan, Judkins, Kenan, King, Kittrell, Latham, Lindsay, Long, Loudermilk, Manly, Manney, Marsteller, Mathews, Mitchell, M'Lean, M'Pherson, M'Racken, Ousby, Outlaw, Poindexter, Potts, Pugh, Riddick, A. B. Smith, Tatham, Welch, Whitfield, Willey.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Bedford, Bell, Blachford, Blalock, Braswell, Bray, Bynum, Byrum, Carter, Coor, Cotten, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Gunn, Gwyn, Hamrick, Hawkins, Harris, Henry, Houlder, Irion, R. Jones, Lee, Locke, Lyon, Monk, Mullen, M'Neill, Perkins, Perry, Potter, Powell, Register, Roebuck, Rush, Sloan, Smallwood, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Watson, Waugh, Jacob Williams, Williams of Greene, Williams of Richmond, Williamson, Witcher, Ziglar.

Whereupon the said bill was read the first time and passed.

Received from his Excellency Governor Swain, the following communication :

*To the General Assembly of the State of North Carolina.*

GENTLEMEN : By an act passed at the last session of the General Assembly, directing the sale of lands acquired by treaty, from the Cherokee Indians, the Governor was authorized in his discretion, to direct the sale of the surveyed lands belonging to the State, at such time and place as he might think proper. A resolution adopted at the same session authorized the the Governor with the advice of the Counsel on the part of the State, to enter into a written agreement with certain individuals or their agent, claiming title to these lands, under grants to Cathcart, and Stedman, and Holderman, and Esselman, binding these persons in case they should recover all or any part of them, to accept in payment such bonds as might be received by the agent of the State, at the sale contemplated by the act referred to. This subject was regarded as one of much importance, and it was plain that any course which could be pursued was not free from difficulty. That these lands had been diminishing in value for years, owing to trespasses committed by squatters and others, was perfectly certain, and this furnished a strong inducement to dispose of them immediately. It was obvious however, that the Legislature did not intend that a sale should take place, unless the Governor was satisfied that the title of the State was valid, or that all difficulties incident to the transfer of a disputed title, should be obviated by a satisfactory arrangement with the claimants. The Counsel with whom I was directed to confer, entertained a decided opinion that any agreement which could be entered into with the agent, charged with the management of the suits in the Federal Court, would have no other effect than to create additional embarrassments. A large proportion, perhaps half the whole number of the plaintiffs are infants and feme covers, and no agreement of the agent in question would bind them. The claimants of full age, in case the suits should be decided in their favor, would be entitled to the money and bonds received of the purchasers, while the minors and married women might elect to take the land ; in such a state of things, it would be utterly out of the power of the State to satisfy the demands of both classes of claimants. It seemed very clear however, that to direct a sale without any reference to the resolution, would contravene the legislative will, and I did not hesitate therefore, to decline exercising the power which had been confided to me. At present I incline to the opinion, that it is advisable to dispose of these lands during the next year, and risk the consequences, but I shall not feel myself authorized to do so, unless such a course is sanctioned by a repeal of the resolution.

It has been found impracticable to have a map of the Cherokee Lands executed upon parchment, as required by another resolution adopted at the last session of the General Assembly. The principal surveyor, the late Mathew Baird, Esq. under whose direction the surveys of 1827 were made, constructed three original maps upon paper, one of which was deposited in the office of the clerk of Macon county court, another in the Executive, and a third in the Secretary's office. Both of the latter have been put upon canvass, and there is no need for more than one to answer any purposes. designed to be effected here. I beg leave therefore, respectfully to suggest the propriety of repealing the resolution requiring a map, to be constructed upon parchment, and directing the transmission to the office of the clerk of Macon county court, of the map now in the Executive office.

DAVID L. SWAIN.

The foregoing communication was read, and on motion Mr. Guinn, referred to the committee on Cherokee Lands, and ordered to be printed.

Mr. Norcom moved that the vote of yesterday on the passage of the bill its third reading, entitled a bill to alter the place of selling lands for taxes, in Washington county, be reconsidered. The question to reconsider, was decided in the negative,

On motion of Mr. Manney, ordered that a message be sent to the Senate, informing that the name of William B. Lockhart, of Northampton, is added to the nomination for Public Treasurer.

The House now proceeded to the order of the day, and continued the discussion on the resolutions of Mr. Potts; and at a late hour on motion of Mr. Outlaw, adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 8, 1834.

Mr. Manney and Mr. Waugh were appointed a committee to conduct on behalf of the Commons the balloting for a Public Treasurer, heretofore agreed on to be had this day.

Mr. Dudley presented a memorial signed by John Waddell, of the town of Wilmington, in relation to the treatment of himself and fellow passengers by the authorities of Nassau, on one of the British West India Islands. The memorial was read, and on motion Mr. Dudley, referred to the committee raised on that subject. A message from the Senate, informing that Messrs. Caldwell and Mebane, compose their part of the balloting committee for Public Treasurer.

Mr. Dudley, from the committee on Finance to whom the subject was referred, reported a bill to amend the charter of the Bank of Cape Fear; which was read the first time and passed.

On motion of Mr. Clarke,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of increasing the tax now levied by law, on Circus Companies, and report by bill or otherwise.

A message from the Senate, proposing to ballot immediately for major of cavalry in the 3d brigade and 6th division of North Carolina militia, and informing that Owen R. Kenan, of Duplin county, is nominated for the appointment; the proposition was concurred in, and Messrs. Hill and Monk, appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Montgomery of Hertford, and Edmonston, form said committee on their part.

A message from the Senate, informing that Messrs. Wellborn, Hawkins, McQueen, Wilder and Whitaker, form on the part of the Senate, the joint select committee on Public Buildings.

A message from the Senate, informing that they had rejected the engrossed bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him.

Mr. Haywood presented the petition of Allen Jones, of the city of Raleigh, praying the payment of an account for work done for the use of the State. The said petition and account were referred on motion of Mr. Haywood, to the committee on Claims.

Mr. Waugh, from the committee appointed to conduct the balloting for a Public Treasurer, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.



the elections in the county of Pasquotank, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in the amendment.

The resignation of Joseph D. Ward, as major of the regiment of Warren county militia, was presented, read and accepted.

The following resignations received from the Senate, were read and accepted, viz. Of Elisha Burke, as colonel, Wilson Reed, as lieutenant colonel, and John Layden, as major of the Hertford regiment of militia; of M. Young, as colonel of cavalry, attached to the 8th brigade and 4th division; of Samuel Watson, as colonel commandant of the 2d regiment of Robeson militia; of John T. Chambers, as lieutenant colonel of the Haywood militia; and of Bedreadden Caraway, as a justice of the peace for the county of Sampson.

On motion, a message was sent to the Senate, informing them of the readiness of this House now to receive the Senate in the Commons Hall, for the purpose of witnessing the qualification of the Governor elect, according to previous arrangements; when David L. Swain, attended by the joint select committee heretofore appointed, waited upon the General Assembly, both branches being convened in the Commons Hall, and took and subscribed the oaths prescribed by law, for the qualification of the Governor of the State; the oaths being administered by the Hon. Henry Seawell, one of the judges of the Superior Courts of Law and Equity.

The House then proceeded to the orders of the day, and again resumed the discussion on Mr. Pott's resolutions; at a late hour Mr. Dockery moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was determined in the negative—yeas 54, nays 75. The yeas and nays called for by Mr. Lyon.

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bell, Blalock, Bragg, Brandon, Bray, Brummell, Clement, Clark, Craige, Crump, Dockery, Dudley, Fleming, Graham, Guinn, Haywood, Henderson, Henry, Hoke, J. Horton, Howard, Kenan, King, Lilly, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Potts, Rush, Seawell, Smallwood, A. B. Smith, Swindell, Tatham, Walker, Williams of Greene, Witcher

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Bedford, Blatchford, Boddie, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davenport, Davis, Deyton, Foreman, Fort, Foscue, Foushee, Frink, Fitzrandolph, Gwyn, Hamrick, Hawkins, Harper, Harrison, Hartley, Hill, W. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Latham, Lee, Lindsay, Lyon, Maclin, Marsteller, Monk, Mullen, M'Neill, M'Racken, Perry, Potter, Powell, Pugh, Riddick, Register, Sanders, Sloan, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Taylor, Tillet, Tomlinson, Wadsworth, Watson, Waugh, Weaver, Welch, Whitfield, Willey, J. Williams, Williams of Richmond, Williamson Zigar.

Mr. Baker moved that the House adjourn till to-morrow morning 10 o'clock; this question was also decided in the negative—yeas 51, nays 78. The yeas and nays demanded by Mr. Lyon,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bell, Blalock, Bragg, Brandon, Bray, Brummell, Clement, Clark, Craige, Crump, Dudley, Fleming, Foreman, Graham, Guinn, Harris, Harrison, Henderson, Henry, Hoke, J. Horton, W. Horton, Howard, Judkins, King, Kittrell, Lilly, Locke, Long, Loudermilk, Manly, Manney, Matthews, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Potts, Rush, Seawell, Smallwood, A. B. Smith, J. Williams.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Bedford, Blatchford, Boddie, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davenport, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Gwyn, Hamrick, Hawkins, Harper, Hartly, Haywood, Hill, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Latham, Lee, Lindsay, Lyon, Maclin, Marsteller, Martin, Monk, Mullen, M'Cleese, M'Neill, M'Racken, Perry, Potter, Powell, Pugh, Riddick, Register, Sanders, Sloan, G. Smith, J. L.

Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Walker, Watson, Waugh, Weaver, Welch, Whitfield, Willey, Williams of Greene, Williams of Richmond, Williamson, Witcher, Ziglar.

On motion of Mr. Craige, the House now adjourned until to-morrow morning 10 o'clock—yeas 64, nays 53. The yeas and nays demanded by Mr. R. Jones,

Those who voted in the affirmative were, Messrs. Albriton, R. H. Alexander, Barker, Barringer, Bell, Blalock, Boddie, Bragg, Brandon, Bay, Brummell, Cansler, Clement, Clarke, Crump, Dockery, Dudley, Fleming, Foreman, Fort, Graham, Harris, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Howard, W. Jones, Judkins, Kenan, King, Kittrell, Lilley, Locke, Long, Loudermilk, Macklin, Manly Manney, Martin, Matthews, Mitchell, Monk, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Potter, Potts, Rush, Seawell, Smallwood, G. Smith, Swindell, Tatham, Whitfield, Williams of Green, Witcher.

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Bedford, Blatchford, Braswell, Bynum, Byrum, Carter, Coor, Cotten, Daniel, Davenport, Davis, Foseue, Foushee, Frink, Fitzrandolph, Guinn, Gwynn, Hamrick, Hawkins, Harper, Harrison, Hartley, Houlder, Hutchison, Irion, R. Jones, Jordan, Latham, Lee, Lindsay, Lyon, Marsteller, Mullen, M'Neill, Perry, Powell, Pugh, Riddick, Register, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Taylor, Tillet, Tomlinson, Wadsworth, Watson, Waugh, Weaver, Welch, Willey, Williams of Richmond, Williamson, Ziglar.

#### THURSDAY, DECEMBER 11, 1834.

On motion of Mr. Weaver, leave was obtained to withdraw from the files of the House, the petition of Joseph Wilson.

On motion of Mr. Sloan,

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of rendering Black river, in the counties of Cumberland and Sampson, navigable for the purpose of rafting to its junction with Mingo river, and that they report by bill or otherwise.

A message from the Senate transmitting the resignation of Daniel Coleman, as an engrossing clerk; the said resignation was read and accepted. On motion of Mr. Battle, ordered, that a message be sent to the Senate proposing to ballot immediately for an engrossing clerk to supply said vacancy, and informing that Joseph J. Ward, James R. Dodge and Thomas L. West, are nominated for the appointment.

A message from the Senate, agreeing to this proposition to ballot, and informing that Messrs. Whitaker and Cooper of Martin, attend this House as superintendents of the balloting. Ordered, that Messrs. Baker and Smallwood, conduct said balloting on behalf of this House.

A message from the Senate, proposing to ballot immediately for a major general of the ninth division of militia, and informing that Philip Irion and Harrison M. Waugh, are in nomination for the appointment; the proposition was agreed to, and Messrs. L. A. Gwyn and W. Horton, appointed a committee to conduct the balloting on behalf of this House. A message from the Senate, informing that Messrs. Dobson and Martin compose said committee on their part.

Mr. Bedford presented the petition of sundry citizens of Rutherford county, relating to the turning of the public road, from Lincolnton to Rutherfordton; which was referred on Mr. Bedford's motion, to the committee on Propositions and Grievances.

consisting of forty shilling bills resting on the faith of the State, was the soundest and best we have ever had; and the said currency having been suppressed by unwise and unconstitutional legislation, it is expedient that the same be revived: Therefore

*Resolved*, That a select committee be appointed to take into consideration the several matters embraced in the foregoing preamble, whose duty it shall be to ascertain the mode and means by which subscriptions for stock have been paid for in the Bank created by the last session of the General Assembly, entitled an act to establish a Bank in the State of North Carolina, that the committee report a plan for securing to the people of North Carolina, the benefits of a sound and stable currency; and that for the foregoing several purposes, the said committee have power to send for persons and papers.

The said resolution was read and rejected—yeas 38, nays 85. The yeas and nays demanded by Mr. Matthews,

Those who voted in the affirmative, were Messrs. Allison, Blatchford, Blalock, Erastell, Bray, Byrum, Carter, Coor, Cotten Crump, Davenport, Deyton, Fleming, Fosene, Foushee, Fitzrandolph, Guinn, Hamrick, Hawkins, Harrison, J. Horton, Irion, Judkin, Lyon, M'Cleese, M'Lean, M'Pherson, Potter, Powell, S. Smith, Stockard, Tatham, Tillet, Wadsworth, Walker, Weaver, Witcher, Ziglar

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Baker, Barringer, Battle, Bedford, Bell, Boddie, Bragg, Brandon, Brummell, Bynum, Cansler, Clement, Clark, Craige, Daniel, Davis, Dockery, Dudley, Foreman, Fort, Frink, Graham, Gwyn, Harper, Hartley, Haywood, Henderson, Henry, Hoke, W. Horton, Boulder, Howard, Hutchison, R. Jones, W. Jones, Jordan, Kenan, King, Kittrell, Latham, Lee, Lilly, Lindsay, Locke, Loudermilk, Maclin, Manly, Manney, Marseller, Martin, Matthews, Monk, M'Neill, M'Racken, Norcom, Ousby, Outlaw, Perkins, Poundexter, Potts, Pugh, Riddick, Register, Roebuck, Rush, Sanders, Seawell, Sloan, Smallwood, G. Smith, J. L. Smith, Swanner, Swindell, Taylor, Tomlinson, Watson, Waugh, Welch, Willey, Jacob Williams, Williams of Greene, Williams of Richmond.

The House now proceeded to the order of the day, and resumed the consideration of the resolutions heretofore submitted by Mr. Potts. The discussion of the subject having been continued till a late hour, the House adjourned till to-morrow morning 10 o'clock.

### WEDNESDAY, DECEMBER 10, 1834.

The Speaker laid before the House a communication from the Public Treasurer, transmitting official statements of the affairs of the several Banks of this State; on motion of Mr. Pugh, ordered that the same be sent to the Senate, and that the same be printed.

Received from his Excellency Governor Swain, the following communication:

*To the General Assembly of the State of North Carolina.*

GENTLEMEN: In compliance with the act of Assembly, passed in the year 1819, entitled "an act to create a fund for Internal Improvement, and to establish a Board for the management thereof;" I transmit to you the Report of the Board of Internal Improvement for the present year.

DAVID L. SWAIN.

EXECUTIVE OFFICE, Dec. 10, 1834:

On motion of Mr. Barringer, ordered that the foregoing be transmitted to the Senate, and that the message and report be printed.

Mr. W. Jones presented a bill to incorporate a company by the name and style of the "Montgomery Gold Mining Company;" and Mr. Hutchison, a bill to incorporate the North Carolina Gold Mining Company. These bills were read the first time and passed.

Mr. Riddick presented a bill to repeal an act passed at the last session, entitled an act to regulate lay days on Frying Pan in Tyrrell county; Mr. Fitzrandolph the petition of Matthew Sikes of Bladen, praying to be restored to credit; Mr. Manly the petition of Sidney W. Jennings, praying to be divorced; and Mr. Norcom the petition of sundry citizens of Edenton, praying the emancipation of a slave named Davy Dickerson. These petitions and bill were referred to the committee on Propositions and Grievances.

Mr. Smallwood, from the committee on Finance, who were instructed to inquire into the expediency of increasing the tax on pedlars, reported that it is inexpedient to change the law as proposed, and prayed that the committee be discharged from the further consideration of the subject; the report was concurred in.

Mr. Monk presented the petition of Bright Johnston of Sampson county, in relation to fishing in Black river in said county; which was referred on motion of Mr. Monk, to the committee on Propositions and Grievances.

A message from the Senate, concurring in the amendment proposed by this House to the engrossed bill to authorize the appointment of two surveyors in the counties of Montgomery and Haywood. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill, to incorporate the Martin County Grays, in the county of Martin, and asking the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, informing that they have passed the following engrossed bills, viz. A bill to restore to credit Andy Baggerly of Iredell county; a bill to authorise John Sudderth and Patrick Hennesse to erect gates on their own lands, across a public road in the county of Burke; a bill to repeal in part an act passed in the year 1831, in addition to an act passed in the year 1830, in relation to the burning of the records of the county of Hertford; a bill concerning the county courts of Haywood county; and a bill to divorce Susan P. Durham, from her husband Archibald Durham, and asking the concurrence of this House. The said bills were read the first time and passed.

On motion of Mr. Weaver,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law relative to any person or persons who may wish to evade the payment of any note or negotiable paper under seal, by denying the same before any justice of the peace or court of record, he shall answer upon oath as to the execution of the same, and that they report by bill or otherwise.

Mr. Guinn presented the following resolution, which was read and adopted:

Whereas, the courts have refused to exercise the discretionary power given them by the act of 1827, of granting relief in all proper applications for divorces; and whereas, from such refusal, have grown the many applications to the Legislature for redress in many cases, that in justice require relief; and whereas, the time and expense consumed by the Legislature, are at variance with the best interests of the people; wherefore

*Resolved*, That the committee on the Judiciary be instructed to report a bill providing that in all applications hereafter, (for divorces, the cause set forth by the petitioner, in his petition to the Court) shall be regarded by the Court as a matter of fact; and if adjudged by a jury, to be sufficient under proper restrictions, to divorce from the bonds of matrimony, or only from bed and board, the Court shall give judgment accordingly.

The bill for the government of the town of Lawrenceville, in Montgomery county, was read the second time and passed.

The bill to incorporate the Fayetteville Mechanic's Benevolent Society; and the bill to alter the name of Moses Holmes, and to legitimate him, were severally read the second and third times, passed, and ordered to be engrossed.

The engrossed bill for the better regulation of the courts of pleas and quarter sessions of the county of Yancey, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to alter the time of opening and closing the polls of

Barringer, Bell, Blatchford, Blalock, Boddie, Bray, Brummell, Clement, Clark, Cotten, Craige, Daniel, Dockery, Dudley, Fleming, Foreman, Graham, Harper, Hartly, Haywood, Henderson, Henry, Hoke, W. Horton, Howard, W. Jones, Kenan, King, Kittrell, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Mitchell, Monk, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcom, Outlaw, Ousby, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Tillett, Watson, Williams of Greene, Williams of Richmond.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Bedford, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Davenport, Davis, Deyton, Fort, Fosene, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Hill, Houlder, Hutchinson, Irion, R. Jones, Jordan, Judkins, Latham, Lee, Lyon, Marsteller, Mullen, M'Racken, Perry, Potter, Potts, Powell, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tomlinson, Wadsworth, Waugh, Weaver, Welch, Whitfield, Willey, Jacob Williams, Williamson, Witcher, Ziglar.

Mr. Dockery moved that the House adjourn until to-morrow morning, 10 o'clock. This question was also decided in the negative—yeas 57, nays 63. The yeas and nays demanded by Mr. Allison,

Those who voted in the affirmative were, Messrs. Albritton, R. H. Alexander, Baker, Barringer, Bell, Blatchford, Blalock, Bray, Brummell, Clement, Clark, Cotten, Craige, Daniel, Dockery, Dudley, Fleming, Foreman, Graham, Harper, Harris, Haywood, Henderson, Henry, Hoke, W. Horton, Howard, W. Jones, Kenan, King, Kittrell, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Mitchell, Monk, Mullen, M'Lean, M'Neill, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, G. Smith, Tillett, Williams of Green, Williams of Richmond.

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Bedford, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Davenport, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harrison, Hartley, Hill, Houlder, Hutchison, Irion, R. Jones, Jordan, Judkins, Latham, Lee, Lyon, Marsteller, Perry, Potter, Potts, Powell, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tomlinson, Wadsworth, Waugh, Weaver, Welch, Whitfield, Willey, Jacob Williams, Williamson, Witcher, Ziglar.

On motion of Mr. Clarke, the House now adjourned until to-morrow morning at 10 o'clock—yeas 61, nays 60. The yeas and nays demanded by Mr. Allison,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Baker, Barringer, Bell, Blachford, Blalock, Bray, Brummell, Cansler, Clement, Clarke, Cotten, Craige, Crump, Daniel, Dockery, Dudley, Foreman, Graham, Harper, Harris, Haywood, Henderson, Henry, Hoke, W. Horton, Howard, W. Jones, King, Kittrell, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Mitchell, Monk, Mullen, M'Lean, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, G. Smith, J. L. Smith, Swindell, Tillett, Wadsworth, Walker, Watson, Williams of Greene, Williams of Richmond.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Bedford, Bragg, Braswell, Brown, Bynum, Byrum, Carter, Davenport, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harrison, Hartley, Hill, Houlder, Hutchinson, Irion, R. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Marsteller, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, S. Smith, Stockard, Swanner, Tatham, Taylor, Tomlinson, Waugh, Weaver, Welch, Whitfield, Willey, Jacob Williams, Williamson, Witcher, Ziglar.

TUESDAY, DECEMBER 9, 1834.

A message from the Senate, proposing another balloting immediately for

Public Treasurer, and informing that the name of Samuel B. Spruill, is withdrawn from the nomination; the proposition to ballot was agreed to, and Messrs. Howard and Perkins, appointed a committee to conduct it. A message from the Senate, informing that Messrs. Edmonston and and Barco form said committee on their part.

Received from his Excellency Governor Swain, the following communication :

*To the General Assembly of the State of North Carolina.*

GENTLEMEN: The accompanying communication from Romulus M. Saunders, Esq: was received at this department some days since, and contains the latest information with regard to the prospects of an adjustment of the claims of this State against the General Government for expenditures in the general defence during the late war with Great Britain. The previous correspondence on this subject which it has been my duty to conduct with General Saunders, and which presents a full view of all the measures which it has been deemed advisable to adopt in the prosecution of this claim, has been spread upon the Executive Letter Book, and is subject to your inspection.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, 9th Dec. 1834.

The foregoing communication was read, and on motion of Mr. Graham, ordered that it be referred together with the letter of General Saunders, to the committee on Finance.

Mr. Jordan presented the petition of Kedar Bryan, of Cumberland county, praying to be restored to credit; which was on motion of Mr. Jordan, referred to the committee on Propositions and Grievances.

Mr. Waugh presented a resolution in favor of the heirs of William Gilliam; Mr. Lyon a resolution in favor of Owen Carroll, of Bladen county; and Mr. Martin a memorial from Micajah Hicks, praying to have issued to him certain grants of land for his military services. Said resolutions and memorial were referred to the committee on Claims.

Mr. Guinn presented a bill concerning the liabilities of sheriffs for claims put into the hands of themselves or their deputies for collection; which was read the first time and passed, and, on motion of Mr. Poindexter, ordered to be printed.

Mr. Manney presented a bill to construct a Central Rail Road, from the Port of Beaufort, to the Tennessee line; which was read the first time and passed, and, on motion of Mr. Manney, ordered to be printed, and referred to the committee on Internal Improvement.

Mr. Barringer, from the committee on the Judiciary to whom was referred the bill declaring and explaining the law on the subject of gifts and settlements, reported the same without amendment, when on motion of Mr. Barringer, the said bill was laid on the table.

The resignations of John B. Jordan, of Northampton county, and John W. Covington, of Richmond, justices of the peace, were presented, read and accepted.

Mr. Perkins, from the committee appointed to conduct the balloting for a Public Treasurer, reported that Samuel F. Patterson, of Wilkes, had received a majority of the whole number of votes, and that he was duly elected; the report was concurred in.

Mr. Potter presented the following resolution :

Whereas the state of the currency is a subject of paramount importance, and demands the most anxious and attentive consideration of the Legislature: and whereas the enactment of laws either by this Assembly or by Congress, vesting the control over the currency in private corporations, is altogether at variance with the Constitution and destructive to the welfare and independence of the people: and whereas the old currency of North Carolina,

On motion of Mr. Poindexter, ordered that a message be sent to the Senate proposing another balloting immediately for this officer. A message from the Senate agreeing to the proposition, and informing that Messrs. Wilson and M'Cormick, form their balloting committee. Ordered that Messrs. Crump and Marsteller, superintend said balloting on behalf of the Commons.

Mr. Manly presented a memorial from sundry citizens of the town of Newbern, praying the passage of the bill now before the House to establish the merchants bank of the town of Newbern. The petition was read and laid on the table.

Mr. A. B. Smith presented a bill to incorporate the Nothampton Blues ; Mr. Fleming a bill authorizing the county courts of Burke and Yancy counties, and appoint commissioners for laying off roads, &c. ; Mr. Perry a bill to repeal in part, an act passed in the year 1831, entitled an act to provide for the compensation of certain jurors, of the counties of Perquimons, Pasquotank and Gates, so far as respects the county of Perquimons ; Mr. Tatham a bill to prevent obstructing the passage of fish up Highwassee, Nattaly and Valley rivers, in Macon county ; and Mr. Blatchford a bill to incorporate the Baptist Church of the town of Elizabeth City, in the county of Pasquotank. These bills were read the first time and passed.

Mr. Monk, from the committee appointed to conduct the balloting for a major of cavalry attached to the 3rd brigade, reported that Owen R. Kenan had received a majority of the whole number of votes, and was duly elected ; the report was concurred in.

Mr. Weaver presented a bill for the better regulation of the militia of Buncombe county ; and Mr. Guinn a bill to repeal part of an act passed at the last session, entitled an act better to promote the administration of justice, in Macon county. These bills were read the first time and passed.

The bill concerning coroner's fees, was read the second time and passed.

The bill amendatory of an act passed in the year 1777, chapter 23, respecting water grist mills, was read the second time, amended on Mr. Dudley's motion, and passed.

Mr. Marsteller, from the balloting committee for Public Treasurer, reported that no one had received a majority of the whole number of votes, and that there was no election ; the report was concurred in.

The House again proceeded to the unfinished business of Saturday, being the resolutions heretofore submitted by Mr. Potts. Mr. Outlaw having obtained the floor in the discussion, yielded it to Mr. M'Cleese, who moved that the resolutions lie on the table. The question on this motion, was decided in the negative—yeas 58, nays 72. The yeas and nays demanded by Mr. Bragg,

Those who voted in the affirmative were, Messrs. Albritton, R. H. Alexander, Baker, Baringer, Bell, Blatchford, Blalock, Brandon, Bray, Brummel, Clement, Clark, Craig, Crump, Davenport, Dockery, Dudley, Fleming, Foreman, Graham, Harper, Henderson, Henry, W. Horton, J. Howard, J. Horton, King, Kittle's, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Mitchell, Mullen, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Swindell, Tillett, Watson, Welch, Williams of Green, Williams of Richmond.

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Harkins, Harris, Harrison, Hartley, Haywood, Hill, Hoke, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Marsteller, Monk, M'Neill, M'Racken,

Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Whitfield, Willey, Williamson, Witcher, Ziglar.

The discussion on this subject was again resumed, and continued to a late hour.

Mr. Baker moved that the House adjourn until to-morrow morning 10 o'clock. The question thereon was decided in the negative—ayes 51, nays 72. The yeas and nays demanded by Mr. Baker,

Those who voted in the affirmative, were Messrs. R. H. Alexander, G. H. Alexander, Baker, Barringer, Bell, Blalock, Boddie, Bray, Brummell, Clement, Clarke, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Graham, Henderson, Henry, W. Horton, Howard, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Rush, Seawell, Sloan, Smallwood, G. Smith, Swindell, Tillet, Wadsworth, Watson, Williams of Richmond.

Those who voted in the negative, were Messrs. Albritton, Allison, Bedford, Blatchford, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davenport, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harrison, Hartly, Haywood, Hill, Houlder, Hutchison, Iron, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Marsteller, Mitchell, Monk, Mullen, Perry, Poindexter, Potter, Potts, Powell, Riddick, Register, Roebuck, Sanders, A. B. Smith, J. L. Smith, S. Smith, Stockard, Tatham, Taylor, Tomlinson, Walker, Waugh, Weaver, Welch, Whitfield, Willey, Williams of Greene, Williamson, Witcher, Ziglar.

Mr. Fleming moved that the House adjourn till half past 10 to-morrow. This question was also decided in the negative—yeas 41, nays 80. The yeas and nays demanded by Mr. Potts.

Those who voted in the affirmative, were Messrs. R. H. Alexander, G. H. Alexander, Baker, Barringer, Bell, Boddie, Bray, Brummell, Clement, Clarke, Dockery, Dudley, Fleming, Graham, Henderson, Henry, Howard, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Matthews, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Rush, Seawell, Smallwood, Tillet, Watson, Whitfield, Williams of Richmond.

Those who voted in the negative, were Messrs. Albritton, Allison, Bedford, Blatchford, Blalock, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davenport, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Harper, Harrison, Hartly, Haywood, Hill, Hoke, W. Horton, Houlder, Hutchison, Iron, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Marsteller, Martin, Mitchell, Mullen, Monk, M'Racken, Perry, Poindexter, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, A. B. Smith, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tomlinson, Wadsworth, Waugh, Weaver, Welch, Willey, Williams of Greene, Williamson, Witcher, Ziglar.

Mr. Long moved that the House adjourn until to-morrow morning, 11 o'clock. The question was also decided in the negative,—yeas 32, nays 90. The yeas and nays called for by Mr. Marsteller.

Those who voted in the affirmative were, Messrs. R. H. Alexander, G. H. Alexander, Baker, Bell, Blatchford, Bray, Brummell, Clarke, Craige, Dockery, Dudley, Fleming, Graham, Haywood, Henderson, Hoke, Howard, W. Jones, King, Kittrell, Lilley, Locke, Long, Loudermilk, M'Cleese, M'Lean, M'Pherson, Norcom, Outlaw, Perkins, Seawell, Watson.

Those who voted in the negative were, Messrs. Albritton, Allison, Barringer, Bedford, Blalock, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Clement, Coor, Cotten, Daniel, Davenport, Davis, Deyton, Foreman, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartley, Henry, Hill, W. Horton, Houlder, Hutchison, Iron, R. Jones, Judkins, Jordan, Kenan, Latham, Lee, Lindsay, Lyon, Manly, Manney, Marsteller, Martin, Monk, Mullen, M'Neill, Ousby, Perry, Poindexter, Potter, Powell, Pugh, Riddick, Register, Roebuck, Rush, Sanders, Sloan, Smallwood, A. B. Smith, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Waugh, Weaver, Welch, Whitfield, Willey, Jacob Williams, Williams of Green, Williamson, Witcher, Ziglar.

Mr. Craige moved that the House adjourn until 10 o'clock to-morrow morning. This question was also decided in the negative—yeas 61, nays 65. The yeas and nays demanded by Mr. Waugh.

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Baker,



Mr. Jordan presented a bill to authorize the forming a fire engine company, in the town of Fayetteville ; Mr. J. Horton a bill to quiet the titles to certain lands in this State ; and Mr. Lyon a resolution in favor of James M'Lean. These bills and resolution were read the first time and passed.

Mr. Smallwood, from the balloting committee for an engrossing clerk, reported that no one in nomination had received a majority of the whole number of votes, and that there was no election ; the report was concurred in. On motion of Mr. Marsteller, ordered, that a message be sent to the Senate proposing that another balloting be had immediately for an engrossing clerk, and informing that the name of Thomas L. West, is withdrawn from the nomination.

A message from the Senate, agreeing to the proposition of this House to refer to a joint select committee, so much of the message of his Excellency the Governor, as relates to the interest of North Carolina, in the public lands ; and informing that Messrs. Branch, Speight, Sawyer, Holmes and Mebane, form their branch of said committee. Ordered, that Messrs. Henderson, Marsteller, Graham, Daniel and Harper, compose said committee on behalf of the Commons.

Mr. Gwyn, from the committee appointed to conduct the balloting for a major general of the ninth division of militia, reported that Philip Irion of Rockingham, had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

On motion of Mr. Hutchison, ordered that a message be sent to the Senate, proposing to ballot immediately for colonel, lieutenant colonel, and major of cavalry attached to the 11th brigade and 4th division of militia, and informing that Wm. M. Greer is nominated for the first, James A. Dunn for the second, and Robert B. Houston for the third named appointment. A message from the Senate, agreeing to this proposition and informing that Messrs. M'Leary and Howell, are appointed to superintend the balloting on their part. Ordered, that Messrs. Hutchison and Locke conduct this balloting on our part.

A message from the Senate, agreeing to our proposition to ballot again immediately for an engrossing clerk, and informing that Messrs. Moyer of Pitt, and Ennett, attend this House to conduct this balloting on their part. Ordered, that Messrs. Flemming and Sanders conduct this balloting on our part.

A message from the Senate, informing that in consequence of the appointment of Samuel F. Patterson, as Public Treasurer ; William J. Cowan had been appointed principal, and Daniel Coleman, assistant clerk of the Senate.

On motion of Mr. Smallwood, ordered, that a message be sent to the Senate proposing that the two Houses meet on Saturday evening next, for the purpose of nominating and appointing field officers and justices of the peace.

The bill to amend an act passed in the year 1831, for the better regulation of the town of Waynesborough, was read the second and third times, passed and ordered to be engrossed.

Received from the Senate the certificate of the county court of Perquimons, in favor of Priscilla Goodwin, the widow of a soldier of the revolution, allowing her the sum of sixty dollars as a pension for the past year ; the

said certificate was countersigned by the Speaker of this House, and returned to the Senate.

The bill to restore to credit John Masters of Yancy county, was read ; Mr. Dockery moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 30, nays 82. The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were Messrs. Albritton, Battle, Boddie, Bragg, Braswell, Brown, Clement, Clark, Davis, Dockery, Foreman, Frink, Graham, Gwyn, Harper, Judkins, Kenan, Locke, Long, Maclin, Manney, Marsteller, Mitchell, M'Racken, Outlaw, Sanders, Sloan, A. B. Smith, Waugh, Willey.

Those who voted in the negative, were Messrs. R. H. Alexander, Allison, Barringer, Bedford, Bell, Blatchford, Blalock, Bray, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Craige, Crump, Davenport, Deyton, Dudley, Fleming, Fort, Foscue, Foushee, Fitzrandolph, Guinn, Hamrick, Hawkins, Harrison, Hartley, Haywood, Henderson, Henry, Hill, Hoke, J. Horton, Houlder, Howard, R. Jones, W. Jones, King, Kittrell, Latham, Lee, Lilly, Lindsay, Loudermilk, Lyon, Manly, Mathews, Monk, Mullen, M'Lean, M'Neill, Norcum, Ousby, Perkins, Perry, Poindexter, Potts, Powell, Riddick, Register, Rush, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Watson, Weaver, Welch, Whitfield, Williams of Greene, Williams of Richmond, Witcher, Zigar.

Whereupon the said bill was read the second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill for the better regulation of Onslow county ; a bill requiring the Register of Guilford county, to keep his office at the court house in said county ; a bill to alter the name of Martha Ann Williams ; a bill to divorce Mary B. Cabe, from her husband Joseph Cabe ; a bill to divorce Mary P. Eppes, from her husband Peter Eppes ; a bill for the better administration of justice in the county of Onslow, and for other purposes ; and a bill to legitimate Sarah C. Baxter, Wm. G. M. Baxter and James N. Baxter, of Rutherford county, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to divorce Isabella A. Potter, from her husband Robert Potter, and asking the concurrence of this House ; the said bill was read the first time and passed. On motion of Mr. Harris the said bill was read the second and third times, passed and ordered to be enrolled.

The House now proceeded to the orders of the day, and again resumed the consideration of the resolutions heretofore submitted by Mr. Potts ; and the question being on the motion of Mr. Craige to postpone indefinitely, the said resolutions, was decided in the negative—yeas 57, nays 71. The yeas and nays demanded by Mr. Fleming.

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bell, Blatchford, Blalock, Bray, Brummell, Clement, Clark, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Graham, Harper, Henderson, Henry, W. Horton, J. Horton, Howard, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Mitchell, Mullen, M'Cleese, M'Lean, M'Pherson, Norcum, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Swindell, Tillet, Watson, Welch, Williams of Greene, Williams of Richmond.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davenport, Davis, Deyton, Fort, Foscue, Fouchée, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Hartley, Haywood, Hill, Hoke, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Marsteller, M'Neill, M'Racken, Perry, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Whitfield, Williamson, Witcher, Zigar.

The question now recurring on the adoption of the resolutions, Mr. Barringer moved to strike out the first resolution and insert the following:

*Resolved*, That the sovereignty of the States is in the people thereof; that the Senators in Congress are the representatives of that sovereignty under the Federal Constitution; and that, therefore, the people in their primary assemblies, or by delegates elected for that purpose, have a right to instruct their Senators.

Mr. Potts called for a division of the question, and the question being, will the House strike out the said first resolution? was decided in the negative—yeas 55, nays 71. The yeas and nays demanded by Mr. Potts,

Those who voted in the affirmative were, Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bell, Blatchford, Blalock, Bray, Brummell, Clement, Clarke, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Graham, Harper, Henderson, Henry, W. Horton, J. Horton, Howard, King, Kittrell, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Swindell, Tillet, Watson, Welch, Williams of Green, Williams of Richmond.

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davenport, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwynn, Hamrick, Hawkins, Harris, Harrison, Hartley, Haywood, Hill, Hoke, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Macklin, Marsteller, M'Neill, M'Racken, Perry, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Whitfield, Willey, Williamson, Witcher Ziglar

Mr. Outlaw moved to amend, by striking out the first resolution, and inserting the following:

*Resolved*, That the Legislature of North Carolina have no right, unless delegated for that purpose by the people, to instruct the Senators from this State in the Congress of the United States.

On motion of Mr. Potts, the question was first taken on striking out the said resolution named, and decided in the negative—yeas 53, nays 72. The yeas and nays demanded by Mr. Marsteller,

Those who voted in the affirmative were, Messrs. Albritton, R. H. Alexander, Barringer, Battle, Bell, Blatchford, Blalock, Bray, Brummell, Clement, Clark, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Graham, Harper, Henderson, Henry, W. Horton, J. Horton, Howard, King, Kittrell, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Mitchell, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Rush, Seawell, Smallwood, G. Smith, Swindell, Tillet, Watson, Welch, Williams of Green, Williams of Richmond.

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Baker, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Hartley, Haywood, Hill, Hoke, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Marsteller, M'Neill, M'Racken, Perry, Poindexter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Whitfield, Willey, Williamson, Witcher, Ziglar

Mr. Harris moved to amend, by striking out the second resolution, and to insert the following:

*Resolved*, That the Hon. Willie P. Mangum, one of the Senators from this State in the Congress of the United States be, and he is hereby informed, that his vote upon the resolution, declaring that "the President in his late Executive proceedings, in relation to the public revenue, had assumed upon himself authority and power, not conferred by the Const"

tion and laws, but in derogation of both," does not meet the approbation of North Carolina; and that it is her sovereign will that the said resolution be expunged from the Journals of the Senate.

Mr. Potts called for a division of this question also, and the question being first on striking out, was determined in the negative—yeas 59, nays 69. The yeas and nays demanded by Mr. Marsteller,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bell, Blatchford, Blalock, Bray, Brummell, Clement, Clarke, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Graham, Harper, Harris, Henderson, Henry, W. Horton, Howard, King, Kittrell, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Mitchell, Mullen, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Swindell, Tillett, Watson, Weaver, Welch, Williams of Greene, Williams of Richmond.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harrison, Hartley, Haywood, Hill, Hoke, Houlder, Hutchinson, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Marsteller, M'Neill, M'Racken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Whitfield, Willey, Williamson, Witcher, Ziglar.

Mr. Manly moved to strike out from the first resolution, the words "acting as the representatives of the people of the State." The question on this motion was determined in the negative—yeas 57, nays 70. The yeas and nays demanded by Mr. Manly,

Those who voted in the affirmative were, Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bell, Blatchford, Blalock, Bray, Brummel, Clement, Clarke, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Graham, Harper, Henderson, Henry, W. Horton, J. Horton, Howard, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Mitchell, Mullen, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Swindell, Tillett, Watson, Welch, Williams of Green, Williams of Richmond.

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Hartley, Haywood, Hill, Hoke, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Marsteller, M'Neill, M'Racken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Tatham, Taylor, Tomliuson, Wadsworth, Walker, Waugh, Weaver, Whitfield, Williamson, Witcher, Ziglar.

The question was now put on the adoption of the resolutions, and on motion of Mr. Long, taken on the adoption of each resolution separately. The first of said resolutions is in the following words, viz.

*Resolved*, That the Legislature of a State, acting as the representatives of the people of said State, have a right to instruct their Senators in Congress; and a just vindication of the character of our political institutions requires that such instructions should be given whenever a Senator misrepresents the will of the State upon great questions of national policy, or in times of public emergency.

The question on the adoption of said resolution, was decided in the affirmative—yeas 99, nays 28.

Those who voted in the affirmative, were Messrs. R. H. Alexander, G. H. Alexander, Allison, Baker, Bedford, Bell, Blatchford, Blalock, Boddie, Bragg, Braswell, Bray, Brown, Bynum, Byrum, Cansler, Carter, Clement, Coor, Cotten, Craige, Crump, Daniel, Davis, Deyton, Dockery, Fleming, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartly, Haywood, Henderson, Hill, Hoke, J. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, King, Kittrell, Latham, Lee, Lilly, Lindsay, Long, Loudermilk, Lyon, Maclin, Marsteller, Mathews, Mullen, M'Neill, M'Racken, Ousby, Perkins, Perry, Poindexter, Potter, Potts, Powell, Pugh, Riddick, Regis-

ter, Roebuck, Sanders, Sloan, A. B. Smith, J. L. Smith, S. Smith, Stockard, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Welch, Whitfield, Williams of Richmond, Williams of Greene, Williamson, Witcher, Ziglar.

Those who voted in the negative, were Messrs. Albritton, Barringer, Battle, Brummell, Clarke, Dudley, Foreman, Graham, Henry, W. Horton, Howard, Locke, Manly, Manney, Martin, Mitchell, M'Cleese, M'Lean, M'Pherson, Norcom, Outlaw, Rush, Seawell, Smallwood, G. Smith, Swindell, Tillet, Watson.

Mr. Long now moved an amendment to said resolutions, which the Speaker decided to be out of order, as the question had been already put on the adoption of the whole resolutions. The voting of the House on each resolution separately, not having changed the question. From this decision, Mr. Long appealed to the House; and the question, "is the decision of the Chair, the decision of the House?" was determined in the affirmative—yeas 84, nays 42. The yeas and nays demanded by Mr. Barringer,

Those who voted in the affirmative, were Messrs. Allbritton, G. H. Alexander, Allison, Battle, Bedford, Blatchford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davis, Deyton, Dudley, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Hartly, Haywood, Hoke, J. Horton, Houlder, Hutchison, Irion, R. Jones, Jordan, Judkins, Kenan, Latham, Lee, Locke, Lyon, Maclin, Manney, Marsteller, Mitchell, Mullen, M'Lean, M'Neill, M'Racken, Perry, Poindexter, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, A. B. Smith, J. L. Smith, S. Smith, Stockard, Swindell, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Walker, Watson, Waugh, Weaver, Welch, Whitfield, Williamson, Witcher, Ziglar.

Those who voted in the negative, were Messrs. R. H. Alexander, Baker, Barringer, Bell, Blalock, Bray, Brummell, Clement, Clarke, Craige, Crump, Dockery, Fleming, Foreman, Graham, Harper, Henderson, Henry, Hill, W. Horton, Howard, W. Jones, King, Kittrell, Lilly, Lindsay, Long, Loudermilk, Manly, Martin, Matthews, M'Cleese, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Seawell, Smallwood, G. Smith, Williams of Greene, Williams of Richmond.

The second resolution is in the following words:

*Resolved*, That the Hon. Willie P. Mangum, one of the Senators from this State in the Congress of the United States be, and he is hereby instructed to vote for expunging from the records of the Senate of the United States, the resolution declaring "that the President, in his late Executive proceedings in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

The question on the adoption of this resolution was decided in the affirmative—yeas 69, nays 57.

Those who voted in the affirmative were, Messrs. G. H. Alexander, Allison, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harrison, Hartley, Haywood, Hill, Hoke, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Maclin, Marsteller, M'Neill, M'Racken, Perry, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Whitfield, Williamson, Witcher, Ziglar.

Those who voted in the negative were, Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bell, Blatchford, Blalock, Bray, Brummell, Clement, Clarke, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Graham, Harper, Harris, Hertlerson, Henry, W. Horton, J. Horton, Howard, King, Kittrell, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, Mullen, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, A. B. Smith, G. Smith, Swindell, Tillet, Watson, Welch, Williams of Green, Williams of Richmond.

The third resolution is in the following words:

*Resolved*, That his Excellency the Governor of this State, be requested to transmit forthwith to the Hon. Willie P. Mangum, and to the Hon. Bedford Brown, one copy each of the foregoing resolutions.

The question on the adoption of this resolution, was determined in the affirmative—yeas 70, nays 51.

Those who voted in the affirmative, were Messrs. G. H. Alexander, Allison, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Daniel, Davis, Deyton, Fort, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harrison, Hartly, Haywood, Hill, Hoke, Houlder, Hutchinson, Irion, R. Jones, W. Jones, Jordan,

Judkins, Kenan, Latham, Lee, Lyon, Maclin, Marsteller, M'Neill, M'Racken, Perry, Poin-dexter, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Tatham, Taylor, Tomlinson, Wadsworth, Waker, Waugh, Weaver, Whitfield, Williamson, Witcher, Ziglar.

Those who voted in the negative, were Messrs. Albritton, Baker, Barringer, Battle, Bell, Blatchford, Blalock, Bray, Brummell, Clement, Craige, Crump, Doekery, Dudley, Fle-n-ing, Foreman, Graham, Harper, Harris, Henderson, Henry, W. Horton, J. Horton, How-ard, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Math-ews, Mullen, McCleese, M'Lean, M'Pherson, Ousby, Outlaw, Perkins, Rush, Seawell, Small-wood, G. Smith, Tillett, Watson, Welch, Williams of Greene, Williams of Richmond.

Ordered that said resolutions be engrossed, and sent to the Senate for concu-rence.

The House then adjourned until to-morrow morning 10 o'clock.

### FRIDAY, DECEMBER 12, 1834.

Mr Fleming, from the committee appointed to conduct the balloting for an en-grossing Clerk, reported that Joseph D. Ward had received a majority of the whole number of votes; and that he was duly elected. The report was concu-rring in.

Mr. Hutchison, from the committee appointed to conduct the balloting for cav-alry officers, attached to the 11th brigade and 4th division, reported that William M. Greer was duly elected colonel, and James A. Dunn, lieutenant colonel; and Robert B. Houston, major. The report was concurred in.

On motion of Mr J. Horton, ordered that a message be sent to the Senate, pro-posing that the two Houses ballot immediately for a colonel of cavalry, attached to the 9th brigade, and informing that George Phillips, and William W. Peyton, are nominated for the appointment.

The proposition was agreed to, and Messrs. Stephens and Wilder, appointed on behalf of the Senate. Ordered that Messrs. J. Horton and Loudermilk, con-duct said balloting on behalf of this House.

On motion, leave of absence from the service of the House, from this day until Tuesday next, was granted to Mr. Whitfield.

Mr. Graham was, on his own motion, excused from serving on the committee on enrolled bills; and Mr. Norcom substituted in his place.

On motion of Mr. Marsteller,

*Resolved*, That the committee on the Judiciary inquire into the expediency of amend-ing the attachment laws, so that when property attached is replevied the securities to the replevy bond, may become liable for the debt and costs, and that they report by bill or otherwise.

Mr. Smallwood presented a bill to restore to credit William Brown, of the county of Beaufort; which was read the first time and passed, and on Mr. Smallwood's motion, referred to the committee on Propositions and Grie-vances.

The bill amendatory of an act passed in the year 1777, chapter 23, re-specting water grist mills, was read the third time, and on motion of Mr. Bray, indefinitely postponed.

Mr. McCleese presented a bill to repeal an act, entitled an act respecting the courts of pleas and quarter sessions, in the county of Tyrrell, passed in the year 1325; and Mr. Harrison a bill to alter the name of, and legitimate Zaddock Best, of Currituck county. These bills were read the first time and passed.

The bill vesting the power to authorize the erection of gates across public roads, in the several county courts; the bill to amend the several acts here-tofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected; the bill concerning coroner's fees; the bill for turning or altering roads in certain

cases; the bill to provide for the temporary appointment of registers in certain cases; the resolution in favor of William Kenly, of Davidson county; and the resolution authorizing a grant to be issued to William Wilson, were each read the third time, passed, and ordered to be engrossed.

The bill to divorce Sally Flowers, was read the second and third times and passed. On the passage of the bill on its third reading, Mr. Tomlinson called for the yeas and nays, and the vote was yeas 61, nays 54.

Those who voted in the affirmative, were Messrs. Baker, Bedford, Bell, Blatchford, Blalock, Bragg, Brandon, Bray, Cansler, Clarke, Cotten, Crump, Daniel, Davenport, Davis, Deyton, Fleming, Foscue, Fitzrandolph, Guinn, Hamrick, Hawkins, Harris, Hartly, Henry, Hoke, W. Horton, J. Horton, Hutchinson, W. Jones, Jordan, Judkins, King, Latham, Lee, Locke, Long, Lyon, Manly, Martin, Matthews, Mitchell, M'Neill, M'Racken, Ousby, Perry, Potts, Powell, Rush, Sanders, Smallwood, G. Smith, J. L. Smith, Swindell, Tatham, Tillett, Wadsworth, Walker, Watson, Williams of Richmond, Witcher.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Allison, Barringer, Battle, Boddie, Braswell, Brown, Bynum, Carter, Clement, Coor, Foreman, Fort, Foushee, Frink, Graham, Gwyn, Harper, Henderson, Hill, Houlder, Howard, Irion, R. Jones, Kenan, Kittrell, Lindsay, Loudermilk, Manney, Marsteller, Monk, Mullen, M'Pherson, Outlaw, Poindexter, Pugh, Riddick, Register, Roebuck, Sloan, A. B. Smith, S. Smith, Stockard, Swanner, Taylor, Tomlinson, Waugh, Weaver, Welch, Williams of Greene, Williamson.

Ordered that the said bill be engrossed.

Mr. J. Horton, from the committee appointed to conduct the balloting for a lieutenant colonel of cavalry of the 9th brigade, reported that George Phillips had received a majority of the whole number, and was duly elected; the report was concurred in.

Mr. Guinn, from the committee on Propositions and Grievances to whom was referred the petition of James H. Hooper, praying the emancipation of a slave, named Matilda, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject; the report was agreed to.

Mr. Guinn, from the same committee to whom was referred the bill to emancipate Waller, reported unfavorably thereon. The said bill was thereupon read, and on motion of Mr. Marsteller, postponed indefinitely—yeas 62, nays 57. The yeas and nays demanded by Mr. Taylor,

Those who voted in the affirmative were, Messrs. Albritton, G. H. Alexander, Battle, Bedford, Bell, Blatchford, Braswell, Brown, Bynum, Byrum, Coor, Crump, Davenport, Davis, Foscue, Graham, Gwyn, Hamrick, Harper, Harris, Harrison, Hartley, Hill, Houlder, Howard, Irion, R. Jones, W. Jones, Judkins, Kenan, Latham, Lee, Maclin, Manney, Marsteller, Matthews, Mitchell, Monk, Mullen, M'Pherson, Perry, Potts, Powell, Pugh, Riddick, Register, Sanders, Sloan, A. B. Smith, G. Smith, S. Smith, Stockard, Swanner, Swindell, Taylor, Tillett, Tomlinson, Walker, Welch, Williams of Green, Williamson, Ziglar.

Those who voted in the negative were, Messrs. R. H. Alexander, Allison, Baker, Barringer, Blalock, Boddie, Bragg, Bray, Cansler, Carter, Clement, Cotten, Craige, Daniel, Deyton, Foreman, Fort, Foushee, Frink, Fitzrandolph, Guinn, Hawkins, Haywood, Henry, Hoke, W. Horton, J. Horton, Hutchison, Jordan, King, Kittrell, Lilley, Lindsay, Locke, Loudermilk, Lyon, Manly, Martin, M'Lean, M'Neill, M'Racken, Norcom, Ousby, Perkins, Poindexter, Roebuck, Rush, Seawell, Smallwood, J. L. Smith, Tatham, Wadsworth, Watson, Waugh, Weaver, Witcher, Williams of Richmond.

The House now proceeded to the orders of the day, and, on motion of Mr. Manly, resolved itself into a committee of the Whole, Mr. King in the Chair, and took up for consideration the bill to establish the Merchants' Bank of the town of Newbern; and after some time spent therein, the

Speaker resumed the Chair, and the Chairman reported progress, and asked leave to sit a gain. Leave was granted.

And the House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 13, 1834.

The bill supplemental to act, passed in the year 1829, chap. 55, entitled an act to provide for the compensation of the jurors of the counties of Beaufort, Onslow, Hyde, Anson, Columbus, and Duplin, was read the second and third times, amended, and passed, and ordered to be engrossed.

Mr. Guinn, from the joint select committee on that subject, reported a resolution relating to the sale of Cherokee lands; which was read the first and second times and passed.

The bill to incorporate the Baptist Church of the town of Elizabeth City, in the county of Pasquotank, was, on motion of Mr. Mathews, laid on the table.

Mr. Guinn, from the committee on Propositions and Grievances to whom was referred the bill to restore to credit William Sibbett, of Columbus county, reported unfavorably thereon, when the said bill was read, and on motion of Mr. Battle, postponed indefinitely.

The bill to incorporate Washington Academy, in the town of Washington, Beaufort county, and appoint trustees thereof, was read the second and third times, passed and ordered to be engrossed.

Mr. Hutchison presented a bill to amend an act, entitled an act to incorporate a company in the county of Mecklenburg, under the name of the "Franklin Gold Mining Company;" which was read the first time and passed.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred the bill to restore to credit Israel Robertson, of Haywood county, reported favorably thereon; when the said bill was read the second time and rejected—yeas 59, nays 61. The yeas and nays demanded by Mr. Maclin,

Those who voted for the passage of the bill were, Messrs. R. H. Alexander, Allison, Barringer, Bedford, Bell, Blalock, Byrum, Carter, Clarke, Coor, Cotten, Craige, Davenport, Deyton, Dudley, Fort, Fouschee, Fitzrandolph, Guinn, Hamrick, Hawkins, Harrison, Hartley, Haywood, Henry, W. Horton, J. Horton, Hutchison, R. Jones, W. Jones, King, Kittrell, Lindsay, Locke, Loudermilk, Lyon, Martin, M'Lean, Norcom, Ousby, Perry, Potter, Riddick, Rush, Smallwood, G. Smith, J. L. Smith, Swanner, Swindell, Tatham, Taylor, Tillett, Wadsworth, Walker, Weaver, Welch, Williams of Green, Williams of Richmond, Witcher.

Those who voted in the negative were, Messrs. Albritton, G. H. Alexander, Baker, Battle, Blatchford, Boddie, Bragg, Braswell, Bray, Brown, Bynum, Cansler, Clement, Daniel, Davis, Dockery, Fleming, Foreman, Foscue, Frink, Graham, Gwyn, Harper, Harris, Hill, Hoke, Houlder, Howard, Irion, Judkins, Kenan, Latham, Lee, Long, Macklin Manly, Marsteller, Matthews, Mitchell, Monk, Mullen, M'Cleese, M'Pherson, M'Racken, Outlaw, Perkins, Poindexter, Potts, Powell, Pugh, Register, Roebuck, Sloan, A. B. Smith, S. Smith, Stockard, Watson, Waugh, Willey, Williamson, Ziglar.

The resignation of Samuel F. Patterson, as major general of the 9th division of the militia, received from the Senate, was read and accepted.

On motion of Mr. Bragg,

*Resolved*, That the committee on Finance be instructed to inquire into the propriety of imposing a tax on itinerant Dentists.



On motion of Mr. Outlaw,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of extending the power of the Superior Courts of this State, in granting divorces, and that they report by bill or otherwise.

Mr. Haywood presented a resolution in favor of Lewis Dupree; which was read the first, second and third times, two thirds of the House concurring, passed and ordered to be engrossed.

A message from the Senate, informing that they had rejected the engrossed bill, entitled a bill to alter the name of Eli L. Lewis of New Hanover county, and to legitimate him.

A message from the Senate, agreeing to the proposition of this House to print the late message of the Governor, together with the report of the Board for Internal Improvements, also the bank exhibits, transmitted by the Public Treasurer; and agreeing also to set apart Saturday evening, for the purpose of recommending field officers of militia, and justices of the peace.

Received from his Excellency the Governor, the following communication:

*To the General Assembly of the State of North Carolina.*

GENTLEMEN: I communicate for your consideration such resignations of militia officers and justices of the peace as have been tendered through this department for your acceptance.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, 13th Dec. 1834.

The foregoing communication was read, and ordered to be transmitted to the Senate, together with the papers referred to.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill prohibiting lotteries; a bill to incorporate the Lincolnton light infantry company; a bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him; the bill for the better regulation of the militia of Buncombe county; the bill to prevent obstructions to the passage of fish up Highwassee, Nattaly and Valley rivers, in Macon county; and a bill to divorce Catharine Parks, from her husband Gabriel Parks, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of John Hyde, of Haywood county, and asking the concurrence of this House; the said resolution was read the first time and passed.

The bill to repeal part of an act passed at the last session, entitled an act better to promote the administration of justice, in Macon county; the bill to incorporate the Northampton Blues; The bill to repeal in part, an act passed in the year 1831, entitled an act to provide for the compensation of certain jurors, of the counties of Perquimons, Pasquotank and Gates, so far as respects the county of Perquimons; and the bill authorizing the county courts of Burke and Yancy counties, to appoint commissioners for laying off roads, &c.; and were severally read the second and third times, passed and ordered to be engrossed.

The bill to amend the charter of the bank of Cape Fear, was read; Mr. Dudley moved to strike out the second section of the bill; which is in the following words, viz: "Be it further enacted, that it shall not be lawful for the said corporation to issue or put in circulation any note or notes, for a less sum than five dollars." The question thereon was decided in the af-

firmative—yeas, 65, nays 50. The yeas and nays demanded by Mr. Williamson.

Those who voted in the affirmative, were Messrs. R. H. Alexander, G. H. Alexander, Baker, Barringer, Battle, Bell, Blalock, Bray, Cansler, Clement, Dayton, Dockery, Dudley, Fleming, Foreman, Graham, Guinn, Gwyn, Harper, Harrison, Hartly, Henderson, Henry, Hill, Hoke, W. Horton, J. Horton, King, Kittrell, Latham, Lilly, Lindsay, Loudermilk, Manly, Manney, Marsteller, Martin, Mitchell, Monk, M'Lean, M'Neil, M'Racken, Norcum, Ousby, Outlaw, Perkins, Poindexter, Potts, Register, Roebuck, Rush, Sanders, Seawell, Smallwood, G. Smith, J. L. Smith, S. Smith, Swindell, Tillet, Waugh, Weaver, Williams of Greene, Williams of Richmond, Witcher, Ziglar,

Those who voted in the negative, were Messrs. Albritton, Allison, Bedford, Blatchford, Boddie, Bragg, Braswell, Bynum, Byrum, Carter, Coor, Cotten, Craige, Crump, Daniel, Davenport, Davis, Fort, Foscoe, Foushee, Frink, Fitzrandolph, Hawkins, Harris, Haywood, Houlder, Hutchinson, Irion, R. Jones, Judkins, Kenan, Lee, Lyon, Mullen, M'Pherson, Perry, Powell, Riddick, Sloan, A. B. Smith, Stockard, Swanner, Tatham, Taylor, Wadsworth, Walker, Watson, Welch, Willey, Williamson.

The said bill was thereupon, read the second time as amended, and passed.

The resignations of Solomon Loudermilk, as lieutenant colonel of the second regiment of Iredell militia; of Jeremiah Sanderlin, as lieutenant colonel of the 31st regiment of militia; of David Kendall, as colonel commandant of the 61st regiment; of John E. Hussey, as colonel commandant of the 31st regiment; and of Mitchell R. Moore, as major in the volunteer regiment of Guilford militia; were presented, read and accepted.

And the House then adjourned until 3 o'clock, P. M.

#### SATURDAY EVENING, 3 O'CLOCK.

The House again re-assembled, and after making and receiving sundry recommendations of justices of the peace, and field officers, adjourned until Monday morning, 10 o'clock.

#### MONDAY, DECEMBER 15, 1834.

Mr. Guinn, from the committee on Propositions and Grievances, reported a bill to restore to credit Eldridge Smith, of Wake county; which was on motion of Mr. Outlaw, ordered to lie on the table.

On motion of Mr. Graham,

*Resolved*, That Joseph D. Ward, one of the engrossing clerks, have leave of absence from the service of the Legislature, from Wednesday until Saturday next, upon his furnishing a competent substitute.

Mr. King presented certain papers relating to the proceedings of a court martial, in Iredell county; which was referred on Mr. King's motion to the committee on Military Affairs.

Mr. Harris presented the petition of William Jackson, praying to be restored to credit; and Mr. Daniel the petition of sundry citizens praying a modification of the act of Assembly of last session, relating to fishermen on the Frying Pan, in Tyrell county. The petitions were referred to the committee on Propositions and Grievances.

Mr. Marsteller, from the committee on Military Affairs, reported a resolution in favor of major Sylvester Churchill; and a resolution directing the Adjutant General, to collect the public arms; which were read the first time and passed.

Mr. Guinn, from the committee on Propositions and Grievances, reported a bill to restore to credit Thomas E. Justice, of Buncombe county; said bill was read the first time, and on motion of Mr. Waugh, rejected,

Those who voted for the rejection of the bill, were Messrs. Albritton, R. H. Alexander, G. H.

Alexander, Baker, Barringer, Battle, Bedford, Blachford, Boddie, Bragg, Braswell, Bray, Brown, Bynum, Cansler, Clement, Crump, Daniel, Davenport, Davis, Fleming, Foreman, Fort, Foscue, Foushee, Frink, Fitzrandolph, Graham, Gwyn, Harper, Harrison, Hartley, Haywood, Henderson, Hill, Hoke, Hutchison, Irion, R. Jones, Judkins, Kenan, King, Kittrell, Latham, Lee, Locke, Loudermilk, Lyon, Maclin, Marsteller, Martin, Matthews, Mitchell, Monk, Mullen, M'Pherson, M'Racken, Norcum, Ousby, Outlaw, Perkins, Perry, Poindexter, Potter, Potts, Powell, Pugh, Riddick, Register, Roebuck, Sanders, Sloan, A. B. Smith, G. Smith, S. Smith, Stockard, Taylor, Tillet, Waugh, Welch, Willey, Jacob Willsams, Williams of Greene, Williams of Richmond, Williamson, Ziglar.

Those who voted in the negative, were Messrs. Allison, Blalock, Coor, Cotten, Deyton, Guinn, Hawkins, Harris, W. Horton, J. Horton, Jordan, M'Lean, Rush, Smallwood, J. L. Smith, Swanner, Tatham, Wadsworth, Walker, Watson, Weaver, Witcher.

Mr. Clarke presented a bill for the better regulation of the town of Bath, in Beaufort county; and Mr. Weaver a bill to give further time for paying in entry money. These bills were read the first time and passed.

The bill to quiet the titles to certain lands in this State; and the engrossed resolution in favor of James Monk; were read the second time and passed.

The resolution in favor of James M'Lean, was read the second time and passed, and on motion of Mr. Daniel, referred to the committee on Claims.

The bill for the better government of the town of Lawrenceville, in Montgomery county, was read the third time, passed and ordered to be engrossed.

A message from the Senate, concurring in the amendment made by this House to the engrossed bill to alter the time of opening and closing the polls of the elections, in the county of Pasquotank. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to alter the name of Moses Holmes, and to legitimate him, with an amendment, and asking the concurrence of this House; the amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed resolution in favor of Wm. S. Mhoon, Esq., and the engrossed resolution in favor of Mark Hill, and asking the concurrence of this House. The said resolutions were read the first time and passed.

Mr. Waugh announced to the House the death of William Adams, one of the members of this House from the county of Guilford; and, on motion of Mr. Waugh, ordered that a message be sent to the Senate, proposing to raise a joint select committee of three members on the part of each House, to make the necessary arrangements for the funeral of the deceased, and proposing further that the members of the Legislature wear the usual badge of mourning for thirty days. A message from the Senate, concurring in these propositions of the House, and informing that Messrs. Parker, Dowd, and Moye of Greene, form their branch of said committee. Ordered, that Messrs. Waugh, Lindsay, and Rush, form said committee on behalf of the Commons.

On motion of Mr. Graham,

*Resolved*, That the Speaker of this House issue a writ to the Sheriff of Guilford county, directing him to hold an election on Friday the 19th inst. for a member of this House, to supply the vacancy occasioned by the death of William Adams.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 16, 1834.

On motion of Mr. Hoke, ordered that a message be sent to the Senate,

proposing that the two Houses ballot immediately for a colonel, and lieutenant colonel of cavalry, attached to the 10th brigade and 3d division, and nominating Joseph Abernathy, as colonel, and Richard Rankin, as lieutenant colonel.

Alfred M. Slade the member elect from the county of Martin, to fill the vacancy occasioned by the resignation of Edwin S. Smithwick, appeared, and was qualified according to law.

Mr. Guinn, from the committee on Propositions and Grievances to whom was referred the bill to repeal an act passed at the last session, entitled an act to regulate lay days on Frying Pan, in Tyrrell county, reported favorably thereon, when the said bill was on motion of Mr. Riddick, laid on the table.

Mr. Guinn, from the same committee, reported unfavorably on the bill to emancipate Doctor, a slave, when the said bill was on motion of Mr. Battle, postponed indefinitely—yeas 66, nays 46. The yeas and nays demanded by Mr. G. Smith,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Battle, Bedford, Bell, Blatchford, Buddie, Bragg, Braswell, Bray, Brown, Bynum, Carter, Clarke, Ciump, Davis, Dockery, Foreman, Foscue, Gwyn, Hamrick, Harper, Harris, Harrison, Hartley, Hoke, Houlder, Howard, Irion, R. Jones, W. Jones, Judkins, Kenan, Lilly, Maclin, Manney, Marsteller, Matthews, Monk, Mullen, M'Cleese, M'Pherson, Outlaw, Perkins, Perry, Poindexter, Powell, Pugh, Riddick, Register, Roebuck, Sanders, A. B. Smith, G. Smith, S. Smith, Stockard, Swanner, Taylor, Tillet, Welch, Willey, Williams of Greene, Williams of Richmond, Williamson, Ziglar.

Those who voted in the negative, were Messrs. Allison, Baker, Barringer, Blalock, Brummell, Clement, Coor, Cotten, Daniel, Davenport, Deyton, Fort, Fouchee, Frink, Fitzrandolph, Guinn, Hawkins, Haywood, Henry, W. Horton, J. Horton, Jordan, Kittrell, Latham, Locke, Loudermilk, Lyon, Manly, Martin, M'Lean, M'Neill, M'Racken, Ousby, Rush, Seawell, Smallwood, J. L. Smith, Swindell, Tatham, Tomlinson, Wadsworth, Watson, Waugh, Weaver, J. Williams, Witcher.

Mr. M'Cleese presented a bill to repeal an act passed in 1826, to reduce the licence to pedlars on the South side of Albemarle Sound; and a bill to prevent justices of the peace from issuing a *capias ad satisfaciendum* on the judgment of a justice of the peace, until the return "no property" is made. These bills were read the first time and passed, and the last named, on motion of Mr. Waugh, referred to the committee on the Judiciary.

Received from his Excellency Governor Swain, the following communication:

*To the General Assembly of the State of North Carolina.*

GENTLEMEN: The General Assembly, of 1832 authorized the Governor "to take such steps in relation to the contract with Ball Hughes for the restoration of the Statue of Washington as he might deem advisable." In the discharge of this duty, at an early day after the adjournment of the Legislature, (23d January, 1833,) I opened a correspondence with Mr. Hughes in relation to this subject, which closed upon his part on the 3d of April last.

I now transmit for your consideration copies of all the letters which have been addressed to him from this department, all the original letters which have been received from him, together with copies of communications which have been interchanged by the Department with the Hon. Wm. Gaston, Robert Donaldson, Esq. and Louis D. Henry, Esq. in the attempt to discharge the duty confided to me by the Legislature.

The controversy with Mr. Hughes cannot be well understood, without an examination of the original contract and the various letters which are laid before you. I consider it only necessary to refer to these papers as affording conclusive evidence that Mr. Hughes possesses the requisite skill to enable him to fulfil his engagements, but that he is, unfortunately for the interests of the State and his own reputation, entirely beyond the influence of either legal or moral coercion.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, Dec. 16, 1834.

On motion of Mr. Graham, ordered that the foregoing message and documents be transmitted to the Senate, with a proposition that they be referred to a joint select committee of three on the part of each House.

The Speaker laid before the House a letter addressed them by Thomas P. Devereaux, Esquire, covering a pamphlet from the Secretary of the Prison Discipline Society, with a request that it be made accessible to the members of the Legislature.

On motion of Mr. Waugh,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the present laws, made for the benefit of insolvent debtors, as to abolish imprisonment for debt except in cases of fraudulent concealment, and that they report by bill or otherwise.

Mr. Guinn presented the following resolution,

Whereas there are no fees prescribed for conveying paupers from one county to another, by order of the wardens of the poor: Therefore

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law, the compensation for performing the orders of the wardens of the poor, and that they report by bill or otherwise.

The bill concerning the liabilities of sheriffs for claims put into the hands of themselves or their deputies for collection, was on motion of Mr. Haywood, referred to the committee on the Judiciary.

Mr. Sloan presented a bill to incorporate Spring Vale Academy, in the county of Sampson, and to appoint the trustees thereof; Mr. Hutchison a bill to incorporate Mallard Creek Classical School, in the county of Mecklenburg; and Mr. A. B. Smith a bill authorizing the Northampton Blues to draw on the Adjutant General for a stand of arms. These bills were read the first time and passed.

Mr. Craige presented the following resolution,

Whereas, by an act of the General Assembly, passed in the year 1790, Chapter 6, "No person in this State shall hold at one and the same time, any office of trust, profit or emolument under the authority of the United States, and any office or authority either civil, military, judiciary, or otherwise, under the authority of this State: the Senators of this State to the United States, and the Representatives of this State to the United States, shall be considered as coming within the meaning and purview of this law, and shall be excluded from all State offices, except the office of a justice of the peace and offices in the militia; and any person accepting any such appointment under the authority of the United States, and holding any office or appointment under the authority of this State, the said State appointment is hereby declared to be vacant:" and whereas Romulus M. Saunders, now acting as the Attorney General of this State, has accepted and now holds from the General Government the appointment of Commissioner under the late treaty with France, in violation of the above act, contrary to the genius and spirit of our republican institutions, and in contempt of the dignity and sovereignty of this State: therefore,

*Resolved*, by this General Assembly, that the office of Attorney General is vacant, and that on Monday, or some day thereafter, this body proceed to the election of some person to perform the duties of said office.

The foregoing resolution was read, and on motion of Mr. Craige, ordered to be printed, and made the order of the day for Monday next.

The resolution relating to the sale of Cherokee Lands, was read the second time and passed, and referred on motion of Mr. Henry, to a select committee; said committee consists of Messrs Henry, Guinn, Battle, Outlaw and J. L. Smith.

Mr. Norcom presented a bill to incorporate the Albemarle Rail Road Company; which was read the first time and passed, and on motion of Mr. Norcom, ordered to be printed.

Mr. Bray presented a bill to repeal an act, entitled an act concerning the entry of land in this State, passed in the year 1826; which was read the first time and passed, and on motion of Mr. Bray, referred to a select committee consisting of Messrs. Bray, Harrison, Marsteller, Carter, and Monk.

The bill prohibiting lotteries, and the bill to give further time for paying in entry money, were each read the second times, amended and passed.

The bill to incorporate the Tuckaleesha Smokey Mountain Turnpike Company; the resolution in favor of Major Sylvester Churchill; the resolution directing the Adjutant General to collect the public arms; the resolution in favor of Elizabeth Forbes; and the resolution in favor of Caleb Barco, were each read the second time and passed.

The bill to amend the charter of the Cape Fear Bank; and the bill to quiet the titles to certain lands in this State, were each read the third time, passed, and ordered to be engrossed.

The resolution in favor of James Monk, was read the third time, passed, and ordered to be enrolled.

The engrossed resolution in favor of John Hyde, of Haywood county, was read the second and third times, amended, and passed. Ordered that the concurrence of the Senate be asked in the amendment.

The engrossed bill to divorce Mary B. Cabe, from her husband Joseph Cabe; also the engrossed bill to divorce Mary P. Eppes, from her husband Peter Eppes; and the engrossed bill to divorce Susan P. Durham, from her husband Archibald Durham, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of Wm. S. Mhoon, Esquire; and the engrossed resolution in favor of Mark Hill, were each read the second and third times, passed and ordered to be enrolled.

Mr. King presented a bill to divorce Ellena M. Cobb; which was read the first time and passed. On motion of Mr. King, the said bill was again read the second time. Mr. Tomlinson moved that said bill be postponed indefinitely, and called for the yeas and nays; this question was decided in the negative—yeas 23, nays 97.

Those who voted in the affirmative, were Messrs. Boddie, Braswell, Bynum, Davis, Foscue, Gwyn, Haywood, Hill, Houlder, R. Jones, Kenan, Lee, McCleese, Outlaw, Powell, Pugh, Riddlek, A. B. Smith, Stockard, Tomlinson, Weaver, Welch, Ziglar.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Allison, Baker, Barringer, Battle, Bedford, Bell, Blatchford, Blalock, Bragg, Bray, Brummell, Canler, Carter, Clarke, Coor, Cotten, Craige, Daniel, Davenport, Deyton, Dockery, Dudley, Fleming, Foreman, Fort, Foushee, Frink, Fitzrandolph, Graham, Guinn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartly, Henry, Hoke, W. Horton, J. Horton, Hutchison, Irion, W. Jones, Judkins, King, Kittrell, Latham, Lilly, Locke, Loudermilk, Lyon, Manly, Manney, Marsteller, Martin, Matthews, Mitchell, Monk, Mullen, McLean, McNeill, McPherson, MRackeen, Norcom, Ousby, Perkins, Perry, Poindexter, Potter, Potts, Register, Roebuck, Rush, Sanders, Seawell, Sloan, Smallwood, G. Smith, J. L. Smith, S. Smith, Swanner, Swindell, Slade, Tatham, Taylor, Tillett, Wadsworth, Walker, Watson, Waugh, J. Williams, Williams of Greene, Williams of Richmond, Witcher.

The said bill thereupon passed the second reading, and on motion of Mr. King, was read also the third time, passed, and ordered to be engrossed.

The House then adjourned until to-morrow morning, 10 o'clock.

### WEDNESDAY, DECEMBER 17, 1834.

Mr Guinn, from the joint select committee raised on the subject, reported a resolution relating to a Map of the Cherokee lands; which was read and adopted, and ordered to be engrossed.

The Speaker laid before the House, a letter addressed to him by Romulous M. Saunders, asking permission to be heard at the bar of the House, upon the subject of the resolution yesterday submitted by Mr. Craige. The communication was read, and on motion of Mr. Haywood, leave granted as prayed for.

Mr. Barringer, from the committee on the Judiciary, to whom was referred the engrossed bill to authorize and empower the court of pleas and quarter sessions, to allow compensation to commissioners, who shall attend with a processioner to

establish disputed lines, reported the same with an amendment. When the said bill was read the second time and passed.

Mr. Barringer, from the same committee, who were instructed to inquire into the propriety of amending the attachment laws, reported against the expediency of the measure, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Barringer, from the same committee, who were instructed to inquire into the expediency of providing by law, for the payment of debts of deceased insolvent debtors among their creditors, pro rata, reported that it is not expedient to change the law as contemplated; and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Barringer, from the same committee, to whom was referred a memorial from sundry justices of the peace, of Orange county, reported that the objects contemplated by the memorialists, are fully provided for in a bill now before this House, amendatory of the law in relation to the election of sheriffs; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Brandon was, at his own request, excused from serving on the joint select committee on public buildings, and Mr. Clement substituted in his place.

On motion of Mr. Jordan, ordered that a message be sent to the Senate, proposing that a balloting be had immediately for colonel, lieutenant colonel, and major of cavalry, attached to the 18th brigade; and nominating J. B. G. Roulbac for the first, A. W. Mebane, and James Southall for the second, and John R. Gilliam for the third named appointment.

A message from the Senate, agreeing to this proposition; and informing that Messrs. M'Millan and Moye of Green, are appointed their committee to conduct the balloting. Ordered that Messrs. Jordan and Henderson, conduct this balloting on behalf of the Commons.

The resignation of H. M. Cave, as a justice of the peace of the county of Orange, was presented, read, and accepted.

Mr. Battle, from the committee on the Judiciary, who were instructed to inquire into the expediency of authorizing the several county courts to appoint special justices, reported a bill concerning the courts of pleas and quarter sessions, in the several counties of this State; which was read the first time and passed.

Mr. Clarke presented sundry papers relating to the petition of William Harvey for a divorce; which were referred, on motion of Mr. Clarke, to the committee on Propositions and Grievances.

Mr. Weaver presented a bill, granting further time to perfect titles to lands within this State: Mr. Henry, a bill to repeal the second section of an act passed in the year 1832, making additional compensation to the Secretary of State, for certain services therein named; Mr. Clarke, a bill to establish the town of Leachville in Beaufort county, and to appoint commissioners thereof; Mr. Smallwood, a bill compelling the county courts of Beaufort, to appoint two surveyors for said county; Mr. Harris, a bill concerning the exercise of suffrage by free persons of color; and Mr. Hill, a bill to authorize the commissioners of Kenansville in Duplin county, to sell part of the town commons. These bills were read the first time and passed.

The bill to incorporate the North Carolina Gold Mining Company; and the bill to incorporate a company by the name and style of the "Montgomery Gold Mining Company," were each read the second time and passed.

The bill to reduce the salaries of the Supreme Court Judges, was read, and on motion of Mr. Kittrell, postponed indefinitely—yeas 65, nays 58. The yeas and nays demanded by Mr. Kittrell,

Those who voted in the affirmative were, Messrs. Albritton, R. H. Alexander, G. H. Alexander, Barringer, Battle, Bell, Boddie, Bray, Brummell, Cansler, Clement, Clarke, Craige,

Crump, Daniel, Dockery, Dudley, Fleming, Foreman, Fort, Graham, Harper, Harrison, Haywood, Henderson, Henry, Hoke, Howard, Hutchison, W. Jones, Jordan, Judkins, Kenan, King, Kittrell, Latham, Lilley, Locke, Loudermilk, Manly, Manney, Marsteller, Martin, Matthews, M'Cleese, M'Lean, M'Pherson, M'Racken, Norcom, Ousby, Outlaw, Perkins, Poindexter, Potts, Pugh, Riddick, Seawell, Slade, Tatham, Watson, Weaver, Welch, Willey, Williams of Green, Williamson.

Those who voted in the negative were, Messrs. Allison, Bedford, Blatchford, Blalock, Braswell, Brown, Byrum, Bynum, Carter, Coor, Cotten, Davenport, Davis, Deyton, Foscue, Foushee, Frink, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harris, W. Horton, J. Horton, Houlder, Iron, R. Jones, Lee, Lyon, Monk, Mullen, M'Neill, Perry, Potter, Powell, Register, Roebuck, Rush, Sanders, Sloan, Smallwood, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Waugh, Jacob Williams, Williams of Richmond, Witcher, Ziglar.

The House now proceeded to the orders of the day; and on motion of Mr. Manly, again went into committee of the whole, (Mr. King in the Chair,) on the bill to establish the Merchants' Bank of Newbern; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the said bill to the House, with sundry amendments. The amendments were read and concurred in; and the question, shall the said bill pass as amended the second reading? was decided in the negative—yeas 51, nays 59. The yeas and nays demanded by Mr. Hawkins,

Those who voted in the affirmative, were Messrs. Allbritton, R. H. Alexander, Barringer, Bell, Brummell, Carter, Clement, Clarke, Coor, Craige, Dudley, Foreman, Foscue, Frink, Graham, Guinn, Gwyn, Hartly, Henderson, Henry, Hoke, Howard, Jordan, Kenan, King, Kittrell, Latham, Lilly, Lindsay, Locke, Loudermilk, Manly, Marsteller, Martin, Matthews, M'Lean, M'Neill, Norcom, Ousby, Outlaw, Poindexter, Register, Rush, Sanders, Seawell, Sloan, Smallwood, Tatham, Watson, Waugh, Jacob Williams.

Those who voted in the negative, were Messrs. Allison, Battle, Bedford, Blatchford, Blalock, Braswell, Bynum, Byrum, Cotten, Daniel, Davenport, Davis, Deyton, Fleming, Fort, Foushee, Fitzrandolph, Hamrick, Hawkins, Harper, Harris, Harrison, Haywood, J. Horton, Houlder, Iron, R. Jones, W. Jones, Judkins, Lee, Lyon, Manney, Monk, Mullen, M'Cleese, M'Pherson, Perkins, Potter, Pugh, Riddick, Roebuck, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Weaver, Welch, Willey, Williams of Greene, Williams of Richmond, Witcher, Ziglar.

Mr. Outlaw, from the committee on Privileges and Elections, to whom were referred sundry papers relating to the contested election of James Seawell, the sitting member from the town of Fayetteville, made a detailed report thereon; which was read, and on motion of Mr. R. H. Alexander, laid on the table.

Mr. Henderson from the committee of balloting for cavalry officers of the 18th brigade, reported that Joseph B. G. Roulhac, was duly elected colonel; A. W. Mebane, lieutenant colonel; and John R. Gilliam, major. The report was concurred in.

The House adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, DECEMBER 18, 1834.

A message from the Senate, agreeing to the proposition of this House to refer to a joint select committee, the message of his Excellency the Governor, with the accompanying documents, relating to the restoration of the statue of Washington, and informing that Messrs. Little, Lockhart and Kerr, form their Branch of the committee. Ordered, that Messrs. Lindsay, Latham and Brummell, form said committee on behalf of the Commons.

Mr. Barringer, from the committee on the Judiciary, to whom was referred an inquiry, into the expediency of amending the laws, relating to insolvent debtors, reported that the law requires no amendment in the mode contemplated, and prayed to be discharged from the further consideration of the subject. The report was concurred in.



Mr. J. L. Smith presented a bill to regulate the courts of pleas and quarter sessions of Haywood county; Mr. Walker a bill to authorize the courts of pleas and quarter sessions of Haywood county, to appoint places of public sale; Mr. Smallwood a bill concerning the corporation of the town of Washington, in Beaufort county; and Mr. Blalock a bill to empower the county court of Yancy county, to lay a tax to encourage the destruction of wolves in said county. These bills were read the first time and passed.

The bill to give further time for paying in entry money; the resolution directing the Adjutant General to collect the public arms; the resolution in favor of Major Sylvester Churchill; the resolution in favor of Caleb Barco; and the resolution in favor of Elizabeth Forbes, were each read the third time and passed, and ordered to be engrossed.

The bill to alter the name of, and legitimate Zadock Best, of Currituck county; and the bill compelling the county courts of Beaufort, to appoint two surveyors for said county, were each read the second and third times, passed, and ordered to be engrossed.

Mr. Daniel, from the committee on Claims to whom was referred the resolution in favor of Owen Carroll, of Bladen county, reported favorably thereon, when the said resolution was read the second time and passed.

Mr. Daniel, from the same committee, reported favorably on the resolution in favor of John Cherry; which was read the second time and passed.

Mr. Barringer, from the committee on the Judiciary who were by resolution directed to inquire into the expediency of amending the law, so as to require persons who deny the execution of any note or negotiable paper, under seal to answer upon oath as to the execution of the same, reported that it is inexpedient to change the law as proposed; the report was concurred in.

Mr. King presented a petition from certain citizens of Iredell county, praying a law to be passed to prevent obstructions to the passage of fish in Fifth Creek, in said county; which was on motion of Mr. King, referred to the committee on Propositions and Grievances.

Mr. Haywood, from the committee on Finance to whom were referred sundry resolutions relating to the public revenue, reported a bill to provide for a fair valuation of lands in this State, and prescribing the mode in which the said lands and other taxable property shall be given in by the owners thereof, for taxation; which was read the first time and passed, and on motion of Mr. Manly, ordered to be printed.

Mr. Monk, who voted in the majority on the rejection of the bill to establish the Merchant's Bank, of the town of Newbern, moved that the House do now reconsider that vote. The House agreed to reconsider, when the said bill was read the second time, amended on the motion of Mr. Sanders, and passed—yeas 62, nays 52. The yeas and nays demanded by Mr. M'Cleese,

Those who voted in the affirmative, were Messrs. Albritton, Baker, Barringer, Bell, Blacklock, Braswell, Brown, Brummell, Canler, Carrier, Clement, Coor, Craige, Davis, Deyton, Dockery, Fleming, Foreman, Fort, Foscue, Frink, Graham, Gwyn, Harrison, Hartly, Henry, Hoke, W. Horton, J. Horton, Howard, Kenan, King, Kittrell, Latham, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Marsteller, Martin, M'Lean, M'Neil, M'Racken, Norcom, Onsby, Outlaw, Perkins, Poindexter, Register, Rush, Sanders, Seawell, Sloan, Smallwood, Swindell, Tatham, Watson, Waugh, Witcher.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Battle, Bedford, Blatchford, Boddie, Bragg, Bray, Bynum, Cotten, Crump, Daniel, Foushee, Fitzrandolph, Hamrick, Hawkins, Harper, Harris, Houlder, Hutchinson, Irion, R. Jones, Judkins, Lee, Mal-

Jen, M'Cleese, M'Pherson, Perry, Potter, Potts, Powell, Pugh, Riddick, Roebuck, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Weaver, Welch, Willey, J. Williams, Williams of Greene, Williams of Richmond, Williamson, Ziglar.

Mr. Norcom presented a bill founded on a petition to regulate the public ferry at Edenton; which was read the first time and passed, and on motion of Mr. Norcom, referred to the committee on Private Bills.

The bill to authorize the forming a fire engine company, in the town of Fayetteville; and the bill to repeal an act passed in 1826, to reduce the licence to pedlars on the South side of Albemarle Sound, were each read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to repeal a part of the third section of an act passed in the year 1831, in addition to an act passed in the year 1830, in relation to the burning of the records of the county of Hertford; the bill concerning the county courts of Haywood county; and the engrossed bill to authorize John Sudderth and Patrick Hennessee, to erect gates on their own lands across a public road in the county of Burke, were each read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill to provide for running and establishing a part of the dividing line between the counties of Burke and Rutherford; a bill to alter the name of Jacky Ann Moring, and to legitimate her; a resolution in favor of Joseph Shepard; and a resolution in favor of Jesse Hulse, and asking the concurrence of this House. The said bills and resolutions were read the first time and passed.

A message from the Senate, agreeing to the amendment made by this House to the engrossed resolution in favor of John Hyde, of Haywood county. Ordered that said bill be enrolled.

Received from his Excellency Governor Swain, a communication relating to the apprehension and recapture of John Sugg, a fugitive from justice; which was on motion of Mr. Barringer, referred to the committee on Claims.

The bill to construct a Central Rail Road from the port of Beaufort, to the Tennessee line, was on motion of Mr. Manney, made the order of the day for Wednesday next.

The engrossed bill to abolish the offices of county trustee and treasurer of public buildings, in the counties of Gates and Hyde, was on motion of Mr. Battle, laid on the table.

Mr. Loudermilk presented a bill to prevent the felling of timber in or otherwise obstructing the run of Lower Little river, in the county of Iredell, which was read the first time and passed.

The engrossed bill to protect seine places on Roanoke river; and the engrossed bill to incorporate the Martin County Grays, in Martin county, were each read the second time and passed.

The engrossed bill to legitimate Sarah C. Baxter, Wm. G. M. Baxter and James N. Baxter, of Rutherford county, was read, and on motion of Mr. Battle, indefinitely postponed.

On motion of Mr. Craige, the bill concerning a Convention to amend the Constitution of the State of North Carolina, was made the order of the day for Monday next.

The engrossed bill for the better regulation of the militia of Onslow county; the engrossed bill to give exclusive jurisdiction to the superior courts for

the counties of Anson and Montgomery, in all cases where the intervention of a jury shall or may be necessary; the engrossed bill requiring the register of Guilford county to keep his office at the court house in said county; and the engrossed bill for the better administration of justice in the county of Onslow, and for other purposes, were each read the second and third times, passed, and ordered to be enrolled.

The resignation of Philip Irion, as colonel of the 91st regiment, and of John Houston, as lieutenant colonel of the militia of Jones county, received from the Senate, were read and accepted.

The bill to restore to credit Andy Bagerly, of Iredell county, was read, and on motion of Mr. Battle, postponed indefinitely—yeas 72, nays 24.—The yeas and nays demanded by Mr. Tomlinson,

Those who voted in the affirmative were, Messrs. Albritton, G. H. Alexander, Allison, Baker, Battle, Bell, Blatchford, Boddie, Brown, Bynum, Byrum, Cansler, Carter, Davenport, Davis, Deyton, Dockery, Dudley, Fleming, Foreman, Fort, Foscue, Foushee, Frink, Gwyn, Hawkins, Harper, Harris, Harrison, Hartley, Houlder, Howard, Irion, R. Jones, Judkins, Kenan, Lee, Locke, Manney, Marsteller, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Pherson, M'Racken, Ousby, Perry, Poindexter, Potts, Powell, Pugh, Register, Roebuck, Rush, Sanders, Sloan, G. Smith, J. L. Smith, S. Smith, Stockard, Taylor, Tillet, Tomlinson, Waugh, Welch, Willey, Williams of Green, Williams of Richmond, Williamson, Ziglar.

Those who voted in the negative were, Messrs. Bedford, Clarke, Fitzrandolph, Haywood, Henderson, Henry, W. Horton, J. Horton, W. Jones, King, Kittrell, Loudermilk, Martin, M'Neill, Perkins, Smallwood, Swanner, Swindell, Tatham, Wadsworth, Walker, Watson, Weaver, Witcher.

The House then adjourned until to-morrow morning 10 o'clock.

#### FRIDAY, DECEMBER 19, 1834.

Mr. Guian, from the committee on Propositions and Grievances, to whom were referred the petitions of Kedar Bryant, of Cumberland, and of Abner Dunnighan, of Surry county, praying to be restored to credit, reported unfavorably thereon, and asked to be discharged from the further consideration of the same. The report was concurred in.

Mr. King presented the petition of Mary Sloan, widow of capt. John Sloan, a soldier of the revolution, praying to be placed on the pension roll of the State. Said petition, was on motion of Mr. King, referred to the committee on Claims.

The resignation of Turner Bynum, as a justice of the peace, of the county of Edgecomb, was presented, read and accepted.

Mr. Monk presented a bill to appoint commissioners for the town of Clinton, and for other purposes; which was read the first time and passed.

Mr. Jordan presented the following resolution:

*Resolved*, That the president and directors of the Cape Fear Navigation Company be, and they are hereby directed to report the amount of capital stock of said company, subscribed and paid for; and what disposition has been made of the same. Whether any part remains unexpended and what amount. Whether they have any available funds, and to what amount, and in what said funds consist. Whether any locks, dams, or sluices, have been erected on the Cape Fear river between Fayetteville and Wilmington, if any, how many, and at what points on said river, and the costs of the same. Whether any improvement has been effected in the navigation of the Cape Fear river, and if any, to what extent. Whether they have any Boats or Engines in operation on the Cape Fear river for deepening the channels of the same, and removal of obstructions, and if so—under whose superintendence and direction at this present time. Whether any tolls have been collected, and to what amount, and when they commenced collecting the same. Whether any of the tolls so collected, have been expended on the Cape Fear river in improving the same, and to what amount. And whether any of the tolls so collected have been appropriated to the payment of dividends and to what amount.

Said resolution was read, and on motion of Mr. Marsteller, referred to a

select committee of four ; said committee consists of Messrs. Marsteller, Jordan, Haywood and Lyon.

Mr. Marsteller, who voted for the resolution in favor of major Sylvester Churchill, on yesterday, moved that the House do now re-consider that vote ; the House agreed so to re-consider, when the said resolution was again put on its passage, on the third reading and rejected.

Mr. Seawell presented a bill, supplemental to the act to incorporate the Cape Fear, Yadkin and Pedee rail road company ; and Mr. Fleming a bill for the better regulation of the superior courts of Burke county ; these bills were read the first time and passed.

The engrossed bill to alter the name of Martha Ann Williams, and to legitimate her, was read the second and third times, passed and ordered to be enrolled.

The bill to divorce William Harvey, of Beaufort county ; and the bill to amend an act, entitled an act to incorporate a company, in the county of Mecklenburg, under the name of the Franklin Gold Mining Company, were each read the second and third times, passed and ordered to be engrossed.

The Speaker laid before the House a petition of John Brown, agent and attorney in fact, of the devisees of Wm. Cathcart, praying to have a grant issued for 107,520 acres of land, in Buncombe county, or that the purchase money, with interest thereon be refunded ; said petition was read, and on motion of Mr. Battle, referred to a select committee. Said committee consists of Messrs. Battle, Haywood, R. H. Alexander, Potts and Whitfield.

The resignation of Neill M'Nair, as a justice of the peace of the county of Richmond, was presented, read and accepted.

The engrossed bill to divorce Catharine Parks, from her husband Gabriel Parks, was read the second time, and on motion of Mr. Outlaw, indefinitely postponed—yeas 62, nays 47. The yeas and nays demanded by Mr. Outlaw,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Battle, Blalock, Boddie, Braswell, Bray, Bynum, Byrum, Clement, Craige, Crump, Davis, Foreman, Fort, Foscue, Graham, Gwyn, Harper, Harris, Hartley, Haywood, Henderson, Houlder, Howard, Irion, R. Jones, Kenan, Kittrell, Lee, Lilly, Long, Manly, Manney, Marsteller, Matthews, Mullen, M'Cleese, M'Lean, M'Pherson, Norcum, Outlaw, Powell, Register, Roebuck, Sloan, S. Smith, Stockard, Swanner, Swindell, Slade, Taylor, Tillet, Tomlinson, Watson, Waugh, Weaver, Welch, Whitfield, Willey, Williams of Greene, Williamson.

Those who voted in the negative, were Messrs. Allison, Baker, Barringer, Bedford, Bell, Blatchford, Brandon, Brummell, Cansler, Carter, Clarke, Daniel, Davenport, Deyton, Foushee, Fitzrandolph, Gunn, Hamrick, Hawkins, Henry, W. Horton, J. Horton, Hutchinson, W. Jones, Latham, Lindsay, Locke, Lyon, Martin, Mitchell, Monk, M'Neil, Perkins, Poindexter, Potter, Rush, Sanders, Seawell, Smallwood, G. Smith, J. L. Smith, Tatham, Wadsworth, Walker, J. Williams, Williams of Richmond, Witcher.

The bill to provide for the relief of sureties, in certain cases, was read, and on motion of Mr. King, postponed indefinitely—yeas 79, nays 39. The yeas and nays demanded by Mr. Marsteller,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Barringer, Battle, Bedford, Bell, Blatchford, Boddie, Brandon, Bray, Brummell, Bynum, Cansler, Clement, Clarke, Cotten, Craige, Daniel, Dockery, Dudley, Fleming, Foreman, Fitzrandolph, Graham, Gwyn, Hamrick, Harper, Harris, Haywood, Henderson, Henry, W. Horton, Houlder, Howard, W. Jones, Judkins, Kenan, King, Latham, Lilly, Lindsay, Locke, Loudermilk, Lyon, Manly, Marsteller, Martin, Matthews, Mitchell, Monk, M'Cleese, M'Lean, M'Neil, M'Pherson, Norcum, Ousby, Outlaw, Perkins, Perry, Potts, Riddick, Register, Roebuck, Sanders, Sloan, Smallwood, Swanner, Swindell, Slade, Taylor, Tillet, Tomlinson, Watson, Welch, Whitfield, Willey, J. Williams, Williams of Greene, Williamson.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Baker, Blalock,

Byrum, Carter, Davenport, Davis, Deyton, Fort, Foscue, Foushee, Frink, Guinn, Hawkins, Hartly, J. Horton, Hutchison, Irion, R. Jones, Kittrell, Lee, Manney, Poindexter, Powell, Pugh, Rush, G. Smith, J. L. Smith, S. Smith, Stockard, Tatham, Wadsworth, Walker, Waugh, Weaver, Williams of Richmond, Witcher, Ziglar.

Mr. Howard presented a bill to establish and incorporate a town at Trent bridge, in the county of Jones, by the name of Pollocksville; which was read the first time and passed.

Mr. Dudley, from the committee on Finance to whom the subject was referred, reported a bill to provide for the payment of the instalments, on the shares reserved to the State, in the capital stock of the bank chartered by the act passed at the last session of the Legislature, entitled an act to establish the Bank of the State of North Carolina. The said bill was read the first time and passed, and on motion of Mr. Dudley, ordered to be printed, together with the report of the committee of Finance on the subject, and the bank exhibits accompanying the same.

Mr. Slade presented a bill to alter the name of Wm. Pollard, of the county of Martin, and to legitimate him; which was read the first time and passed.

The bill to amend an act, entitled an act to establish a bank in the State of North Carolina, passed at the last session of the General Assembly, was read the second and third times, amended and passed, and ordered to be engrossed.

The bill to establish the merchants' bank of the town of Newbern, was read the third time, passed and ordered to be engrossed. The vote on the the third reading of the bill was—yeas 68, nays 54. The yeas and nays demanded by Mr. Lyon,

Those who voted in the affirmative were, Messrs. Albritton, Baker, Barringer, Bell, Blalock, Brandon, Braswell, Brown, Brummell, Cansler, Carter, Clement, Clarke, Coor, Craige, Davis, Deyton, Dudley, Fleming, Foreman, Fort, Foscue, Frink, Graham, Gwyn, Harrison, Hartly, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Howard, Jordan, Kenan, King, Kittrell, Latham, Lilley, Lindsay, Locke, Long, Loudermilk, Manly Manney, Marsteller, Martin, Matthews, M'Lean, M'Neill, Norcom, Ousby, Outlaw, Perkins, Poindexter, Register, Rush, Sanders, Seawell, Sloan, Smallwood, Swindell, Tatham, Watson, Waugh, Whitfield, Witcher.

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Battle, Bedford, Blatchford, Boddie, Bragg, Bray, Bynum, Byrum, Cotten, Crump, Daniel, Davenport, Foushee, Fitzrandolph, Guinn, Hamrick, Hawkins, Harris, Houlder, Hutchison, Irion, R. Jones, Judkins, Lee, Lyon, Monk, Mullen, M'Pherson, Perry, Potter, Potts, Powell, Pugh, Riddick, Roebuck, G. Smith, J. L. Smith, Stockard, Swanner, Slade, Taylor, Tillett, Tomlinson, Wadsworth, Weaver, Welch, Willey, Williams of Green, Williams of Richmond, Williamson, Ziglar.

The House, on motion of Mr. Graham, resolved itself into a committee of the whole, Mr. Marsteller in the Chair, and took up for consideration the bill prohibiting lotteries, and after some time spent therein the Speaker resumed the chair, and the Chairman reported the said bill to the House, with sundry amendments. The amendments were read and concurred in; and the bill read as amended the third time and passed—yeas 92, nays 3. The yeas and nays called for by Mr. Manney.

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Allison, Baker, Barringer, Battle, Bedford, Bell, Blatchford, Blalock, Boddie, Braswell, Brummell, Bynum, Byrum, Carter, Clarke, Cotten, Craige, Davis, Deyton, Foreman, Fort, Foscue, Foushee, Frink, Fitzrandolph, Gwyn, Hawkins, Harper, Hartley, Haywood, Henderson, Henry, Hoke, J. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Kittrell, Latham, Lee, Lilly, Lindsay, Locke, Loudermilk, Lyon, Manney, Marsteller, Martin, Matthews, Monk, Mullen, M'Lean, M'Pherson, Ousby, Outlaw, Perkins, Perry, Poindexter, Powell, Pugh, Riddick, Register, Roebuck, Rush, Sanders, Sloan, Smallwood, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Slade, Tatham, Taylor, Tillett, Tomlinson, Wadsworth, Weaver, Welch, Whitfield, Jacob Williams, Williams of Greene, Witcher, Ziglar.

Those who voted in the negative, were Messrs. M'Cleese, Waugh, Scawell.

Mr. Barringer, on motion, obtained leave to withdraw from the files of the House, the testimonials and certificates accompanying the bill to emancipate Waller.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 20, 1834.

A message from the Senate, proposing to ballot immediately for cavalry officers of the 2d brigade and 8th division of militia, and informing that William M. Albritton is in nomination for colonel, Josiah Barrott for lieutenant colonel, and William Dixon for major. The proposition was agreed to, and Messrs. Hartley and Foscue appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Moyer of Green and Harrison, form said committee on their part.

Mr. Daniel, from the committee on claims, to whom was referred the petition of John Williams, reported a resolution in his favor; which was read the first time and passed.

Mr. Daniel, from the same committee, reported favorably on the resolution in favor of James M'Lean; when the same was read the third time, passed, and ordered to be engrossed.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred the Petition of Matthew Sikes, praying to be restored to credit, reported unfavorably thereon; and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Bell presented a bill to provide for the more convenient administration of justice in Carteret county; which was read the first time and passed, and on motion of Mr. Daniel, referred to the committee on the Judiciary.

The resolution in favor of John Cherry; and the resolution in favor of Owen Carroll of Bladen county, were read the third time, passed, and ordered to be engrossed.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred a petition on the subject, reported a bill to emancipate George Jasper, a slave; which was read the first time and passed.

The engrossed resolution in favor of Joseph Shepherd, was read the second time and passed; the resignation of Isham Malone, a justice of the peace of the county of Person, was presented, read, and accepted.

The engrossed bill to authorize and empower the court of pleas and quarter sessions, to allow compensation to commissioners who shall attend with a processioner to establish disputed lines, was read, and on motion of Mr. King, laid on the table.

The bill concerning the courts of pleas and quarter sessions, in the several counties of this State, was read the second time and rejected.

Mr. Haywood was, at his own request, excused from serving on the select committee, to whom was referred the petition of John Brown, agent of the heirs of William Catcart, and Mr. Jordan substituted in his stead. Mr. Haywood was also excused from serving on the select committee, to which was referred the resolution adopted yesterday, in relation to the Cape Fear navigation company, and Mr. Dudley substituted in his place.

Received from his Excellency the Governor, by his private Secretary, William Hill, the following communication:

*To the General Assembly of the State of North Carolina.*

GENTLEMEN: I communicate herewith, the annual report of the Treasurer of the Board of Trustees of the University of this State, which has been submitted to a committee; the disbursements found to be sustained by regular vouchers, and the accuracy of all the items in the account, regularly ascertained.

The demise of Col. Polk, and Doctor William Martin, and the removal from the State of

the Rev. Mr. Witherspoon, and General Thomas Love, have created four vacancies in the Board of Trustees, which the charter of the corporation requires to be supplied by the General Assembly-

D. L. SWAIN.

EXECUTIVE DEPARTMENT, 20 Dec. 1834.

On motion of Mr. Marsteller, ordered that the foregoing be transmitted to the Senate, and that the message and report be printed.

On motion of Mr. Barringer, ordered that the documents accompanying the report of the commissioners appointed to revise and digest the statute laws of the State be printed.

Received from his Excellency the Governor, the following communication :

*To the General Assembly of the State of North Carolina.*

GENTLEMEN : I have received within a few days past the proceedings of a meeting recently held in Wilmington, relative to the improvement of the Cape Fear river. The intelligence upon this subject, is of the most gratifying character, and its authenticity seems to be sustained by the clearest testimony. It is with sincere pleasure, therefore, although not formally requested so to do, that I transmit to you so interesting a document. I can but hope that the result of this experiment on the great central river of the State, so confidently pronounced by many to be chimerical, will have a salutary effect upon public opinion.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, 20th Dec. 1834.

On motion of Mr. Dudley, ordered that the foregoing message with the paper transmitted, be referred to the committee on Internal Improvement.

Mr. Barringer, from the committee on the Judiciary, to whom was referred the bill to prevent Justices of the Peace from issuing a *capias ad satisfaciendum*, on the judgment of a justice of the peace, until the return no property is made, reported against the expediency of the measure, when the said bill was read, and on motion of Mr. Poindexter, indefinitely postponed.

Mr. Marsteller, from the Joint Select committee on Military Affairs, to whom was referred the Adjutant General's report, reported that they find nothing in said report requiring legislative action, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Marsteller, from the same committee, reported a bill altering the number of company musters from two to four per annum ; which was read the first time and passed.

Mr. Marsteller, from the same committee, reported a resolution directing the distribution of military tactics in executive office ; which was read and adopted, and ordered to be engrossed.

Mr. R. Jones presented a bill to repeal and amend part of the 3d section of an act, passed in 1833, entitled an act directing the manner in which constables shall hereafter be appointed in this State ; Mr. Harrison a bill to amend an act passed in the year 1805, concerning wrecks ; and, Mr. Brummell a bill to regulate drill musters, in the second regiment of North Carolina militia, in Davidson county. These bills were read the first time and passed.

On motion of Haywood, the report of the committee on Privileges and Elections in the case of Mr. Seawell, the sitting member from the town of Fayetteville was recommended to the same committee.

Mr. Weaver, who voted yesterday for the indefinite postponement of the bill to divorce Catharine Parks from her Husband Gabriel Parks, moved that the House do now reconsider that vote. The question was decided in the negative,—yeas 33, nays 63 ; the yeas and nays called for by Mr. Craige,

Those who voted in the affirmative, were Messrs. Allison, Barringer, Bell, Blalock, Cotten, Craige, Foushee, Fitzrandolph, Guinn, Hamrick, Hawkins, Hartly, Haywood, Henry, W. Horton, J. Horton, Hutchinson, Loudermilk, Martin, M'Lean, M'Neill, Potter, Rush, Sanders, Smallwood, J. L. Smith, Slade, Tatham, Wadsworth, Walker, Weaver, J. Williams, Witcher.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, Battle, Bedford, Blatchford, Boddie, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Clement, Clark, Davis, Dudley, Foreman, Fort, Frink, Graham, Gwyn, Harper, Harrison, Henderson, Hoke, Houlder, Irion, R. Jones, Judkins, Kenan, Lee, Lilly, Locke, Manly, Manney, Marsteller, Monk, Mullen, M'Cleese, M'Pherson, M'Racken, Ousby, Outlaw, Poindexter, Powell, Riddick,

Register, Roebuck, Sloan, G. Smith, S. Smith, Stockard, Swanner, Swindell, Taylor, Tillett, Tomlinson, Waugh, Welch, Whitfield, Willey, Williams of Greene, Ziglar.

Mr. Hartly, from the committee appointed to conduct the balloting for cavalry officers attached to the 2d brigade and 8th division of the militia, reported that Wm. M. Albritton was duly elected colonel, Josiah Barrott, lieutenant colonel, and William Dixon, major. The report was concurred in.

The engrossed resolution in favor of Jesse Hulse, was read the second time and passed.

The engrossed bill to alter the name of Isaac Blanchard, of the county of Gates, and to legitimate him, was read the second and third times; passed and ordered to be enrolled.

On motion Mr. Waugh, ordered that a message be sent to the Senate proposing to ballot on Monday next for councillors of State.

Mr. Mathews presented the following resolution:

*Resolved*, That this Legislature adjourn *sine die*, on Saturday the 27th of December, and that the clerks be directed to make out the estimates to that time.

Mr. Haywood moved that said resolution lie upon the table; the question thereon was decided in the negative—yeas 41, nays 55. The yeas and nays demanded by Mr. McCleese.

Those who voted in the affirmative, were Messrs. Albritton, Barringer, Bedford, Bell, Blalock, Brummell, Cansler, Clement, Cotten, Deyton, Foushee, Guinn, Harper, Hartly, Haywood, Henry, Jordan, Kittrell, Latham, Loudermilk, Manly, Manney, Marsteller, Martin, Monk, M'Lean, M'Neill, Perkins, Potter, Register, Rush, J. L. Smith, Stockard, Swindle, Slade, Tatham, Walker, Waugh, Weaver, Jacob Williams, Witcher.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Battle, Blatchford, Boddie, Braswell, Bynum, Byrum, Carter, Clarke, Coor, Daniel, Davis, Foreman, Fort, Foscue, Frink, Fitzrandolph, Gwyn, Hawkins, Harris, Harrison, Hoke, Houlder, Irion, R. Jones, Judkins, Lee, Lilly, Locke, Lyon, Matthews, Mullen, M'Cleese, M'Pherson, M'Racken, Ousby, Powell, Pugh, Riddick, Roebuck, Sloan, Smallwood, G. Smith, S. Smith, Swanner, Taylor, Tillett, Wadsworth, Watson, Welch, Whitfield, Willey, Williams of Greene, Ziglar.

The subject was further discussed, when, on motion of Mr. Outlaw, the said resolution was laid on the table.

Mr. Haywood gave notice that he should on Monday next, move the following amendment to the rules of order. "No private bill shall be introduced into this House after Wednesday, the 24th day of December, except by leave of two thirds of the House first obtained.

On motion of Mr. Mathews

*Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of so altering the laws of this State as to substitute some other punishment in lieu of whipping white persons: and that said committee inquire into the expediency of estates being a penitentiary in this State: and that they report by bill or otherwise.

The resignation of Solomon Swann, as a justice of the peace of the county of Surry, and of Joel M'Lean as lieutenant colonel of cavalry, in the 8th brigade and 9th division of the militia, were presented read and accepted.

The bill to repeal the 2d section of an act, passed in the year 1832, making additional compensation to the Secretary of State for certain services therein named, was read, when Mr. Poindexter moved that said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 36, nays 69. The yeas and nays called for by Mr. G. Smith,

Those who voted in the affirmative were, Messrs. Albritton, G. H. Alexander, Barringer, Battle, Boddie, Brummell, Daniel, Dudley, Frink, Graham, Harper, Hartley, Haywood, Henderson, Hoke, J. Horton, W. Jones, Judkins, Kenan, Kittrell, Latham, Lilley, Lindsay, Manly, Manney, Matthews, Monk, Poindexter, Potts, Pugh, Seawell, Slade, Watson, Whitfield, Williams of Green, Witcher.

Those who voted in the negative were, Messrs. Allison, Baker, Bedford, Bell, Blatchford, Blalock, Braswell, Bynum, Byrum, Cansler, Carter, Coor, Davenport, Davis, Deyton, Dockery, Fort, Foscue, Foushee, Fitzrandolph, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Henry, W. Horton, Houlder,



Irion, R Jones, Jordan, Lee, Locke, Loudermilk, Lyon, Martin, Mullen, M' Cleese, M'Lean, M'Neill, M'Pherson, M'Racken, Potter, Powell, Riddick, Register, Roebuck, Rush, Sloan, Smallwood, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillett, Wadsworth, Walker, Waugh, Weaver, Welch, Willey, Jacob Williams, Williams of Richmond, Ziglar.

The said bill was thereupon read the second time and passed.

The House adjourned until to-morrow morning, 10 o'clock.

### MONDAY, DECEMBER 15, 1834.

Ralph Gorrell, the member elect from the county of Guilford, to supply the vacancy occasioned by the death of Wm. Adams, appeared, produced the certificate of his election, and was qualified according to law.

Mr. Stockard asked and obtained leave to withdraw from the files of the House, the memorial of the justices of the peace of Orange county.

Mr. Clarke presented a bill, to establish the Merchants' and Farmers' Bank in the town of Washington; and Mr. Manly a bill, concerning a part of Drysborough. These bills were read the first time and passed, and the first named on motion of Mr. Poindexter, ordered to be printed.

Mr. Marsteller, from the committee on military affairs, to whom was referred certain proceedings of a court martial of Iredell county, reported that it is not expedient to legislate on the subject; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Battle, from the select committee, to whom was referred the resolution relating to the sale of Cherokee lands, reported favorably thereon; when the said resolution was read the third time, passed and ordered to be engrossed. Mr. Haywood was excused from voting on the adoption of this resolution, having been heretofore retained as counsel for claimants to said lands.

Mr. Guinn, from the committee on propositions and grievances, to whom was referred the petition of William Jackson, praying to be restored to credit, reported unfavorably thereon; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Guinn, from the same committee, to whom was referred the bill to restore to credit Wm. Brown, of the county of Beaufort, reported favorably thereon; when the said bill was read the second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills, viz: a bill altering the boundaries of the 1st and 2d regiments of Burke county militia; a bill to restore George B Grier, of the county of Buncombe, to the privileges of a free citizen; and a bill to amend an act, passed in the year 1822, entitled an act for the division of Rowan county; and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Fayetteville Mechanics' Benevolent Society, and the engrossed resolution in favor of Caleb Barco, with certain amendments; and asking the concurrence of this House. The amendments were read and concurred in.

Mr. Marsteller presented a bill to repeal and amend part of an act, passed in 1833, entitled an act to repeal an act passed in 1818, entitled an act, fixing the sum to be hereafter paid to the State for vacant lands.

Mr. Davis a bill to repeal an act, entitled an act to alter the name of Kinston, in Lenoir county, passed 1833. These bills were read the first time and passed.

Mr. Outlaw, from the committee on privileges and elections, to whom was recommitteed the case of James Seawell, made a report accompanied by the following resolution, viz:

*Resolved*, That James Seawell the sitting member, is entitled to his seat as a member for the town of Fayetteville, in the House of Commons.

Mr. Jordan moved to strike out all after the word resolved in the said resolution, and insert the following.

1st. That the Constitution of this State does require, according to its true construction, that a member of the Legislature representing any town in this State, shall, for six months, possess and continue to possess, not less than one hundred acres of land in the county in which he is chosen, in fee or for the term of his own life.

2d. *Resolved*, That James Seawell, the sitting member from the town of Fayetteville did not, for six months previous to the election, and does not now possess in fee or for the term of his own life, one hundred acres of land in Cumberland county.

3rd. *Resolved*, That depositions in a contested election, concerning the mode of conducting said election, or concerning the qualification of voters at said election, which are taken on the first day of the session of the Assembly, ought not, on that account only, be rejected.

4th. *Resolved*, That at the last election, held for a member of the town of Fayetteville, Thomas L. Hybert received a majority of the legal votes; and that James Seawell is not entitled to retain his seat in this present Legislature.

5th. *Resolved*, That Thomas L. Hybert is duly elected to represent the town of Fayetteville and that he take his seat accordingly.

Mr. Haywood moved to amend the amendment, by striking out the 3rd resolution, and inserting the following :

*Resolved*, That depositions taken in a contested election, concerning the mode of conducting said election, or concerning the qualification of voters of said election, which are taken at any time during the session of the General Assembly, without special leave of the House, ought to be rejected.

The question on Mr. Haywood's motion, was decided in the affirmative. Mr. Graham moved to strike out all of the second resolution, after the word "Fayetteville" and insert "possesses a free hold sufficient to entitle him to membership in the House of Commons, he being in possession of a mortgage not foreclosed;" this was agreed to. Mr. Battle moved to amend the amendment of Mr. Jordan, by striking out the first resolution; this question was decided also in the affirmative. Mr. Mitchell now moved that the resolution as reported by the committee, together with the amendments, be laid on the table, and demanded the yeas and nays on the question; the question on Mr. Mitchell's motion was decided in the negative—yeas 15, nays 112.

Those who voted in the affirmative were, Messrs R. H. Alexander, Bragg, Braswell, Dudley, Gwyn, Hutchison, W. Jones, Mitchell, M'Cleese, M'Lean, Pugh Sanders, Smallwood, Wadsworth, Waugh.

Those who voted in the negative were, Messrs. Albritton G. H. Alexander, Allison, Baker, Barringer, Battle, Bedford, Bell, Blatchford, Blalock, Boddie, Brandon, Bray, Brown, Brummell, Bynum, Byrum, Cansler, Carter, Clement, Clarke, Coor, Cotten, Craige, Crump, Davenport, Davis, Deyton, Dockery, Flemming, Foreman, Fort, Foscue, Foushee, Frink, Fitzrandolph, Graham, Guinn, Gorell, Hawkins, Harper, Harris, Harrison, Hartley, Haywood, Henderson, Henry, Hill, Hoke, W. Horton, J. Horton, Houlder, Howard, Irion, R. Jones, Jordan, Judkins, Kenan, King, Kittrell, Latham, Lee, Lilley, Lindsay, Locke, Loudermilk, Lyon, Maclin, Manly, Manney, Marsteller, Martin, Matthews, Monk, Mullen, M'Neill, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Perry, Poin-dexter, Potter, Potts, Powell, Register, Roebuck, Sloan, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Slade, Tatham, Taylor, Tillett, Tomlinson, Walker, Watson, Weaver, Welch, Whitfield, Willey, Jacob Williams, Williams of Green, Williams of Richmond, Williamson, Witcher, Ziglar.

The question now recurring on striking out the resolution as reported by the committee, and inserting the amendment as amended. Mr. Craige, called for a division of the question; and the question "will the House strike out the said resolution" was decided in the negative. The question was then put on the adoption of the resolution, as reported by the committee, and decided in the affirmative—yeas 79, nays 42. The yeas and nays demanded by Mr. Dockery.

Those who voted in the affirmative were, Messrs. Albritton, R. H. Alexander, Barringer, Battle, Bedford, Bell, Blalock, Boddie, Brandon, Braswell, Bray,

Brown, Brummell, Bynum, Cansler, Clarke, Cotten, Craige, Crump, Daniel, Deyton, Dockery, Dudley, Fleming, Foreman, Fort, Foscue, Graham, Gwyn, Gorrell, Harper, Harris, Hartley, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Hutchison, Irion, W. Jones, Judkins, Kenan, King, Kittrell, Latham, Lilley, Lindsay, Locke, Loudermilk, Manly, Manney, Martin, Matthews, Mitchell, Monk, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Potter, Rush, Sanders, Smallwood, J. L. Smith, Swindell, Walker, Watson, Waugh, Williams of Green, Williams of Richmond, Williamson, Witcher, Ziglar

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Blatchford, Bragg, Byrum, Carter, Clement, Coor, Davenport, Davis, Foushée, Frink, Fitzrandolph, Guinn, Hawkins, Harrison, Houlder, R. Jones, Jordan, Lee, Lyon, Marsteller, Mullen, Perry, Powell, Pugh, Register, Roebuck, Sloan, G. Smith, S. Smith, Stockard, Swanner, Slade, Tatham, Taylor, Tillett, Tomlinson, Weaver, Welch, Willey, Jacob Williams.

The House then adjourned until to-morrow morning, 10 o'clock.

### TUESDAY, DECEMBER 23, 1834.

A message from the Senate agreeing to the amendments made by this House to the engrossed bill prohibiting lotteries ; ordered that said bill be enrolled.

A message from the Senate informing that they had postponed indefinitely the engrossed bill to divorce William Harvey, of Beaufort county.

Mr. Haywood presented a resolution in favor of Francis H. Reider, which was read the first time and passed, and referred, on Mr. Haywood's motion, to the committee on Claims.

Mr. Haywood presented the petition of Lucy T. Reed ; and Mr. Harris the petition of Lucy R. Hendrick, praying to be divorced from their respective Husbands. These petitions were referred to the committee on Propositions and Grievances.

Mr. Marsteller presented a bill to incorporate the Trustees of Rock Fish Academy, in New-Hanover county ; and Mr. Craige a bill to grant to the Mecklenburg gold mining company an amended charter. These bills were read the first time and passed.

On motion, leave of absence from the service of the House, from and after this day, until the end of the session, was granted to Nathaniel L. Mitchell.

Mr. Whitfield presented a petition of sundry citizens of Lenoir county, praying a repeal of the act of the last session changing the name of Kinston to that of Caswell ; said petition was, on motion of Mr. Whitfield, laid on the table.

Mr. Hamrick presented a bill to incorporate the Howard's Gap turnpike company ; Mr. Weaver a bill altering the time of holding the Courts of Pleas and Quarter Sessions, of the counties of Buncombe and Yancey, and for other purposes ; and Mr. Walker a bill to authorize the making of a turnpike road in Haywood county ; and to incorporate a company for that purpose. These bills were read the first time and passed.

Mr. M'Neill presented a bill to provide for the final settlement of executor's and administrator's ; which was read the first time and passed ; and, on motion of Mr. Daniel, referred to the committee on the Judiciary.

Mr. Hawkins presented a resolution in favor of the heirs of Joseph Hale, deceased, which was read the first time and passed ; and, on motion of Mr. Hawkins, referred to the committee on Claims.

Mr. Dudley presented a bill requiring the sheriff of New-Hanover to give bonds of increased amount ; which was read the first time and passed.

On motion of Mr. Waugh,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency of so amending the road laws as to compel the county courts to assign in pro-

per proportions the hands who are required to perform duty in their respective counties, so as not to require the same hands to work more than one public road, and that they report by bill or otherwise.

Mr. Guinn presented the following resolution, which was read and adopted:

Whereas, a resolution has passed the Commons authorizing the Governor to direct a sale of the Cherokee lands. Be it therefore

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of letting the occupants of said land purchase it at the State price, without a public sale. *Resolved*, That they further inquire into the expediency of appointing an agent at the sale of said land, whose duty it shall be to receive the bonds given by the purchasers from the commissioner and retain them in that county for payment, and that they have leave to report by bill or otherwise.

Mr. Monk presented a resolution directing the Secretary of State to purchase certain copies of M'Rae's maps; which was read the first time and passed.

The resolution in favor of Jesse Hulseby, and the engrossed resolution in favor of Joseph Shepherd, were each read the third time; passed and ordered to be enrolled.

The bill granting further time to perfect titles to lands within this State was read the second time and passed.

The resignation of James A. Henderson of Lincoln, and of Sam'l Brooks of Hyde county, justices of the peace, were presented, read and accepted.

On motion of Mr. Craige, the House now resolved itself into a committee of the Whole, (Mr. Long in the chair) and took up for consideration the bill concerning a convention to amend the constitution of the State of North Carolina, and after some time spent therein, the Speaker resumed the chair; and the chairman reported that the committee had made progress in the consideration, and not having time to perfect the said bill, asked leave to sit again. Leave was granted.

And then the House adjourned until to-morrow morning, 10 o'clock.

### WEDNESDAY, DECEMBER 24, 1834.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred the petition relating to turning the road from Lincolnton to Rutherfordton, reported that it is not expedient to pass a law upon the subject; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Maclin presented a resolution in favor of John B. Jasper; which was read the first time and passed.

Mr. Guinn, from the committee on Propositions and Grievances, to whom was referred the petition of Bright Johnston, together with a bill concerning fishing in Black river, reported unfavorably thereon. The bill was read the first time and passed.

The bill to provide for the payment of the instalments on the shares reserved to the State in the Capital Stock of the Bank chartered by the act of 1833, to establish the Bank of the State of North Carolina, was read the second time.

Mr. Potter moved to strike out the first section of the bill. The question thereon was decided in the negative. The question, shall the said bill pass its second reading? was decided in the affirmative—yeas 70, nays 54. The yeas and nays demanded by Mr. Taylor,

Those who voted in the affirmative, were, Messrs A'britton, R. H. Alexander, Baker, Barringer, Battle, Bedford, Bell, Balock, Brandon, Bray, Brammell, By-

num, Causler, Clement, Clarke, Craige, Deyton, Dockery, Dudley, Fleming, Foreman, Foscue, Frink, Graham, Guinn, Gorrell, Hamrick, Harper, Harrison, Henderson, Henry, Hoke, W. Horton, Howard, Hutchison, R. Jones, W. Jones, Kenan, Kittrell, Latham, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Marsteller, Martin, Matthews, Monk, Mullen, M'Lean, M'Neill, M'Racken, Norcom, Perkins, Register, Sanders, Seawell, Sloan, Smallwood, J. L. Smith, Swindell, Watson, Waugh, Jacob Williams, Williams of Greene, Williams of Richmond, Williamson.

Those who voted in the negative were, Messrs. G. H. Alexander, Allison, Blatchford, Boddie, Bragg, Braswell, Brown, Byrum, Carter, Coor, Cotten, Daniel, Davenport, Davis, Fort, Foushee, Fitzrandolph, Gwyn, Hawkins, Harris, Hartley, Haywood, J. Horton, Houlder, Irion, Jordan, Judkins, Lee, Lyon, Macclin, M'Pherson, Outlaw, Perry, Poindexter, Potter, Potts, Powell, Roebuck, G. Smith, S. Smith, Stockard, Swanner, Tatham, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Weaver, Welch, Whitfield, Willey, Witcher, Ziglar.

A message from the Senate, proposing that the two Houses ballot immediately for Councillors of State for the ensuing year, and informing that Peter H. Dilliard, Henry Skinner, Peter Clingman, Daniel Turner, William S. Ash, Allen Rogers Sen'r, Louis D. Henry, George Williamson, Geo. W. Jeffreys, Alfred Jones, Isham Matthews, and Jonathan Harelson, are in nomination for the appointment. The proposition was agreed to, and Messrs. Latham and Brumell appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Edmonston and Moye of Pitt, are appointed superintendants on their part.

A message from the Senate, proposing to ballot immediately for colonel, and lieutenant colonel of cavalry attached to the 10th brigade and 3d division of North Carolina militia, and informing that Joseph Abernathy is in nomination for colonel, and Richard Rankin for lieutenant colonel. The proposition was agreed to, and Messrs. Hamrick and Hoke appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Fairley and Shipp, form their balloting committee.

A message from the Senate, informing that they had rejected the engrossed bill, to divorce Ellena M. Cobb.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to build a Court House in the county of Pasquotank, and asking the concurrence of this House. The said bill was read the first time and passed. Mr. Hartley presented a bill, to repeal an act to amend an act passed in the year 1819, chapter 103, entitled an act to prevent obstruction to the passage of fish up Neuse river; and also to repeal an act passed in the year 1830, chapter 102, to prevent obstructions to the passage of fish up Neuse river, Brice's Creek, and Trent river; Mr. Tatham, a bill supplemental to an act passed at the last session, entitled an act to improve the State road from the bank of the Tuckesegee river by the way of Franklin to the Georgia line; Mr. M'Cleese, a bill to prevent the obstruction to the passage of fish up Frying Pan, in the county of Tyrrell; Mr. Brandon, a bill to authorize the appointment of two surveyors in the county of Anson. These bills were read the first time and passed.

The bill to repeal an act, entitled an act to alter the name of Kinston, in Lenoir county, passed in 1833; and the bill to repeal an act, entitled an act respecting the courts of pleas and quarter sessions of the county of Tyrrell, passed in the year 1825, were each read the second and third times, passed, and ordered to be engrossed.

Mr. Outlaw presented the following resolution, which was read and adopted.

Whereas, Christmas is a day observed by all Christian people; be it therefore

*Resolved*, That a message be sent to the Senate, proposing that when the two Houses adjourn, they adjourn to meet on Friday next at 10 o'clock.

On motion of Mr. Lyon,

*Resolved*, That the Committee on the Judiciary be instructed to examine the law relative to the duty of Grand Jurors, and see whether or not it would not be expedient to change the law so as not to make it their duty to return persons for small assaults, where there was no injury done on either side; and that they report by bill or otherwise

The resignations of Wm. M. Albritton, as lieutenant colonel of cavalry of the 2d brigade and 8th division; of A. W. Mebane, as major of cavalry in the Bertie regiment; and of Allen Peoples, as major in the Guilford regiment, were read and accepted.

A message from the Senate, agreeing to the proposition of this House, that the two branches of the Legislature adjourn over to Friday next.

Mr. Hoke, from the balloting committee for cavalry officers attached to the 10th brigade and 3d division, reported that Joseph Abernathy, was duly elected colonel, and Richard Rankin, lieutenant colonel. The report was concurred in.

Mr. Brummell, from the balloting committee for councillors of State, reported that Henry S. Skinner of Perquimons, Peter H. Dilliard of Rockingham, George Williamson of Caswell, Daniel Turner of Warren, Allen Rogers, senr. of Wake, Louis D. Henry of Fayetteville, and William S. Ashe of New Hanover county, had each received a majority of the whole number of votes, and that they were duly elected. The report was concurred in.

Mr. Cotten presented a bill to emancipate Benjamin, a slave; which was read the first time and passed.

The House again resolved itself into a committee of the whole, Mr. Long in the Chair, on the bill concerning a Convention to amend the Constitution of the State of North Carolina, and after some time spent therein the Speaker resumed the chair, and the Chairman reported the bill to the House, with sundry amendments; when, on motion of Mr. Craige, it was ordered that the said bill as amended be printed, lie on the table and be made the order of the day for Friday next.

Whereupon the House adjourned until Friday morning, 10 o'clock.

#### FRIDAY, DECEMBER 26, 1834.

Mr. Latham presented a bill to amend part of the second section of an act, passed in the year 1833, entitled an act to regulate the proceedings in the court of pleas and quarter sessions in Craven county; Mr. Guinn a bill to encourage the discovery of mines in this State; Mr. Clark a bill authorizing the several county courts to appoint one or more surveyors in their discretion for each county; and Mr. Hartly a bill to amend an act, passed in the year 1831, entitled an act to incorporate Beard's Creek Guards, in the county of Craven. These bills were read the first time and passed.

Mr. Rush presented the petition of Jacob Lassiter, of Randolph county, praying to be allowed to erect a gate across a public road, running through his land. Said petition was referred on motion of Mr. Rush, to the committee on Propositions and Grievances.

Mr. Jordan presented a bill to amend an act, passed in the year 1833,

entitled an act concerning market fees, in the town of Fayetteville; and Mr. Lindsay a bill for the better regulation of the courts of pleas and quarter sessions in the county of Guilford. These bills were read the first time and passed.

Mr. Deyton presented a bill to attach the militia of the county of Yancy, to the 15th brigade; which was read the first time and passed.

The bill to emancipate George Jasper, a slave, was read the second time and rejected.

The resignations of John Mitchell, as major of the 71st regiment of militia; and of William Carr, jun'r, as a justice of the peace, of the county of Duplin, were presented, read and accepted.

Mr. Daniel, from the committee on Claims to whom was referred the petition of Matthew Miller, reported a resolution in his favor; which was read the first time and passed.

Mr. Daniel, from the same committee, reported favorably on the resolution in favor of the heirs of Joseph Hale, deceased; which was thereupon read the second time and passed.

Mr. Harris presented a bill authorizing the county court of Granville, to make allowances in certain cases; which was read the first time and passed.

Mr. King presented the following resolutions, which were read and adopted:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of making an appropriation from the Literary Fund, for the purpose of Draining a part of the marsh or swamp lands, now appropriated by law to the Literary Fund.

*Resolved further*, That said committee be instructed to report a bill, directing the manner in which said lands shall be disposed of when drained, and the purposes to which the proceeds shall be applied.

Mr. Haywood presented a resolution in favor of Willis Scott; which was read the first, second and third times, two thirds of the House concurring, passed, and ordered to be engrossed.

Mr. Henry presented a bill relative to the hands called to work on the State road, leading from the old Fort, in Burke county, to Asheville, in Buncombe county; and Mr. Weaver a bill for the preservation of public buildings, in the county of Buncombe, and for the improvement of the town of Asheville. These bills were read the first time and passed.

The bill to incorporate a company by the name and style of the Montgomery Gold Mining Company; the bill to incorporate the Tuckaleechee Smokey Mountain Turnpike Company; the bill to provide for the payment of the instalments on the shares reserved to the State in the capitol stock of the Bank, chartered by the act of 1833, to establish the Bank of the State of North Carolina; the bill to prevent obstructions to the passage of fish up Frying Pan, in the county of Tyrrell; the bill granting further time to perfect titles to land within this State; and the bill to incorporate the North Carolina Gold Mining Company, were severally read the third time, passed, and ordered to be engrossed.

The bill to repeal the 2nd section of an act, passed in the year 1832, making additional compensation to the Secretary of State, for certain services therein named, was on motion of Mr. Henry, referred to a committee of three members; said committee consists of Messrs. Henry, Poindexter and Guinn.

The engrossed bill to protect seine places on Roanoke river; and the engrossed bill to incorporate the Martin County Grays, in Martin county, were each read the third time, passed, and ordered to be enrolled.

The bill for the better regulation of the town of Bath, in Beaufort county; the bill to incorporate the Albemarle Rail Road Company; and the engrossed bill to incorporate the Lincolnton Light Infantry Company, were each read the second time and passed.

The House now proceeded to the orders of the day, and took up for consideration the bill concerning a Convention to amend the Constitution of the State of North Carolina; when on motion of Mr. Kittrell, it was ordered that said bill be recommitted to a select committee, composed of one member from each Congressional District of the State. The question on this motion, was determined in the affirmative—yeas 74, nays 52. The yeas and nays demanded by Mr. G. H. Alexander,

Those who voted in the affirmative were, Messrs. R. H. Alexander, Allison, Barringer, Battle, Bedford, Bell, Blalock, Bragg, Brandon, Braswell, Bray, Brown, Brummell, Cansler, Clement, Clarke, Cotten, Craige, Crump, Deyton, Dockery, Dudley, Fleming, Foushee, Frink, Graham, Guinn, Gwyn, Gorrell, Hamrick, Hawkins, Harris, Hartly, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Irion, W. Jones, Jordan, King, Kittrell, Laham, Lilely, Lindsay, Locke, Loudermill, Manly Manney, Martin, M'Lean, M'Neill, Norcom, Ousby, Outlaw, Perkins, Perry, Poindexter, Potts, Rush, G. Smith, J. L. Smith, Stockard, Tatham, Wadsworth, Walker, Waugh, Weaver, Whitfield, Jacob Williams, Williams of Richmond, Witcher.

Those who voted in the negative were, Messrs. Albritton, G. H. Alexander, Baker, Blatchford, Bynum, Byrum, Carter, Coor, Daniel, Davenport, Davis, Foreman, Fort, Foscue, Fitzrandolph, Harper, Harrison, Hill, Houlder, Howard, R. Jones, Judkins, Kenan, Lee, Long, Lyon, Maclin, Marsteller, Mathews, Monk, Mullen, M'Cleese, M'Pherson, M'Racken, Potter, Powell, Pugh, Register, Roebuck, Sanders, Sloan, Smallwood, S. Smith, Swanner, Swindell, Taylor, Tomlinson, Watson, Welch, Willey, Williams of Green, Williamson.

Said committee consists of Messrs. Kittrell, Barringer, Weaver, Waugh, Cotten, Poindexter, Haywood, Dudley, Pugh, Bragg, Norcom, Whitfield, and Smallwood. Ordered that said committee have leave to sit during the business hours of this House.

On motion of Mr. Battle, ordered that a message be sent to the Senate proposing that the two Houses ballot on Monday next, for four trustees of the University of North Carolina. Received from the Senate a message, agreeing to the proposition, whereupon the following persons were nominated for the appointment, viz. John B. Muse, Burton Craige, William H. Harden, Henry S. Clarke, Richard H. Alexander and Pleasant Henderson.

Mr. Haywood presented a resolution in favor of David Royster; which was read the first time and passed, and on motion of Mr. Haywood, referred to the committee on Claims.

The bill to amend an act, passed in the year 1805, concerning wrecks, was read, and on motion of Mr. Manly postponed indefinitely. Ordered that Mr. Willey have leave to withdraw from the files of the House the petition on which said bill was founded.

The bill to repeal and amend part of the 3d section of an act, passed in 1833, entitled an act directing the manner in which constables shall hereafter be appointed in this State, was read the second time, amended, and passed, and on motion of Mr. Guinn, referred to a select committee, consisting of Messrs. Guinn, Clarke, Smallwood, R. Jones and Gorrell.

The bill altering the time of holding the courts of pleas and quarter sessions in the counties of Buncombe and Yancey, and for other purposes; the bill authorizing the Northampton Blues to draw on the Adjutant General, for a stand of arms; the bill to incorporate Spring Vale Academy, in the county of Sampson, and to appoint trustees thereof; the bill to prevent the selling of timber in or otherwise obstructing the run of Lower Little river, in the county of Iredell; and the bill to incorporate the Mallard Creek Clas-



sical School, in the county of Mecklenburg, were each read the second and third times, passed, and ordered to be engrossed.

Mr. King presented a bill to incorporate Poplar Grove Academy, in the county of Iredell, and to appoint the trustees thereof; which was read the first time and passed.

The bill to appoint commissioners for the town of Clinton, and for other purposes; the bill to establish the town of Leachsville, in the Beaufort county, and to appoint commissioners thereof, were each read the second and third times, passed, and ordered to be engrossed.

The resolutions vacating the office of Attorney General, were on motion of Mr. Haywood, made the order of the day for Monday next.

The engrossed bill to alter the name of Jacky Ann Moring, and to legitimate her, was read the second time and passed, and on motion of Mr. Harper, referred to the committee on the Judiciary.

The engrossed bill to provide for running and establishing a part of the dividing line between the counties of Burke and Rutherford, was read the second time and passed, and on motion of Mr. Fleming, ordered to lie on the table.

The engrossed bill to build a Court House in the county of Pasquotank, was read the second time and rejected.

Mr. Matthews moved that the House now proceed to the consideration of the resolution heretofore submitted by him, proposing that the two Houses adjourn *sine die*, on the 27th instant. The question on taking up the resolution, was decided in the negative—yeas 49, nays 59.

Those who voted in the affirmative, were Messrs. Albritton, Allison, Battle, Blatchford, Boddie, Bray, Brown, Bynum, Carter, Clement, Coor, Crump, Davis, Foreman, Fort, Gwyn, Harper, Harris, Harrison, J. Horton, Houlder, Irion, R. Jones, Judkins, Lee, Maclin, Matthews, Monk, Mullen, M'Cleese, M'Pherson, M'Racken, Roebuck, Sanders, Sloan, Smallwood, G. Smith, Stockard, Swanner, Swindell, Taylor, Tillett, Tomlinson, Watson, Welch, Willey, Williams of Greene, Williams of Richmond, Williamson, Ziglar.

Those who voted in the negative, were Messrs. Baker, Barringer, Bedford, Bell, Blalock, Brummell, Byrum, Cansler, Clark, Craige, Daniel, Davenport, Deyton, Dockery, Fleming, Foushee, Frink, Fitzrandolph, Graham, Guinn, Gorrell, Hawkins, Hartly, Henderson, Henry, Hoke, W. Horton, Howard, W. Jones, Jordan, Kenan, King, Latham, Lilly, Lindsay, Locke, Long, Loudermilk, Lyon, Manly, Manney, Marsteller, Martin, M'Neill, M'Lean, Ousby, Outlaw, Perkins, Perry, Potts, Powell, Register, Rush, J. L. Smith, Tatham, Wadsworth, Walker, J. Williams, Witcher.

Mr. Sanders presented the following resolution:

*Resolved*, That the two Houses adjourn *sine die* on the 3rd day of January next.

Which was read, and on motion of Mr. Graham, laid on the table—yeas 60, nays 45. The yeas and nays demanded by Mr. Sanders.

Those who voted in the affirmative, were Messrs. Albritton, Baker, Barringer, Battle, Bedford, Bell, Blalock, Brandon, Braswell, Bray, Brown, Brummell, Byrum, Cansler, Clement, Craige, Crump, Daniel, Deyton, Fleming, Foushee, Frink, Fitzrandolph, Graham, Guinn, Gwyn, Gorrell, Hamrick, Hawkins, Harris, Hartly, Henderson, Henry, W. Horton, J. Horton, Howard, Irion, W. Jones, Jordan, Kenan, Latham, Long, Loudermilk, Lyon, Manly, Manney, Marsteller, Martin, M'Lean, M'Neill, Ousby, Outlaw, Perkins, Perry, Potts, Powell, Rush, J. L. Smith, Tatham, Walker, J. Williams.

Those who voted in the negative, were Messrs. G. H. Alexander, Allison, Boddie, Bynum, Carter, Clarke, Davis, Foreman, Fort, Harper, Harrison, Houlder, R. Jones, Judkins, Lee, Lilly, Lindsay, Locke, Maclin, Matthews, Monk, Mullen, M'Cleese, M'Pherson, M'Racken, Register, Roebuck, Sanders, Sloan, Smallwood, G. Smith, S. Smith, Stockard, Swanner, Swindell, Tillett, Tomlinson, Wadsworth, Watson, Welch, Williams of Greene, Williams of Richmond, Witcher, Ziglar.

The resignation of George Phillips, as major of cavalry, attached to the ninth brigade, was presented, read and accepted.

On motion of Mr. Outlaw, ordered that a message be sent to the Senate,

proposing to ballot immediately for major of cavalry, attached to the 18th brigade; the said appointment having been erroneously filled during the present session before the vacancy had occurred, and informing that John R. Gilliam and James Southall, are in nomination for the said appointment.

Mr. Potts presented a resolution directing a new roll to be made of the several justices of the peace of this State; which was read the first time and passed.

The House then adjourned until to-morrow morning 10 o'clock.

SATURDAY, DECEMBER 27, 1834.

A message from the Senate, agreeing to ballot for a major of cavalry, attached to the 18th brigade, and informing that Messrs. Cooper and Staley, compose their balloting committee. Ordered that Messrs. Crump and Carter, superintend said balloting on behalf of the Commons.

Mr. W. Jones presented a resolution in favor of Mark H. Hill; which was read the first, second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to repeal an act, passed at the last General Assembly, entitled an act to create an additional wreck district, in the county of Hyde, and for other purposes; a bill to repeal an act, passed in 1832, entitled an act appointing lay days on Rocky river, joining Anson and Montgomery counties; a bill authorizing John Treadwell, sen'r, of Sampson county, to erect a gate at his bridge across Cohary, on the road leading from Clinton to Elizabethtown, in Bladen county, and to receive toll for crossing the same; a bill to regulate the laying and collecting of town taxes in and for the town of Plymouth; a bill authorizing A. R. T. Hunter, of Macon county, to erect a bridge across the Hiwassee river, near the mouth of Valley river; a bill to amend an act establishing the Tennessee River Turnpike Road; a bill to incorporate the Gatesville Turnpike Company; and a bill to prevent nuisances in the river Roanoke, and asking the concurrence of this House. These bills were each read the first time and passed, except the last named bill, entitled a bill to prevent nuisances in the river Roanoke, which was read and rejected.

Received from his Excellency the Governor, the following communication :

*To the General Assembly of the State of North Carolina.*

GENTLEMEN : The winter session of the Supreme Court will convene in this city on Monday next. The room used since the destruction of the State House as a court room, is at present occupied by the Comptroller of Public Accounts; and hence it becomes necessary to provide accommodation for the court elsewhere. The only legitimate authority to do so is vested in the General Assembly.

D. L. SWAIN.

EXECUTIVE DEPARTMENT, 27 Dec. 1834.

The foregoing communication was read, and on motion of Mr. Flemming, ordered that it be transmitted to the Senate, with a proposition to refer it to a joint select committee; and informing that Messrs. Flemming, Marsteller, Graham, Haywood and Houlder, form our branch of said committee.

Mr. Bray presented a bill to repeal an act, passed in the year 1833, entitled an act, directing the manner in which constables shall be appointed in this State, so far as regards the county of Currituck; Mr. J. W. Guinn a bill amendatory of an act, passed at the present session, entitled an act, granting to persons therein named, certain lands for the use of the Methodist Episcopal Church, at Franklin in Macon county; Mr. Cansler a bill to repeal the 6th section of an act, entitled an act, concerning the wardens of the poor of the county of Lincoln; and Mr. Tatham a bill authorizing the entering of unsurveyed lands, acquired by treaty from the Cherokee Indians. These bills were read the first time and passed.

The bill concerning fishing in Black river, was read and rejected.

Mr. Smallwood, from the select committee, to whom was referred the bill to repeal and amend part of the third section of an act, passed in 1833, entitled an act, directing the manner in which constables shall hereafter be appointed in this State, reported the same with an amendment. The amendment was agreed to, and the said bill read the third time as amended, and passed, and ordered to be engrossed.

The bill concerning the corporation of the town of Washington, in Beaufort county; the bill to empower the county court of Yancy county, to lay a tax to encourage the destruction of Wolves in said county; and the bill to authorize the commissioners of Kenansville, in Duplin county, to sell part of the town commons, were each read the second and third times, passed, and ordered to be engrossed.

Mr. Guinn, from the select committee, to whom was referred the bill to repeal second section of an act, passed in the year 1832, making additional compensation to the Secretary for certain services therein named, reported the same with an amendment; which amendment was agreed to, and the said bill read the third time as amended, and passed, and ordered to be engrossed.

The bill for the better regulation of the superior courts in Burke county, was read the second and third times, amended on motion of Mr. Blalock, passed, and ordered to be engrossed.

Mr. Crump, from the committee appointed to conduct the balloting for a major of cavalry attached to the 18th brigade, reported that John R. Gilliam had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Hoke presented a resolution, in favor of Hon. James Martin; which was read the first time and passed.

Mr. Daniel, from the committee on claims, to whom was referred the resolution in favor of Francis R. Reeder, made a report thereon; when the said resolution was read the second time, amended and passed.

A message from the Senate, informing that they had passed the engrossed bill authorizing the county courts of Burke and Yancy counties, to appoint commissioners for laying off roads, with sundry amendments; and asking the concurrence of this House. The amendments were read and agreed to.

A message from the Senate, agreeing to refer the message of his Excellency the Governor, this day transmitted to the Senate, to a joint select committee; and informing that Messrs. M'Queen, Caldwell, Hawkins, Wyche and Arrington, form said committee on the part of the Senate.

Mr. Kitrell, from the select committee, to whom was referred the bill concerning a convention to amend the constitution of the State of North Carolina, reported an entire substitute for the said bill. The question arising on striking out the said original bill and inserting the substitute. Mr. Outlaw demanded a division of the question, and the question being on striking out, was decided in the affirmative. The question being next taken on inserting the substitute and amendment reported by the committee, was decided in the affirmative—yeas 68, nays 61. The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were Messrs. R. H. Alexander, Allison, Barringer, Battle, Bedford, Bell, Blalock, Brandon, Braswell, Brown, Brummell, Causler, Clement, Cotten, Craige, Deyton, Dockery, Dudley, Fleming, Foushee, Graham, Guinn, Gwyn, Gorrell, Hamrick, Hawkins, Harris, Hartly, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Hutchinson, Irion, Jordan, King, Kittrell, Latham, Lilly, Lindsay, Locke, Loudermilk, Manly, Manney, Martin, M'Neill, M'Racken, Norcom, Ousby, Perkins, Poindexter, Rush, Sanders, Seawell, G. Smith, J. L. Smith, Stockard, Tatham, Wadsworth, Walker, Waugh, Weaver, Jacob Williams, Williams of Richmond, Witcher, Ziglar.

Those who voted in the negative, were Messrs. Albritton, G. H. Alexander, Baker, Blatchford, Boddie, Bragg, Bray, Bynum, Byrum, Carter, Clarke, Coor, Crump, Daniel, Davenport, Davis, Foreman, Fort, Frink, Fitzrandolph, Harper, Harrison, Hill, Houlder, Howard,

R. Jones, W. Jones, Judkins, Kenan, Lee, Long, Lyon, Maclin, Marsteller, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Pherson, Outlaw, Perry, Potter, Potts, Powell, Pugh, Register, Roebuck, Sloan, Smallwood, S. Smith, Swanner, Swindell, Taylor, Tillett, Tomlinson, Watson, Welch, Willey, Williams of Greene, Williamson.

Mr. Outlaw moved to strike out of said bill, that clause in the 13th section, providing for the election of the Governor of the State, by the free white men thereof. The question thereon was decided in the negative—yeas 35 nays 94. The yeas and nays demanded by Mr. Marsteller,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Baker, Battle, Bell, Boddie, Bragg, Brandon, Byrum, Carter, Clarke, Davenport, Foreman, Graham, Harper, Hartley, Henderson, Henry, Howard, King, Latham, Lilly, Long, Manly, M'Cleese, Norcum, Ousby, Outlaw, Potts, Sanders, Tillett, Watson, Welch, Williams of Greene.

Those who voted in the negative, were Messrs. Allison, Barringer, Bedford, Blatchford, Blalock, Braswell, Bray, Brown, Brummell, Byrum, Cansler, Clement, Coor, Cotten, Craige, Crump, Daniel, Davis, Deyton, Dockery, Dudley, Fleming, Fort, Foushee, Frink, Fitzrandolph, Gunn, Gwyn, Gorrell, Hamrick, Hawkins, Harris, Harrison, Haywood, Hill, Hoke, W. Horton, J. Horton, Houlder, Hutchinson, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Kittrell, Lee, Lindsay, Locke, Loudermilk, Lyon, Maclin, Manney, Marsteller, Martin, Mathews, Monk, Mullen, M'Lean, M'Neill, M'Pherson, M'Racken, Perkins, Perry, Poindexter, Potter, Powell, Pugh, Register, Roebuck, Rush, Seawell, Sloan, Smallwood, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Willey, J. Williams, Williams of Richmond, Williamson, Witcher, Ziglar.

Mr. Matthews moved to strike out so much of said section, as relates to Borough representation. The question thereon was decided in the negative—yeas 60, nays 68. The yeas and nays called for by Mr. Powell,

Those who voted in the affirmative, were Messrs. Albritton, G. H. Alexander, Baker, Blatchford, Boddie, Bragg, Bray, Bynum, Byrum, Carter, Clarke, Coor, Crump, Daniel, Davenport, Davis, Foreman, Fort, Frink, Fitzrandolph, Harper, Harrison, Hill, Houlder, Howard, R. Jones, Judkins, Kenan, Lee, Lyon, Maclin, Marsteller, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Pherson, M'Racken, Perry, Potter, Potts, Powell, Pugh, Register, Roebuck, Sanders, Sloan, Smallwood, S. Smith, Swanner, Swindell, Taylor, Tillett, Tomlinson, Watson, Welch, Willey, Williams of Greene, Williamson.

Those who voted in the negative, were Messrs. R. H. Alexander, Allison, Barringer, Battle, Bedford, Bell, Blalock, Brandon, Braswell, Brown, Brummell, Cansler, Clement, Cotten, Craige, Deyton, Dockery, Dudley, Fleming, Foushee, Graham, Gunn, Gwyn, Gorrell, Hamrick, Hawkins, Harris, Hartley, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Hutchinson, Irion, W. Jones, King, Kittrell, Latham, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Norcum, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, G. Smith, J. L. Smith, Stockard, Tatham, Wadsworth, Walker, Waugh, Weaver, Whitfield, Jacob Williams, Williams of Richmond, Witcher, Ziglar.

Mr. Baker moved, the following as an additional section: "and be it further enacted, that the convention shall, if it think proper, change the seat of Government of this State; and the place so fixed upon by the convention, as the seat of Government shall continue so to be, unless altered by any subsequent convention that may be called. The question on the adoption of this amendment was decided in the negative—yeas 19, nays 103. The yeas and nays demanded by Mr. Baker.

Those who voted in the affirmative were, Messrs. G. H. Alexander, Baker, Blatchford, Coor, Davis, Fort, Fitzrandolph, Hill, Kenan, Monk, Marsteller, M'Cleese, M'Lean, M'Neill, M'Racken, Register, Sloan, S. Smith, Wadsworth.

Those who voted in the negative were, Messrs. Albritton, R. H. Alexander, Allison, Barringer, Battle, Bedford, Bell, Blalock, Boddie, Bragg, Brandon, Braswell, Bray, Brown, Brummell, Bynum, Byrum, Cansler, Carter, Clement, Clarke, Cotton, Craige, Crump, Daniel, Davenport, Deyton, Dockery, Dudley, Fleming, Foreman, Foushee, Frink, Graham, Gunn, Gwyn, Gorrell, Hamrick, Hawkins, Harper, Harris, Harrison, Hartley, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Howard, Houlder, Hutchinson, Irion, R. Jones, W. Jones, Judkins, King, Kittrell, Latham, Lee, Lindsay, Locke, Long, Loudermilk, Lyon, Maclin, Manly, Manney, Martin, Mathews, Mullen, M'Pherson, Norcum, Ousby, Outlaw, Perkins, Perry, Poindexter, Potter, Potts, Powell, Pugh, Roebuck, Rush, Sanders, Seawell, Smallwood, G. Smith, J. L. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillett, Tomlinson, Waugh, Weaver, Welch, Whitfield, Willey, Jacob Williams, Williams of Greene, Williams of Richmond, Williamson, Witcher, Ziglar.

Mr. Smallwood offered the following amendment: "be it further enacted, that the election of the judges of the superior and supreme courts of this State, shall be vested in the free white men thereof." The question on the adoption of this amendment was also decided in the negative—yeas 22, nays 103. The yeas and nays demanded by Mr. Smallwood,

Those who voted in the affirmative were, Messrs. G. H. Alexander, Allison, Blatchford, Bynum, Carter, Coor, Davis, Houlder, Howard, M'Cleese, Potter, Register, Roebuck, Sloan, Smallwood, Swanner, Tatham, Taylor, Tillett, Tomlinson, Wadsworth, Welch.

Those who voted in the negative were, Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bedford, Bell, Blalock, Boddie, Bragg, Brandon, Braswell, Bray, Brummell, Bynum, Causler, Clement, Clarke, Cotten, Craige, Crump, Daniel, Davenport, Deyton, Dockery, Dudley, Fleming, Foreman, Fort, Foushee, Frink, Fitzrandolph, Graham, Guinn, Gwyn, Gorrell, Hamrick, Hawkins, Harper, Harris, Harrison, Hartley, Haywood, Henry, Hill, Hoke, W. Horton, J. Horton, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, King, Kittrell, Latham, Lee, Lilley, Lindsay, Locke, Long, Londermilk, Lyon, Maclin, Manly, Manney, Marsteller, Martin, Monk, Mullen, M'Lean, M'Neill, M'Pherson, M'Racken, Norcom, Ousby, Outlaw, Perkins, Perry, Poindexter, Potts, Powell, Pugh, Rush, Sanders, Seawell, G. Smith, J. L. Smith, S. Smith, Stockard, Swindell, Walker, Watson, Waugh, Weaver, Whitfield, Jacob Williams, Williams of Greene, Williams of Richmond, Williamson, Witcher, Ziglar.

Mr. Taylor offered the following amendment: "that no lawyer pleading under a license, shall be a member of either branch of the Legislature." The question on the adoption of this amendment was decided in the negative—yeas 20, nays 110. The yeas and nays demanded by Mr. Taylor,

Those who voted in the affirmative, were Messrs. G. H. Alexander, Blatchford, Bynum, Byrum, Carter, Hawkins, Harrison, Hill, Houlder, Mullen, M'Cleese, Powell, Register, S. Smith, Swanner, Taylor, Tillett, Wadsworth, Welch, Ziglar.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, Allison, Baker, Barringer, Battle, Bedford, Bell, Blalock, Boddie, Bragg, Brandon, Braswell, Bray, Brown, Brummell, Causler, Clement, Clarke, Coor, Cotten, Craige, Crump, Daniel, Davenport, Davis, Deyton, Dockery, Dudley, Flemming, Foreman, Fort, Foushee, Frink, Fitzrandolph, Graham, Guinn, Gwyn, Gorrell, Hawkins, Harper, Harris, Hartly, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Howard, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, King, Kittrell, Latham, Lee, Lilly, Lindsay, Locke, Long, Londermilk, Lyon, Maclin, Manly, Manney, Marsteller, Martin, Matthews, Monk, M'Lean, M'Neill, M'Pherson, M'Racken, Norcom, Ousby, Outlaw, Perkins, Perry, Poindexter, Potter, Potts, Pugh, Roebuck, Rush, Sanders, Seawell, Sloan, Smallwood, G. Smith, J. L. Smith, Stockard, Swindle, Tatham, Tomlinson, Walker, Watson, Waugh, Weaver, Whitfield, Willey, Jacob Williams, Williams of Greene, Williams of Richmond, Williamson, Witcher.

The said bill was further amended on motion of Mr. Houlder, read the second time as amended, and passed—yeas 66, nays 64. The yeas and nays being demanded by Mr. Swanner.

Those who voted in the affirmative, were Messrs. R. H. Alexander, Allison, Barringer, Bedford, Bell, Blalock, Brandon, Braswell, Brown, Brummell, Causler, Clement, Cotten, Craige, Deyton, Dockery, Dudley, Fleming, Foushee, Graham, Guinn, Gwyn, Gorrell, Hamrick, Hawkins, Harris, Hartley, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Hutchison, Irion, Jordan, King, Kittrell, Latham, Lilley, Lindsay, Locke, Londermilk, Manly, Manney, Martin, M'Neill, Norcom, Ousby, Perkins, Poindexter, Rush, Seawell, G. Smith, J. L. Smith, Stockard, Tatham, Wadsworth, Walker, Waugh, Weaver, Whitfield, Jacob Williams, Williams of Richmond, Witcher, Ziglar.

Those who voted in the negative were, Messrs. Albritton, G. H. Alexander, Baker, Battle, Blatchford, Boddie, Bragg, Bray, Bynum, Byrum, Carter, Clarke, Coor, Crump, Daniel, Davenport, Davis, Foreman, Fort, Frink, Fitzrandolph, Harper, Harrison, Hill, Houlder, Howard, R. Jones, W. Jones, Judkins, Kenan, Lee, Long, Lyon, Maclin, Marsteller, Matthews, Monk, Mullen, M'Cleese, M'Lean, M'Pherson, M'Racken, Outlaw, Perry, Potter, Potts, Powell, Pugh, Register, Roebuck, Sanders, Sloan, Smallwood, S. Smith, Swanner, Swindell, Taylor, Tillett, Tomlinson, Watson, Welch, Willey, Williams of Greene, Williamson.

Ordered that said bill be printed as amended

Mr. Long moved that the amendment offered to said bill by Mr. Taylor and

the vote thereon, be expunged from the Journal. This question was decided in the negative.

The House then adjourned until Monday morning 10 o'clock.

MONDAY, DECEMBER 29, 1834.

On motion of Mr. Martin, ordered that a message be sent to the Senate, proposing that a balloting be had immediately for a major of cavalry attached to the ninth brigade, and nominating Wm. Peyton for the appointment.

Mr. Poindexter, from the committee on the judiciary, to whom was referred a resolution directing them to inquire into the expediency of so altering the laws of this State, as to substitute some other punishment in lieu of whipping white persons; and also into the expediency of establishing a penitentiary in this State, reported that it is not expedient at this time to legislate upon the subject; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Barringer, from the same committee, to whom was referred the bill to provide for the more convenient administration of justice in Carteret county, reported unfavorably thereon; when the said bill was read, and on motion of Mr. Barringer, ordered to lie on the table.

Mr. Barringer, from the same committee, to whom was referred the resolution directing them to inquire into the expediency of providing a general law for the punishment of all breaches of trust, reported against the expediency of the proposition; and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. L. A. Gwyn gave notice that he should on to-morrow move to suspend for the residue of the session, the 30th rule of order.

A message from the Senate, agreeing to ballot immediately as heretofore proposed, for four trustees of the University, and informing that Messrs. Owen Holmes, William A. Graham, Burton Craige and John Muse, are in nomination; and further, that Messrs. Dobson and Little form their balloting committee. Ordered, that the Senate be informed that the name of R. H. Alexander is withdrawn, and that of Pleasant W. Kitrell added to the nomination, and that Messrs. Maclin and Swanner form our balloting committee.

A message from the Senate, agreeing to the proposition of this House, to ballot immediately for major of cavalry of the ninth brigade, and informing that Messrs. Barco and M'Williams form their balloting committee. Ordered, that Messrs. Albritton and Williams of Greene, superintend said balloting on behalf of the commons.

A message from the Senate, proposing to ballot immediately for a lieutenant-colonel of Cavalry, attached to the 14th brigade of North Carolina militia, and informing that Joseph Whitaker is nominated for the appointment. The proposition was agreed to, and Messrs. Martin and Register appointed a committee to conduct the balloting. A message from the Senate informing that Messrs. Kendall and Baker form said committee on their part.

Mr. Daniel, from the committee on claims, to whom a petition on the subject had been referred, reported a resolution in favor of Mary Sloan; which was read the first and second times and passed.

Mr. Henderson presented the following resolutions:

*Resolved*, as the opinion of this General Assembly, that any act by which the Congress of the United States shall give the public lands to the States in which they are situated; or any act by which the minimum price at which these lands are now sold shall be reduced, would seriously affect the prosperity of all the old States, and do great injustice to those States by whom they were originally ceded to the confederacy.

*Resolved further*, as the opinion of this General Assembly, that the Public Debt having been extinguished, and the object for which the cession of the respective portions of the public domain by the States which originally held them, having thus been accomplished; that such distribution of the public lands or the proceeds thereof, ought to be made among the

States of the Union, as shall be proportioned to the respective sacrifices and expenditures incurred by them in support of the United States, or at least in proportion to their federal population.

*Resolved*, That the Governor be, and he is hereby requested to transmit copies of these resolutions to the Senators and Representatives from this State in the Congress of the U. States.

The said resolutions were read, and on motion of Mr. Henderson, ordered to be printed and made the order of the day for Wednesday next.

Mr. Frink presented a bill, appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus; and Mr. Ousby, a bill to amend the charter of the Halifax and Weldon Rail Road Company. These bills were read the first time and passed.

Mr. Allison, from the committee on private bills, to whom was referred a bill to regulate the public ferry at Edenton, reported favorably thereon; when the said bill was read the second time and passed.

Mr. L. A. Gwyn presented the following resolution:

*Resolved*, That a message be sent to the Senate, proposing that the two Houses of this Legislature do adjourn *sine die* on Monday next, the 5th day of January, 1835; and that the Clerks make up the estimates accordingly.

Mr. Outlaw moved that said resolution lie on the table. The question thereon was decided in the negative—yeas 45, nays 62. The yeas and nays demanded by Mr. Gwyn,

Those who voted in the affirmative, were Messrs. R. H. Alexander, Baker, Barringer, Battle, Bedford, Bell, Bragg, Byrum, Cansler, Daniel, Deyton, Dockery, Dudley, Gorrell, Graham, Guinn, Hamrick, Hartley, Hoke, J. Horton, Howard, Hutchison, Jordan, Kenan, King, Lindsay, Long, Loudermilk, Manly, Manney, M'Lean, M'Neill, Norcom, Outlaw, Perkins, Perry, Poindexter, Potts, J. L. Smith, Tatham, Walker, Waugh, Jacob Williams, Witcher.

Those who voted in the negative were, Messrs. Albritton, G. H. Alexander, Allison, Blatchford, Blalock, Boddie, Brandon, Braswell, Bynum, Carter, Coor, Cotien, Crump, Davenport, Davis, Fitzrandolph, Foreman, Fort, Foushee, Frink, Gwyn, Hawkins, Harper, Harrison, Hill, W. Horton, Houlder, R. Jones, Kittrell, Lee, Lilley, Locke, Lyon, Marsteller, Martin, Monk, Mullen, M'Cleese, M'Pherson, M'Racken, Ousby, Potter, Powell, Pugh, Register, Roebuck, Rush, Sloan, Smallwood, G. Smith, S. Smith, Stockard, Swindell, Taylor, Tillett, Watson, Weaver, Welch, Whitfield, Willey, Williams of Green, Ziglar.

The question on the adoption of the said resolutions was decided in the affirmative—yeas 59, nays 52. The yeas and nays called for by Mr. Gwyn,

Those who voted in the affirmative, were Messrs. G. H. Alexander, Allison, Battle, Blatchford, Blalock, Boddie, Braswell, Bray, Bynum, Cansler, Carter, Coor, Crump, Davenport, Davis, Fitzrandolph, Foreman, Foushee, Gwyn, Hawkins, Harper, Harrison, Hill, W. Horton, Houlder, R. Jones, Lee, Lilley, Lyon, Marsteller, Monk, Mullen, M'Pherson, M'Racken, Ousby, Potter, Powell, Riddick, Register, Roebuck, Rush, Sloan, Smallwood, G. Smith, S. Smith, Stockard, Swindell, Taylor, Tillett, Wadsworth, Watson, Waugh, Weaver, Welch, Whitfield, Willey, Williams of Richmond, Williamson, Ziglar.

Those who voted in the negative, were Messrs. R. H. Alexander, Baker, Barringer, Bedford, Bell, Bragg, Brunmell, Byrum, Clarke, Daniel, Deyton, Dockery, Dudley, Frink, Gorrell, Graham, Guinn, Hamrick, Hartley, Henderson, Henry, Hoke, Howard, Hutchison, W. Jones, Jordan, Kenan, King, Kittrell, Latham, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Matthews, M'Lean, M'Neill, Norcom, Outlaw, Perkins, Perry, Poindexter, Potts, Slade, J. L. Smith, Tatham, Walker, Jacob Williams, Witcher,

Mr. Maclin, from the balloting committee for four Trustees of the University, reported that William A. Graham, Henry S. Clarke, and Owen Holmes, were duly elected; and that no other person had received the requisite number of votes. The report was concurred in.

Mr. Harris presented the following resolution

Whereas a report is in circulation highly injurious to the reputation of Robert Potter, a sitting member from Granville county, and derogatory to the dignity of this House, touching his conduct since he took his seat as a member of this House :

*Therefore resolved,* That a select committee of five be appointed to investigate the matter, and report the facts to this House, and that said committee have power to send for persons and papers, and to examine persons on oath.

The said resolution was read and adopted, and Messrs. Poindexter, Dockery, Allison, Hoke and Dudley, appointed to constitute said committee.

The resignation of John Clendenin, as a justice of the peace of the county of Orange, received from the Senate, was read and accepted.

The House now proceeded to the orders of the day, and took up the resolutions heretofore submitted by Mr. Craige, declaring the office of Attorney General vacant; and after some time spent in their consideration, the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 30, 1834.

Mr. Barringer, from the committee on the Judiciary who were instructed to inquire into the expediency of amending the law relative to deeds of trust, so as to afford greater publicity to their execution and registration, reported against the expediency of further legislation on the subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

A message from the Senate, proposing that another balloting be had immediately for a trustee of the University; the proposition was concurred in, and Messrs. Cotten and Cansler, appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Caldwell and Moye of Pitt, form said committee on their part.

On motion, leave of absence from the service of the House from and after to-morrow, for the residue of the session, was granted to Mr. Absalom B. Smith.

Received from his Excellency the Governor, a communication transmitting certain resignations of justices of the peace. These were read and accepted.

Mr. Dudley presented a bill to amend the charter of the Wilmington and Raleigh rail road company; which was read the first time and passed, and, on Mr. Dudley's motion, ordered to be printed.

Mr. Barringer presented a bill prescribing in what manner copies of administration or returns of property of deceased persons in another State, shall be read in evidence; Mr. J. W. Guinn a bill giving the Superior Courts of Law, exclusive original jurisdiction of all applications for divorces; Mr. Harrison a bill to exempt vessels owned in this State, under seventy-five tons burthen, entering in at Ocracocke bar from paying pilotage;

Mr. Hutchinson a bill for the better regulation of the town of Charlotte, in the county of Mecklenburg; and Mr. Brown a bill to amend an act, entitled an act to prevent the felling of timber in the run of Hogan's creek, in Caswell county, passed in the year 1833. These bills were read the first time and passed.

The resignation of William Flinn, as major of 65th regiment of North Carolina militia, was presented, read and accepted.

Mr. Cansler, from the committee appointed to conduct the balloting for a trustee of the University, reported that no one had received a majority of the whole number of votes. The report was concurred in.



A message from the Senate, informing that the name of William H. Harden, is withdrawn from the nomination, and proposing that another balloting be had immediately for a trustee of the University. The proposition was agreed to. The names of Burton Craige and Pleasant Henderson, withdrawn from the nomination, and Messrs. Latham and Vonk appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Sherard and Barco form said committee, on behalf of the Senate.

On motion, leave of absence from the service of the House from and after this day, for the residue of the session, was granted to Messrs. Windall Davis, Thomas J. Pugh and James K. Hill.

On motion of Mr. Graham,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether any amendment be necessary in the act of 1833, entitled an act supplemental to an act, directing how persons injured by erection of public mills shall in future proceed to recover damages, passed in 1809, so far as regards the recovery of costs.

Mr. Battle, from the committee on the Judiciary to whom was referred the bill concerning the liabilities of sheriffs, for claims put into the hands of themselves or their deputies for collection, reported unfavorably thereon, when on motion of Mr. Haywood, the said bill was postponed indefinitely.

The bill to provide for the more convenient administration of justice in Carteret county, was on motion of Mr. Manney, taken up and considered, and on motion of Mr. Battle, postponed indefinitely.

Mr. McCleese presented a resolution in favor of William Thompson; which was read the first time and passed.

On motion of Mr. Daniel, the bill to provide for a fair valuation of lands in this State, and prescribing the mode in which the said lands and other taxable property shall be given in by the owners thereof, for taxation, was made the order of the day for Thursday next.

Mr. Kittrell moved that the House proceed to the orders of the day, being the unfinished business of yesterday, viz. The resolutions declaring the office of Attorney General vacant. The question on this motion was decided in the affirmative—yeas 68, nays 60. The yeas and nays demanded by Mr. Tomlinson,

Those who voted in the affirmative, were Messrs. R. H. Alexander, Allison, Barringer, Battle, Bedford, Bell, Blalock, Brandon, Braswell, Brown, Brummell, Cansler, Clement, Clarke, Cotten, Craige, Deyton, Dockery, Dudley, Fleming, Foushee, Gorrell, Graham, Guinn, Gwyn, Hamrick, Hawkins, Harris, Hartley, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Hutchison, Irion, W. Jones, Jordan, King, Kittrell, Lilley, Lindsay, Locke, Loudermilk, Manly, Manney, Martin, M'Neill, Norcom, Perkins, Poindexter, Potts, Rush, Slade, G. Smith, J. L. Smith, Stockard, Tatham, Wadsworth, Walker, Waugh, Weaver, Whitfield, Jacob Williams, Williams of Richmond, Witcher, Ziglar.

Those who voted in the negative were, Messrs. A Britton, G. H. Alexander, Baker, Blatchford, Boddie, Bragg, Bray, Bynum, Byrum, Carter, Coor, Crump, Daniel, Davenport, Davis, Fitzrandolph, Foreman, Fort, Frink, Harper, Harrison, Hill, Houlder, Howard, R. Jones, Judkins, Kenan, Lee, Long, Lyon, Maelin, Marsteller, Mullen, M'Cleese, M'Lean, M'Pherson, M'Racken, Ousby, Outlaw, Perry, Powell, Pugh, Register, Riddick, Roebuck, Sanders, Sloan, Smallwood, A. B. Smith, S. Smith, Swanner, Swindell, Taylor, Tillett, Tomlinson, Watson, Welch, Willey, Williams of Greene, Williamson.

The question on the adoption of the said resolutions, was decided in the affirmative—yeas 68, nays 53. The yeas and nays demanded by M. R. H. Alexander,

Those who voted in the affirmative were, Messrs. Albritton, R. H. Alexander, G. H. Alexander, Bell, Blatchford, Blalock, Boddie, Bray, Brummell, Bynum, Clement, Clarke, Coor, Craige, Crump, Davenport, Deyton, Dockery, Fitzrandolph, Fleming, Foreman, Fort, Foushee, Gorrell, Harper, Harris, Henderson, W. Horton, J. Horton, Howard, Iriou, Kenan, King, Lee, Lilley, Lindsay, Locke, Long, Loudermilk, Lyon, Maclin, Manly, Manney, Martin, Monk, Mullen, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcom, Ousby, Perkins, Powell, Sloan, Smallwood, J. L. Smith, Swanner, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Watson, Welch, Williams of Greene, Williams of Richmond.

Those who voted in the negative were, Messrs. Allison, Baker, Barringer, Battle, Bragg, Braswell, Brown, Canler, Carter, Cotten, Daniel, Davis, Frink, Graham, Guins, Gwyn, Ham, rick, Hawkins, Harrison, Hartley, Haywood, Henry, Hill, Houlder, Hutchison, R. Jones, W. Jones, Jordan, Judkins, Kittrell, Latham, Marsteller, M'Racken, Outlaw, Perry, Poindexter, Potts, Register, Roebuck, Bush, Slade, G. Smith, S. Smith, Stockard, Tatham, Waugh, Weaver, Whitfield, Willey, Jacob Williams, Williamson, Witcher, Ziglar.

Ordered that said resolution be engrossed and sent to the Senate for concurrence.

The House adjourned until to-morrow morning, 10 o'clock.

### WEDNESDAY, DECEMBER 31, 1834.

Mr. Register, from the balloting committee for a lieutenant colonel of cavalry attached to the 14th brigade, reported that Joseph White had received a majority of the whole number of votes, and was duly elected. The report was agreed to.

On motion of Mr. Smallwood, ordered that a message be sent to the Senate proposing that another balloting be had immediately, for one trustee of the University.

Mr. Williams of Greene, from the balloting committee for a major of cavalry of the ninth brigade, reported that William Peyton had received a majority of the votes, and was duly elected. The report was concurred in.

Mr. Battle, from the select committee to whom was referred the memorial of John Brown, agent and attorney in fact of the devisees of William Cathcart, reported that it would be inexpedient and impolitic at this time, to pass any law upon the subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Haywood presented a bill to incorporate the Bible Society of North Carolina; Mr. Clarke a bill to alter the time of holding the courts of pleas and quater sessions for the county of Beaufort; Mr. Lindsay a bill authorizing the election of constables, in Greensborough, and in Jamestown and its vicinity, in the county of Guilford; and Mr. Bell a bill to repeal an act passed at the last session of the General Assembly, entitled an act for the better administration of justice, in Carteret county. These bills were read the first time and passed.

A message from the Senate, agreeing to ballot immediately for a trustee of the University, and informing that Messrs. Montgomery of Hertford and Little form their balloting committee. Ordered, that Messrs. Smallwood and Norcum conduct said balloting on behalf of the Commons.

The bill to restore to credit Eldridge Smith, of Wake county; and the bill to alter the name of Wm. Pollard, of the county of Martin, and to legitimate him, were each read the second and third times, passed and ordered to be engrossed.

Mr. Manney presented a bill to prevent inn keepers, retailers or common victualers, from selling spirituous liquors to the non-commissioned officers and soldiers of the United States army. The said bill was read, and on motion of Mr. Craige, rejected.

The bill to amend an act passed in the year 1833, entitled an act concerning market fees in the town of Fayetteville, was read the second time and passed

The Speaker laid before the House a communication from Romulus M. Saunders, Esquire, resigning the office of Attorney General of this State. The resignation was read and accepted, and on motion of Mr. Haywood, ordered, that the said communication be spread at large upon the journals of the House.

*" Raleigh, December 31st, 1834.*

SIR: When I accepted from the President, the appointment of Commissioner under the act of Congress for carrying into effect the Convention between France and the United States; I had no thought I was thereby, violating the Constitution or any law of the State. But, as the House of Commons by its vote of yesterday, resolved that the office of Attorney General, which I have had the honor to fill, is vacant, in consequence of my acceptance of the said commission, I feel impelled by a sense of propriety and of self respect, thus promptly to signify my acquiescence in that determination. This I feel at liberty the more readily to do, as neither the preamble or resolutions adopted by the House, or any thing urged in their discussion, ascribe to me any moral offence or any dereliction of duty in the discharge of the business of the office.

Whatever therefore, may be my own views in regard to the matter, I am compelled to recognize this as the legitimate expression of the opinion of a majority of the most numerous branch of the Legislature, and as such, I am unwilling to trouble the Senate with any action upon the subject. To avoid any future difficulty or embarrassment, I hereby tender this as my resignation of the office of Attorney General of this State.

I have the honor to be with due respect, &c. &c.

R. M. SAUNDERS."

*To the Hon. W. J. Alexander, Speaker H. C.*

The bill to regulate drill musters in the 88th regiment of North Carolina militia in Davidson county; the bill concerning Drysborough; and the bill to establish a town at Trent bridge, in Jones county, by the name of Pollocksville; were each read the second and third times, passed and ordered to be engrossed.

Mr. Barringer, from the committee on the Judiciary to whom the subject of removing paupers from one county to another had been referred, reported a bill concerning the Wardens of the poor; which was read the first time and passed.

Mr. Smallwood, from the balloting committee for a trustee of the University, reported that Pleasant W. Kittrell, was duly elected. The report was concurred in.

Mr. Barringer, from the committee on the Judiciary to whom were referred certain resolutions, instructing them to inquire into the propriety of extending the power of the Superior Courts of this State, in granting divorces; reported that it would be impolitic and unwise to legislate in the mode suggested, and asked to be discharged from the further consideration of the subject. The report was concurred in.

The bill to establish the merchants' and farmers bank, in the town of Washington, was read the second time and passed—yeas 58, nays 55. The yeas and nays demanded by Mr. Hawkins,

Those who voted in the affirmative, were Messrs. Albritton, G. H. Alexander, Bell, Blatchford, Blalock, Brandon, Brown, Brummell, Cansler, Carter, Clarke, Craige, Davenport, Deyton, Dockery, Dudley, Fleming, Foreman, Fort, Frink, Gwyn, Harrison, Hartley, Henderson, Henry, Jordan, Kenan, King, Kittrell, Latham, Lilly, Locke, Long, Loudermilk, Manly, Manney, Marsteller, Martin, Matthews, M'Lean, M'Neill, M'Pherson, Norcum, Ousby, Outlaw, Perkins, Poindexter, Potts, Register, Rush, Seawell, Sloan, Smallwood, Swindell, Tatham, Watson, Waugh, Whitfield.

Those who voted in the negative, were Messrs. Allison, Barringer, Battle, Bedford, Boddie, Bragg, Braswell, Bray, Bynum, Byrum, Cotten, Crump, Fitzrandolph, Foushee, Gorrell, Ham-

rick, Hawkins, Harper, Harris, Haywood, Hoke, W. Horton, J. Horton, Houlder, Hutchison, Irion, R. Jones, Judkins, Lee, Lindsay, Lyon, Maclin, Monk, Mullen, Perry, Powell, Riddick, Roebuck, G. Smith, J. L. Smith, S. Smith, Stockard, Taylor, Tillet, Tomlinson, Walker, Weaver, Welch, Willey, J. Williams, Williams of Greene, Williams of Richmond, Williamsop, Witcher, Ziglar.

Mr. Bray, from the select committee to whom was referred the bill to repeal an act, entitled an act concerning the entry of land in this State, passed in the year 1826, reported the same without amendment, when the said bill was on motion of Mr. Graham, laid on the table.

The bill concerning a convention to amend the constitution of the State of North Carolina, was read the third time and passed—yeas 66, nays 62. The yeas and nays demanded by Mr. Smallwood,

Those who voted in the affirmative, were Messrs. R. H. Alexander, Allison, Barringer, Bedford, Bell, Blalock, Brandon, Braswell, Brown, Brummell, Cansler, Clement, Cotten, Craige, Deyton, Dockery, Dudley, Fleming, Foushee, Gorrell, Graham, Guinn, Gwyn, Hamrick, Hawkins, Harris, Hartly, Haywood, Henderson, Henry, Hoke, W. Horton, J. Horton, Hutchison, Irion, Jordan, King, Kirtrell, Latham, Lilly, Lindsay, Locke, Loudermilk, Manly, Manney, Martin, M'Neill, Norcum, Ousby, Perkins, Poindexter, Rush, Seawell, G. Smith, J. L. Smith, Stockard, Tatham, Wadsworth, Walker, Waugh, Weaver, Whitfield, Jacob Williams, Williams of Richmond, Witcher, Ziglar.

Those who voted in the negative, were Messrs. Allbritton, G. H. Alexander, Baker, Battle, Blatchford, Boddie, Bragg, Bray, Bynum, Byrum, Carter, Clarke, Coor, Crump, Daniel, Davenport, Fitzrandolph, Foreman, Fort, Frink, Harper, Harrison, Houlder, Howard, R. Jones, W. Jones, Judkins, Kenau, Lee, Long, Lyon, Maclin, Marsteller, Matthews, Monk, Mullen, M'Cleese, M'Lean, M'Pherson, M'Backen, Outlaw, Perry, Potts, Powell, Riddick, Register, Roebuck, Sanders, Slade, Sloan, Smallwood, S. Smith, Swanner, Swindell, Taylor, Tillet, Tomlinson, Watson, Welch, Willey, Williams of Greene, Williamson.

Ordered, that said bill be engrossed and sent to the Senate for concurrence.

Mr. Hutchinson presented a bill to incorporate the Juvenile Library Society of Providence; which was read the first, second and third times, passed and ordered to be engrossed.

The bill to authorize the appointment of two surveyors, in the counties of Anson and Richmond; the bill to amend part of the second section of an act passed in the year 1833, entitled an act to regulate the proceedings in the court of pleas and quarter sessions, in Craven county; the bill to repeal an act, to amend an act passed in the year 1819, chap. 103, entitled an act to prevent obstructions to the passage of fish up Neuse river; and also to repeal an act passed in the year 1830, chapter 102, to prevent obstructions to the passage of fish up Neuse river, Brice's creek and Trent river; the bill supplemental to an act passed at the last session, entitled an act to improve the State road from the bank of the Tuckaseegee river, by the way of Franklin, to the Georgia line; the bill to alter the time of holding the courts of pleas and quarter sessions for the county of Beaufort; the bill requiring the sheriff of New Hanover, to give bonds of increased amount; the bill to grant to the Mecklenburg gold mining company, an amended charter; and the bill to incorporate the trustees of Rockfish academy, in New Hanover county; were each read the second and third times and passed, and ordered to be engrossed.

The bill to repeal an act, passed in the year 1833, entitled an act directing the manner in which constables shall be appointed in this State, so far as regards the county of Currituck, was read the second time and rejected.

The resolution in favor of John B. Jasper, was read the second time and rejected.

The engrossed bill to restore George B. Greer, of the county of Bun-

combe to the privileges of a free citizen, was read the second time, and on motion of Mr. Outlaw, postponed indefinitely.

The engrossed bill altering the boundaries of the 1st and 2nd regiments of Burke county militia; and the engrossed bill to alter the name of Jacky Ann Moring, and to legitimate her, were each read the third time, passed and ordered to be enrolled.

On motion of Mr. Slade, the vote rejecting the resolution in favor of John B. Jasper was re-considered, when the said resolution was read the second time and passed.

On motion of Mr. L. A. Gwyn, the House in pursuance of notice heretofore given, agreed to rescind the 30th rule of order for the residue of the session.

On motion of Mr. Haywood, and in pursuance of notice given, the following was adopted as one of the rules of order for this House, viz "No private bill shall be introduced into this House after Thursday, the 1st day of January 1835, except by leave of two thirds of the House first obtained."

On motion of Mr. Outlaw,

*Resolved*, That the committee on the Judiciary be instructed to report a bill repealing all laws authorizing divorces for any cause or causes, subsequent to marriage, should they deem it expedient.

The Speaker laid before the House the resignations of Duncan Cameron and William S. Mhoon, Esquires, as commissioners for rebuilding the capitol; which were read and accepted.

The resignation of A. Duren, as lieutenant colonel of cavalry, attached to the 14th brigade, was presented, read and accepted.

The bill supplementary to act, entitled an act to incorporate the Cape Fear, Yadkin and Pedee rail road company, was read the second time and passed.

The engrossed bill to amend an act establishing the Tennessee river turnpike road, was read the second and third times, amended and passed. Ordered, that the concurrence of the Senate be asked in said amendment.

The engrossed bill to amend an act passed in the year 1822, entitled an act for the division of Rowan county, was read the second time and passed. On motion of Mr. G. Smith, the said bill was again read the third time, and the question, shall the said bill pass the third reading, was determined in the affirmative—yeas 72, nays 41. The yeas and nays demanded by Mr. Manney.

Those who voted in the affirmative, were Messrs. Albritton, G. H. Alexander, Allison, Farringer, Bell, Blatchford, Boddie, Brandon, Braswell, Brown, Brummell, Bynum, Byrum, Cansler, Carter, Cotten, Davenport, Deyton, Dockery, Fitzrandolph, Fleming, Foreman, Fort, Foushee, Frink, Graham, Guinn, Gwyn, Hamrick, Hawkins, Harrison, Hartley, Henry, J. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, King, Latham, Lee, Lindsay, Locke, Lyon, Maclin, Manney, M'Racken, Poindexter, Powell, Register, Rush, Smallwood, G. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Welch, Willey, Jacob Williams, Williams of Greene, Witcher, Ziglar.

Those who voted in the negative, were Messrs. R. H. Alexander, Baker, Battle, Bedford, Blalock, Bray, Clement, Coor, Craige, Crump, Dudley, Gorrell, Harper, Haywood, Henderson, W. Horton, Howard, Kenan, Kittrell, Lilly, Manly, Marsteller, Matthews, Monk, Mullen, M'Lean, M'Neill, M'Pherson, Noreum, Ousby, Outlaw, Perkins, Perry, Sanders, Slade, Sloan, J. L. Smith, Tillett, Weaver, Whitfield, Williams of Richmond.

Ordered that said bill be enrolled.

Then the House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 1, 1835.

On motion, leave of absence from the service of this House from and af-

ter this day, for the remainder of the session, was granted to Robert M. M'Racken.

Mr. Poindexter presented a bill to amend the militia laws of this State, and to promote military discipline; which was read, and on motion of Mr. Tomlinson, rejected.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz: A bill for the benefit of Edward Fitzgerald, of the county of Brunswick; a bill to incorporate the Chatham Guards; a bill concerning mills erected in the county of New Hanover; a bill to incorporate the Mountain Island Gold Mining Company; and a resolution in favor of E. W. Hancock, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

A message from the Senate, proposing to ballot immediately for cavalry officers, attached to the 8th brigade, and nominating Allen Peoples, as colonel, William Gilbreath, as lieutenant colonel, and William Denny, as major. The proposition was agreed to, and Messrs. Brummell and Ziglar, appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Parker and Flynt, compose said committee on their part.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill giving compensation to sheriffs and coroners for executing writs of *capias ad satisfaciendum* in certain cases; a bill directing the conveyance of the commons adjoining the town of Franklin, to the chairman of Macon county court; a bill to authorize the Governor to procure a new great seal for the use of this State; a bill to make an appropriation for completing the Capitol in the City of Raleigh; a bill securing to Needham Whitfield, of Lenoir county, and those with whom he may associate the right of navigating the waters of Neuse river, from the town of Newbern upwards so far as they may see proper to go; a bill fixing the punishment for the crime of bigamy; and a bill defining the duty of the county court in appointing patrols, and the duty of patrols, and asking the concurrence of this House; the said bills was read the first time and passed.

On motion of Mr. J. W. Guinn, ordered that a message be sent to the Senate, proposing to ballot on to-morrow for an Attorney General for this State, and informing that the name of J. R. J. Daniel, is in nomination for the appointment.

Mr. Seawell, from the committee on Internal Improvement to whom were referred the resolution instructing them to inquire into the probable cost of continuing the Cape Fear, Pedee and Yadkin Rail Road, from the town of Fayetteville westwardly fifty miles, and the annual report of the Cape Fear, Yadkin and Pedee Rail Road Company, made a report thereon accompanied by a bill to authorize the Governor of this State to subscribe for and on behalf of the same, one thousand shares of the capital stock of the Cape Fear, Yadkin and Pedee Rail Road Company, and to pay for said stock in manner hereinafter directed. The said bill was read the first time and passed, and on motion of Mr. Seawell, it was ordered that the said report and bill be printed.

Mr. Ziglar, from the balloting committee for cavalry officers of the 8th brigade, reported that Allen Peoples, was duly elected colonel, William Gilbreath, lieutenant colonel, and William Denny, major; the report was concurred in.

Mr. Barringer, from the committee on the Judiciary, reported unfavorably on the bill to provide for the final settlement of executors and administrators. On motion of Mr. McNeill, ordered that said bill lie on the table.

Mr. Barringer, from the same committee to whom a resolution on the subject had been referred, reported a bill concerning divorcees; which was read the first time and passed.

Mr. Haywood, from the same committee, reported a bill to amend an act vesting the right of electing the clerks of the county and superior courts in the several counties within this State, in the free white men thereof, passed in the year 1832. The said bill was read the first, second and third times, passed, two thirds of the House concurring. Ordered that said bill be engrossed.

Mr. Daniel, from the committee on Claims, reported favorably on the resolution in favor of David Royster; which was read the second and third times, passed, and ordered to be engrossed.

Mr. Daniel, from the same committee, to whom was referred the memorial of Macajah Hicks, reported a resolution in his favor; which was read the first time and passed.

The bill to regulate the public ferry at Edenton, was on motion of Mr. Outlaw, referred to a select committee, consisting of Messrs. Outlaw, Welch, Byrum and Norcom.

The bill to amend an act, passed in the year 1833, entitled an act concerning market fees in the town of Fayetteville; the bill for the better regulation of the town of Bath, in Beaufort county; the bill to incorporate the Lincolnton Light Infantry Company; the bill to incorporate the Albemarle Rail Road Company; the bill to establish the Merchants' and Farmers' Bank in the town of Washington; the resolution in favor of Mary Sloan; the resolution in favor of the heirs of Joseph Hale, deceased; and the resolution in favor of John B. Jasper, were severally read the third time and passed, and ordered to be engrossed.

Mr. Taylor presented a bill to prohibit sheriffs and their deputies from executing the office of constables in civil cases; Mr. Rush a bill authorizing the free men of the town of New Salem, in Randolph county, to elect a constable; and Mr. Coor a bill to amend an act, entitled an act for the better observation and keeping the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality, passed in the year 1741, chapter 30. These bills were read the first time and passed.

On motion of Mr. Poindexter, ordered that a message be sent to the Senate, informing that the name of James Iredell, is added to the nomination for the office of Attorney General.

Mr. Dudley, from the select committee to whom was referred the resolution inquiring into the conduct of Robert Potter, reported the facts of the case, when Mr. Harris submitted the following resolution:

*Resolved*, That Robert Potter a member of this House, from the county of Granville, be and he is hereby expelled from his seat.

The said resolution was on motion of Mr. Haywood, laid on the table till to-morrow.

On motion of Mr. Marsteller, the bill authorizing the Governor to subscribe on the part of the State, for stock in the Cape Fear, Yadkin and Pedee rail road company, was made the order of the day for Saturday next.

The engrossed bill to make an appropriation for completing the capitol, in

the city of Raleigh, was on motion of Mr. Jordan, made the order of the day for Monday next.

The resolution directing the Secretary of State to purchase certain copies of M'Rae's map, was read the second time and rejected—yeas 23, nays 76. The yeas and nays demanded by Mr. G. Smith,

Those who voted in the affirmative, were Messrs. Albritton, Bell, Blatchford, Bray, Deyton, Guinn, Harrison, Henderson, J. Horton, Jordan, Kenan, King, Kittrell, Manney, Matthews, Monk, McNeill, M'Pherson, Norcom Ousby, Seawell, Tatham, Walker.

Those who voted in the negative, were Messrs. R. H. Alexander, G. H. Alexander, Allison, Barringer, Battle, Bedford, Boddie, Braswell, Brown, Brummell, Bynum, Byrum, Carter, Clement, Clarke, Coor, Davenport, Dudley, Fitzrandolph, Foushee, Frink, Gorrell, Graham, Gwyn, Hamrick, Hawkins, Harper, Hartly, Haywood, Hoke, W. Horton, Houlder, Hutchinson, Irion, R. Jones, W. Jones, Judkins, Latham, Lee, Lilly, Locke, Loudermilk, Lyon, Manly, Marsteller, Martin, Mullen, M'Lean, Perkins, Perry, Poindexter, Powell, Riddick, Register, Roebuck, Rush, Sanders, Slade, Smallwood, G. Smith, J. L. Smith S. Smith, Stockard, Swanner, Tillet, Tomlinson, Wadsworth, Watson, Waugh, Welch, Willey, Jacob Williams, Williams of Greene, Williams of Richmond, Wucher, Ziglar.

The resignation of Richard Hewitt, as a justice of the peace of the county of Tyrrell, received from the Senate, was read and accepted.

Mr. M'Lean presented the following resolution, which was read and adopted :

Whereas the laws of this State, regulating the retail of spiritous liquors are legalizing a nuisance in society of the most odious and destructive nature, and instead of raising a revenue, as is presumed, are in fact indirectly decreasing the revenue, and the means to raise revenue, by destroying the property, morals and lives of a portion of our citizens, and therefore should not be imposed on our community in their present enlightened and moral condition : therefore,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing all said laws, so as to leave the subject to be regulated entirely by the sound moral sense of the people ; and that they report by bill or otherwise.

The bill to amend an act, entitled an act, to prevent the felling of timber in the run of Hogan's creek in Caswell county, passed in the year 1833, was read the second time and rejected.

The bill supplementary to the act, entitled an act to incorporate the Cape Fear Yadkin and Pedee rail road company, and the resolution in favor of John Williams ; were each read the third time and passed and ordered to be engrossed.

The resolution in favor of the Hon. James Martin, was read, and on motion of Mr. Bedford laid on the table.

The bill to emancipate Benjamin a slave, was read, and on motion of Mr. Battle, indefinitely postponed.

The bill to authorize the courts of pleas and quarter sessions of Haywood county, to appoint places of public sale ; the bill authorizing the several county courts, to appoint one or more surveyors in their discretion for each county ; the resolution directing a new roll of the several justices of the peace ; and the resolution in favor of Matthew Miller, were each read the second time and passed.

On motion of Mr. Stockard,

*Resolved*, That this House will from and after to-day, hold evening sessions during the present session.

The bill for the better regulation of the courts of pleas and quarter sessions in the county of Guilford, was read the second time and passed.

The engrossed bill to incorporate the Gatesville Turnpike Company, was read the second and third times, passed, and ordered to be enrolled.

The bill to amend an act, passed in the year 1831, entitled an act to incorporate Beard's creek guards in the county of Craven, was read, and on motion of Mr. Marsteller, postponed indefinitely.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, JANUARY 2, 1835.

A message was received from the Senate, informing that they had passed the



engrossed bill to empower the county courts of Yancy county, to lay a tax to encourage the destruction of wolves in said county with amendments, and asking the concurrence of this House therein. The said amendments were read and concurred in.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected. also, that they had rejected the engrossed bill to provide for the payment of the instalments on the shares reserved to the State in the capital stock of the bank, chartered by the act of 1833, to establish the bank of the State of North Carolina: also, that they had postponed indefinitely the engrossed bill to regulate the courts of pleas and quarter sessions of Haywood county; and the engrossed bill to divorce Elizabeth M. Starnes of Macon county.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, and asking the concurrence of this House therein, viz: a bill to amend part of the first section of an act, entitled an act to authorize certain persons therein named, to raise by lottery, six thousand dollars for cutting a canal in Washington county, passed in 1833; a bill concerning a public road leading from Columbia in Tyrrell county to Plymouth; a bill to authorize Thomas J. Pasteur of Craven county, to keep a ferry in said county, and for other purposes; a bill regulating costs in certain cases; a bill amendatory of an act, authorizing the citizens of the town of Haywood to appoint commissioners; a bill for the better regulation of the county and superior courts of the counties of Rutherford and Buncombe; a bill to incorporate the Pioneer mills Gold Mining Company, in the county of Cabarrus; and a resolution in favor of the president and directors of the Leaksville Toll Bridge Company. The said bills and resolution were read the first time and passed.

A message from the Senate, agreeing to ballot this day for Attorney General of the State, and informing that Messrs. Wilson and Holmes form their balloting committee. Ordered, that Messrs. Poindexter and Guinn, superintend said balloting on behalf of this House.

The bill to amend an act, entitled an act to prevent the felling of timber in the run of Hogan's creek in Caswell county, passed in the year 1833; which was rejected yesterday, was, on this day reconsidered, on the motion of Mr. Battle, read the second and third times, passed, and ordered to be engrossed.

Mr. J. W. Guinn, from the balloting committee for an Attorney General, reported that John R. J. Daniel had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

On motion, leave of absence from and after to-morrow for the residue of the session, was granted to William B. Fort.

The House proceeded to the consideration of the resolution yesterday submitted by Mr. Harris for the expulsion of Robert Potter. Mr. Swanner moved that the said resolution be indefinitely postponed. The question thereon was decided in the negative—yeas 50 nays 65. The yeas and nays demanded by Mr. Swanner,

Those who voted in the affirmative were, Messrs. G. H. Alexander, Bedford, Bell, Blatchford, Blalock, Brandon, Bray, Bynum, Byrum, Carter, Coor, Davenport, Fitzrandolph, Fort, Frink, Hamrick, Harper, Harrison, W. Horton, J. Horton, Houlder, Lee, Lyon, McCleese, M Donald, M'Lean, M'Neil, M'Pherson, Outlaw, Powell, Register, Roebuck, Sanders, Seawell, Sloan, J. L. Smith, S. Smith, Swanner, Swindell, Taylor, Tillet, Tomlinson, Wadsworth, Walker, Waugh, Willey, Williams of Greene, Williams of Richmond, Witcher, Ziglar.

Those who voted in the negative were, Messrs. Albatton, R. H. Alexander, Anison, Baringer, Battle, Boddie, Bragg, Braswell, Brown, Brummell, Consler, Clement, Clarke, Craige, Crump, Deyton, Dockery, Dudley, Fleming, Foreman, Foushee, Gorell, Graham, Gwyn, Hawkins, Harris, Hartley, Haywood, Henderson, Henry, Hoke, Howard, Hutchinson, Iron, W. Jones, Judkins, Kenau, King, Kittrell, Latham, Lilley, Lindsay, Long, Loudermilk, Maclin, Manly, Manney, Marsteller, Martin Mathews, Monk, Norcum, Ousby, Perkins, Perry, Poindexter, Potts, Rush, Smallwood, G. Smith, Stockard, Tatham, Watson, Welch, Whitfield:

The said resolution was thereupon read and adopted—yeas 62, nays 52. The yeas and nays demanded by Mr. \_\_\_\_\_,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Blatchford, Boddie, Bragg, Braswell, Bray, Brown, Brummell, Cansler, Clement, Clarke, Craige, Crump, Deyton, Dockery, Dudley, Fleming, Foreman, Foushee, Gorrell, Graham, Gwyn, Harris, Hartley, Haywood, Henderson, Henry, Hoke, Howard, Hutchison, Judkins, Kenan, King, Kittrell, Latham, Lilley, Lindsay, Long, Loudermilk, Maclin, Manly, Manney, Marsteller, Martin, Mathews, Monk, Norcom, Ousby, Perkins, Poindexter, Potts, Rush, Seawell, Smallwood, G. Smith, Stockard, Watson, Whitfield.

Those who voted in the negative were, Messrs. G. H. Alexander, Bedford, Bell, Blalock, Brandon, Bynum, Byrum, Carter, Coor, Davenport, Fitzrandolph, Fort, Frink, Hamrick, Hawkins, Harper, Harrison, W. Horton, J. Horton, Houlder, Irion, R. Jones, W. Jones, Lee, Lyon, M'Cleese, M'Donald, M'Lean, M'Neill, M'Pherson, Outlaw, Perry, Powell, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Swanner, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Walker, Waugh, Welch, Willey, Williams of Greene, Witcher, Ziglar.

Mr. M'Neill presented the memorial of certain boat owners on the Cape Fear river, praying to be relieved from certain alleged impositions practised by the Cape Fear Navigation Company. The said memorial was, on motion of Mr. M'Neill, referred to the select committee heretofore raised on the rights and privileges of said company.

Mr. Barringer, from the committee on the Judiciary, to whom was referred the resolution directing them to inquire into the expediency of repealing all laws authorizing divorces, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Waugh presented a resolution in favor of John Cooper; and Mr. Hoke, a resolution in favor of John Cooper. These resolutions were read the first time and passed.

Mr. Barringer, from the committee on the Judiciary, who were instructed to inquire into the expediency of restricting the power of Grand Jurors in matters of assault and battery, reported that it would be impolitic to legislate as proposed. The report was concurred in.

Mr. Barringer, from the joint select committee, on so much of the Governor's message as relates to the report of the Commissioners appointed to revise and digest the Statute laws of the State, reported a resolution authorizing the appointment of a Clerk by said commissioners. The said resolution was read the first time and passed.

Mr. Marsteller, with leave, presented a bill to incorporate a company of light artillery, in the town of Wilmington; which was read the first time and passed.

Mr. Hamrick presented a resolution in favor of Reuben Mastin and wife; which was read the first time and passed, and on motion of Mr. Hamrick, referred to the committee on claims.

The bill to construct a central rail road from the port of Beaufort to the Tennessee line was read, and on motion of Mr. Barringer, laid on the table until the 3d Monday in November next—yeas 101, nays 16. The yeas and nays demanded by Mr. Clement,

Those who voted in the affirmative, were Messrs. Albritton, G. H. Alexander, Allison, Baker, Barringer, Battle, Bedford, Blatchford, Boddie, Bragg, Brandon, Braswell, Bray, Brown, Brummell, Bynum, Byrum, Cansler, Carter, Clarke, Coor, Coiten, Crump, Deyton, Fitzrandolph, Foreman, Fort, Foushee, Frink, Gorrell, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartley, Haywood, Henry, W. Horton, J. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, King, Latham, Lee, Lilly, Lindsay, Long, Loudermilk, Lyon, Maclin, Marsteller, Martin, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Neill, M'Pherson, Ousby, Outlaw, Perkins, Perry, Potts, Powell, Register, Roebuck, Rush, Sanders, Sude, Sloan, Smallwood, G. Smith, J. L. Smith, S. Smith, Swanner, Swindell, Taylor, Tillet, Tomlinson, Wadsworth, Watson, Waugh, Weaver, Welch, Whitfield, Willey, Jacob Williams, Williams of Greene, Williams of Richmond, Witcher, Ziglar.

Those who voted in the negative, were Messrs. R. H. Alexander, Bell, Clement, Craige, Dockery, Dudley, Graham, Henderson, Hoke, Kittrell, Locke, Manly, Manney, Poindexter, Seawell, Tatham.

The House then adjourned until half past 3 o'clock P. M.

The House met in pursuance of adjournment.

The bill to attach the militia of the county of Yancy, to the 15th brigade; the bill authorizing the county court of Granville to make allowances in certain cases; the bill relative to the hands called to work on the State road leading from the old Fort in Burke county, to Ashville in Buncombe county; the bill for the preservation of the public buildings in the county of Buncombe, and for the improvement of the town of Ashville; the bill to repeal the 6th section of an act, entitled an act concerning the Wardens of the poor of the county of Lincoln, were severally read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to abolish the offices of county Trustee and Treasurer of public buildings in the counties of Gates and Anson, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

Mr Norcom, from the select committee, to whom was referred the bill to regulate the public ferry at Edenton, reported the same with an amendment; when the said bill was read the third time, amended and passed, and ordered to be engrossed.

The bill authorizing the several county courts to appoint one or more surveyors in their discretion for each county, was read the third time, passed, and ordered to be engrossed.

The bill to amend the charter of the Halifax and Weldon Rail Road Company; the bill to incorporate the Howard's Gap Turnpike Company; the bill to incorporate Poplar Grove Academy, in the county of Iredell, and to appoint the Trustees thereof; the bill for the better regulation of the town of Charlotte, in the county of Mecklenburg; the bill to authorize the making of a Turnpike road in Haywood county, and to incorporate a company for that purpose; the bill to repeal an act passed at the last session of the General Assembly, entitled an act for the better administration of justice in Carteret county; the bill to incorporate a company of light artillery, in the town of Wilmington; the bill appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus; the bill authorizing the election of constables in Greensborough and in Jamestown and its vicinity, in the county of Guilford; and the bill authorizing the free-men of the town of New Salem, in Randolph county, to elect a constable, were severally read the second and third times, passed, and ordered to be engrossed.

The bill to authorize the courts of pleas and quarter sessions of Haywood county, to appoint places of public sale was read, and on motion of Mr. Clarke, indefinitely postponed.

The bill for the better regulation of the courts of pleas and quarter sessions in the county of Guilford, was read the third time, passed, and ordered to be engrossed.

The bill securing to Needham Whitfield of Lenoir county, and those with whom he may associate, the right of navigating the waters of Neuse river, from the town of Newbern upwards, so far as they may see proper to go, was read the second and third times and passed. On the passage of the bill the third reading, Mr Craige demanded the yeas and nays, and the vote was—yeas 58, nays 49.

Those who voted in the affirmative, were Messrs. R. H. Alexander, Baker, Barringer, Battle, Bell, Boddie, Brandon, Bray, Byrum, Clement, Clarke, Coor, Crump, Deyton, Dockery, Dudley, Fleming, Gorrell, Guinn, Hawkins, Harrison, Hartley, Haywood, Henderson, Henry, Hou-der, Howard, R. Jones, W. Jones, Kenan, King, Latham, Lee, Locke, Manly, Manney, Marsteller, Martin, Monk, M'Lean, M'Neill, Norcum, Ousby, Perry, Potts, Register, Reebuck, Rush, Smallwood, G. Smith, J. L. Smith, Swindell, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Whitfield.

Those who voted in the negative, were Messrs. Albritton, G. H. Alexander, Bedford, Blatchford, Blalock, Braswell, Brown, Brummell, Bynum, Cansler, Carter, Craige, Davenport, Fitzrandolph, Foreman, Foushee, Frink, Graham, Gwyn, Hamrick, Harper, Hoke, W. Horton, J. Horton, Hutchison, Irion, Judkins, Kittrell, Lilly, Loudermilk, Lyon, Matthews,

Mullen, McCleese, Perkins, Poindexter, Powell, Sanders, Sloan, S. Smith, Stockard, Swanner, Fillet, Waugh, Weaver, Williams of Greene, Williams of Richmond, Witcher, Ziglar.

Ordered that said bill be enrolled.

The engrossed bill authorizing A. R. T. Hunter of Macon county, to erect a bridge across the Highwassee river near the mouth of Valley river; and the engrossed bill amendatory of an act authorizing the citizens of the town of Haywood to appoint commissioners, were each read the second and third times, passed and ordered to be enrolled.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 3, 1835.

On motion, leave of absence from the service of the House from and after this day, for the residue of the session, was granted to Dan'l S. Sanders.

A message was received from the Senate, agreeing to the amendment proposed by the House of Commons, to the engrossed bill to amend an act establishing the Tennessee River Turnpike Road. Ordered that said bill be enrolled.

Mr. J. W. Guinn, from the committee on Propositions and Grievances to whom was referred a petition from certain citizens of Iredell county, relating to the passage of fish up Fifth creek, reported against the expediency of legislating on the subject, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Guinn, from the same committee, reported unfavorably on the petition of Susan Overby, for a divorce, and asked to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Guinn, from the same committee, reported unfavorably on the petition of Sidney W. Jennings, praying a divorce, and asked to be discharged from the further consideration of the subject; the report was agreed to.

The resolution authorizing the appointment of a clerk by the commissioners to revise the laws, was read the second time and passed.

The engrossed bill to repeal an act, passed in 1832, entitled an act appointing lay days on Rocky river, joining Anson and Montgomery counties; the bill to incorporate the Chatham Guards; the bill to incorporate the Mountain Island Gold Mining Company, in the county of Mecklenburg; and the engrossed bill to regulate the levying and collection of town taxes in and for the town of Plymouth, were severally read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to alter the time of holding the courts of pleas and quarter sessions for the county of Beaufort; and the engrossed bill to authorize the appointment of two surveyors in the counties of Anson and Richmond; and the engrossed resolution in favor of John Cherry, with sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

A message from the Senate, informing that they had passed unanimously the engrossed resolutions on the subject of the outrage on American citizens committed at Nassau, and asking the concurrence of the Commons. The said resolutions were read and adopted unanimously by this House, and on motion of Mr. Graham, ordered to be spread at large upon the Journals.

*Resolved.* That the forcible detention by the authorities of the British Island of New Providence, of the property of American citizens thrown upon that Island by shipwreck, was a breach of the rites of hospitality and an infraction of the laws of nations.

*Resolved*, That the General Assembly of North Carolina will not recognize any distinction in principle between property in persons (as known to the constitution of the United States) and property in things.

*Resolved*, That the General Assembly of North Carolina has full confidence in the good faith of the respective members of the Union, in regard to all those rights guaranteed to each by the federal compact, and doubts not that the General Government, as the common agent of the States, will take such measures at the present juncture, as may be wise and expedient.

*Resolved* That his Excellency the Governor be requested to transmit a copy of this report and these resolutions to the President of the United States, to the Executive of each of the States and to the Senators and Representatives of North Carolina in the Congress of the United States.

Ordered that said resolutions together with the report accompanying, be enrolled.

Mr. Slade presented the following resolution :

Whereas the Legislature, at its session in the year 1823, passed a resolution in the following words: "Resolved that the Secretary of State be, and he is hereby directed to issue to the trustees of the University of this State, warrants in each case on the muster roll of the continental line of this State, where warrants have not heretofore issued; and that the said trustees hold the same and the lands to be entered by virtue thereof, in trust for the officers and soldiers who perform the military services for which said warrants shall issue: provided, that if no claim be exhibited by the said officers or soldiers, or their legal representatives, within seven years from the first day of January next, the said trust shall cease and determine." And whereas the limitation in said resolution has expired, and many honest claimants to said land warrants or lands founded on them yet exist; therefore,

*Resolved*. That a select committee be raised for the purpose of inquiring into the necessity of legislation on this subject, and report to this House the result of such inquiry.

The resolution was read and adopted, and Messrs. Slade, Haywood, Barringer, Henderson and Outlaw, appointed the select committee.

Mr. Dudley presented a bill to authorize the commissioners of Wilmington, to assess and caused to be collected a tax on slaves, whose owners reside out of town but permit the slaves to reside in town: and Mr. Gorrell a resolution authorizing the Governor to employ engineers to survey a Rail Road route, from Beaufort to the Western limits of the State. The said bill and resolution were read the first time and passed.

Mr. Barringer, from the committee on the Judiciary to whom the subject was referred, reported a bill amendatory of the act of 1833, concerning the injury done by the erection of mills; which was read the first time and passed.

Mr. Barringer, from the same committee, reported unfavorably on the resolution of inquiry into the expediency of repealing all laws regulating the retail of spirituous liquors, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

A message from the Senate, informing that they had passed the engrossed resolution providing for the compiling and publishing a list of all the names and grade of officers, of ensigns and superior officers, who served during the Revolutionary War, or were killed in service, and asking the concurrence of this House. The said resolution was read the first time and passed.

The resignation of James Fulton, as a justice of the peace of the county of Guilford, was presented read and accepted.

The bill to incorporate the Bible Society of North Carolina, was read, when Mr. G. H. Alexander moved that said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 45, nays 54.—The yeas and nays demanded by Mr. G. H. Alexander,

Those who voted in the affirmative, were Messrs. Albritton, G. H. Alexander, Allison, Blacklock, Boddie, Bragg, Braswell Brown, Brummeil, Byram, Cansler, Clark, Coor, Fleming, Gwyn, Hamrick, Hawkins, Harper, Henderson, W. Horton, Houlder, Howard, R. Jones, Jordan, Judkins, Kenan, Lee, Lyon, Marsteller, Mallen, Ousby, Outlaw, Powell, Register, Roebuck, Sloan, Smallwood, Swanner, Swindell, Taylor, Tillet, Tomlinson, Williams of Greene, Williamson, Ziglar.

Those who voted in the negative, were Messrs. Battle, Bedford, Bell, Brandon, Bray, Carter, Clement, Craige, Crump, Davenport, Deyton, Dockery, Foushee, Frink, Gorrell, Graham, Guinn, Harris, Harrison, Hartly, Haywood, Henry, Hoke, Hutchison, W. Jones, Kittrell, Latham, Lilly, Locke, Loudermilk, Manly, Manney, Martin, Monk, M'Cleese, M'Lean, M'Pherson, Perkins, Perry, Poindexter, Riddick, Rush, Seawell, Slade, G. Smith, S. Smith, Tatham, Wadsworth, Watson, Waugh, Willey, J. Williams, Williams of Richmond, Witcher.

The said bill was read the second and third times, amended and passed, and ordered to be engrossed.

The resolution in favor of Hon. James Martin, was on motion of Mr. Hoke, taken up and read. Mr. Bedford moved that said resolution be indefinitely postponed. The question thereon, was decided in the negative—yeas 51, nays 59. The yeas and nays demanded by Mr. Bedford.

Those who voted in the affirmative, were Messrs. G. H. Alexander, Allison, Bedford, Bell, Blatchford, Blalock, Braswell, Bynum, Byrum, Carter, Coor, Davenport, Deyton, Fitzrandolph, Fort, Foushee, Frink, Gwyn, Hamrick, Hawkins, Harrison, Hartly, W. Horton, Howard, Hutchison, W. Jones, Lee, Lyon, Martin, Monk, Mullen, M'Cleese, M'Pherson, Powell, Riddick, Register, Sloan, Smallwood, J. L. Smith, S. Smith, Stockard, Swanner, Tatham, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Willey, J. Williams, Williams of Richmond.

Those who voted in the negative, were Messrs. Albritton, Baker, Barringer, Battle, Boddie, Bragg, Brandon, Bray, Brummell, Cansler, Clement, Clarke, Crump, Dudley, Fleming, Foreman, Gorrell, Graham, Harper, Harris, Haywood, Henderson, Henry, Hoke, J. Horton, Howard, Hutchison, W. Jones, Jordan, Judkins, Kenan, King, Kittrell, Latham, Lilly, Lindsay, Loudermilk, Manly, Manney, Marsteller, M'Lean, Norcum, Ousby, Outlaw, Perkins, Poindexter, Potts, Rush, Seawell, Slade, G. Smith, Watson, Waugh, Weaver, Whitfield, Williams of Greene, Williamson, Witcher, Ziglar.

The said resolution was thereupon read the second and third times and passed; on the passage of the resolution on the third reading, the vote was yeas 63, nays 43. The yeas and nays demanded by Mr. Bedford.

Those who voted in the affirmative, were Messrs. Albritton, Baker, Barringer, Battle, Boddie, Bragg, Brandon, Bray, Brown, Brummell, Cansler, Clement, Clarke, Crump, Dockery, Dudley, Foreman, Gorrell, Graham, Guinn, Harper, Harris, Harrison, Haywood, Henderson, Henry, Hoke, J. Horton, Howard, Hutchison, W. Jones, Jordan, Judkins, Kenan, King, Kittrell, Latham, Lilley, Lindsay, Locke, Loudermilk, Manly, Manney, Marsteller, M'Cleese, M'Lean, Norcum, Ousby, Outlaw, Perkins, Poindexter, Potts, Rush, Seawell, Slade, G. Smith, Waugh, Weaver, Whitfield, Williams of Greene, Williamson, Witcher, Ziglar.

Those who voted in the negative were, Messrs. Allison, Bedford, Blatchford, Blalock, Braswell, Byrum, Carter, Coor, Davenport, Deyton, Fitzrandolph, Fort, Foushee, Frink, Gwyn, Hamrick, Hawkins, Hartley, W. Horton, Howard, R. Jones, Lee, Monk, Mullen, M'Pherson, Perry, Powell, Riddick, Register, Sloan, Smallwood, J. L. Smith, S. Smith, Stockard, Swanner, Tatham, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Willey, Williams of Richmond.

Ordered that said resolution be engrossed.

On motion, leave of absence from the service of the House from and after this day, for the residue of the session, was granted to Joseph J. Maclin.

The Speaker laid before the House the resignation of John R. J. Daniel, as a member of this body; the same was read and accepted.

The House now proceeded to the order of the day, and took up the resolutions heretofore submitted by Mr. Henderson, relating to the Public Lands. Mr. Bragg moved that said resolutions lie on the table; the question thereon, was decided in the negative—yeas 40, nays 77. The yeas and nays called for by Mr. Graham,

Those who voted in the affirmative, were Messrs. G. H. Alexander, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Carter, Clarke, Coor, Fitzrandolph,

Frink, Guinn, Gwyn, Harris, Haywood, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Lee, Lyon, Maclin, Marsteller, Potts, Powell, Riddick, Register, Roebuck, Slade, Sloan, Smallwood, Stockard, Swanner, Tomlinson, Whitfield, Williamson.

Those who voted in the negative were, Messrs. Albritton, R. H. Alexander, Allison, Baker, Barringer, Battle, Bedford, Bell, Blatchford, Brandon, Bray, Brummell, Cansler, Clement, Cotten, Craige, Crump, Davenport, Deyton, Dockery, Foreman, Foushee, Gorrell, Graham, Hamrick, Hawkins, Harper, Harrison, Hartley, Henderson, Henry, Hoke, W. Horton, J. Horton, Howard, Kenan, King, Kittrell, Latham, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Perry, Poindexter, Rush, G. Smith, J. L. Smith, Swindell, Tatham, Taylor, Tillett, Wadsworth, Walker, Waugh, Weaver, Willey, Jacob Williams, Williams of Green, Williams of Richmond, Witcher, Ziglar.

Mr. J. W. Guinn moved that they be made the order of the day for Monday next. The question thereon, was decided in the negative—yeas 40, nays 81. The yeas and nays demanded by Mr. G. Smith,

Those who voted in the affirmative, were Messrs. Baker, Bedford, Bragg, Braswell, Brown, Cansler, Clarke, Coor, Deyton, Fitzrandolph, Frink, Guinn, Gwyn, Harris, Haywood, Hoke, Hutchison, Irion, W. Jones, Jordan, Judkins, Lee, Lyon, Macklin, Marsteller, Potts, Powell, Register, Roebuck, Slade, Smallwood, J. L. Smith, Stockard, Swanner, Walker, Whitfield, Jacob Williams, Williamson, Witcher, Ziglar.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Allison, Barringer, Battle, Bell, Blatchford, Blalock, Boddie, Brandon, Bray, Brummell, Bynum, Byrum, Carter, Clement, Cotten, Craige, Crump, Davenport, Dudley, Foreman, Foushee, Gorrell, Graham, Hamrick, Hawkins, Harper, Harrison, Hartley, Henderson, Henry, W. Horton, J. Horton, Houlder, Howard, Kenan, R. Jones, King, Kittrell, Latham, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Perry, Poindexter, Riddick, Rush, Seawell, Sloan, G. Smith, S. Smith, Swindell, Tatham, Taylor, Tillett, Tomlinson, Wadsworth, Watson, Waugh, Weaver, Willey, Williams of Greene, Williams of Richmond.

Mr. Marsteller moved that the House adjourn until Monday morning, 10 o'clock. The question thereon, was decided in the negative—yeas 49, nays 66. The yeas and nays demanded by Mr. Craige,

Those who voted in the affirmative, were Messrs. G. H. Alexander, Baker, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Coor, Cotten, Deyton, Dudley, Fitzrandolph, Foushee, Frink, Guinn, Gwyn, Hamrick, Harris, Hartly, Haywood, Henry, Hutchison, W. Jones, Jordan, Lee, Lyon, Maclin, Marsteller, M'Neill, Potts, Powell, Riddick, Register, Slade, J. L. Smith, Swanner, Swindell, Taylor, Tomlinson, Wadsworth, Walker, Weaver, Whitfield, Jacob Williams, Williamson, Witcher.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, Allison, Barringer, Battle, Bell, Blatchford, Blalock, Brandon, Bray, Brummell, Carter, Clement, Clarke, Craige, Crump, Dockery, Foreman, Gorrell, Graham, Hawkins, Harper, Harrison, Henderson, W. Horton, J. Horton, Houlder, Howard, Irion, R. Jones, Kenan, King, Latham, Lilly, Lindsay, Long, Loudermilk, Manly, Manney, Martin, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Pherson, Norcum, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Sloan, Smallwood, G. Smith, S. Smith, Stockard, Tatham, Tillet, Watson, Waugh, Willey, Williams of Greene, Williams of Richmond, Ziglar.

Mr. Slade moved that the House adjourn until Monday morning, 10 o'clock. This question was also decided in the negative—yeas, 54, nays 63. The yeas and nays demanded by Mr. Craige.

Those who voted in the affirmative, were Messrs. G. H. Alexander, Allison, Baker, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler,

Clarke, Coor, Deyton, Fitzrandolph, Fleming, Foushee, Frink, Guinn, Gwyn, Hamrick, Hartley, Haywood, Hoke, Houlder, Hutchison, Irion, W. Jones, Jordan, King, Locke, Lyon, Maclin, Marsteller, M'Neill, Perry, Potts, Powell, Register, Roebuck, Slade, J. L. Smith, Stockard, Swindell, Tathem, Taylor, Tomlinson, Wadsworth, Walker, Weaver, Jacob Williams, Williamson, Witcher, Ziglar.

Those who voted in the negative were, Messrs. Albritton, R. H. Alexander, Barringer, Battle, Bell, Blatchford, Blalock, Brandon, Bray, Brummell, Carter, Clement, Craige, Crump, Dockery, Dudley, Foreman, Gorrell, Graham, Hawkins, Harper, Harrison, Henderson, Henry, W. Horton, J. Horton, Howard, R. Jones, Kenan, Kittrell, Latham, Lee, Lilley, Lindsay, Long, Loudermilk, Manly, Manney, Martin, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Sloan, Smallwood, G. Smith, S. Smith, Tillett, Watson, Waugh, Whitfield, Willey, Williams of Greene, Williams of Richmond,

Mr. Potts moved that the House adjourn until Monday morning, 10 o'clock. This question also was decided in the negative—yeas 47, nays 63. The yeas and nays demanded by Mr. Potts,

Those who voted in the affirmative, were Messrs. Baker, Bedford, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Clarke, Coor, Cotten, Fitzrandolph, Foushee, Frink, Guinn, Gwyn, Hamrick, Hartly, Haywood, Hoke, J. Horton, Houlder, Hutchison, W. Jones, Jordan, Judkins, King, Lyon, Maclin, Marsteller, M'Neill, Perry, Potts, Powell, Register, Roebuck, Slade, Sloan, J. L. Smith, Stockard, Swindell, Wadsworth, Walker, Jacob Williams, Williamson, Witcher.

Those who voted in the negative, were Messrs. Albritton, G. H. Alexander, Allison, Barringer, Battle, Bell, Blatchford, Blalock, Boddie, Brandon, Bray, Brummell, Clement, Craige, Crump, Davenport, Dockery, Dudley, Foreman, Gorrell, Graham, Hawkins, Harrison, Henderson, Henry, W. Horton, Howard, Irion, Kenan, Kittrell, Latham, Lee, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, G. Smith, Tillett, Watson, Waugh, Weaver, Whitfield, Williams of Greene, Williams of Richmond, Ziglar.

Mr. J. W. Guinn moved that the House adjourn until Monday morning, 10 o'clock. This question was also decided in the negative—yeas 52, nays 53. The yeas and nays demanded by Mr. Guinn,

Those who voted in the affirmative, were Messrs. Baker, Bedford, Boddie, Bragg, Braswell, Brown, Byrum, Cansler, Carter, Coor, Cotten, Dudley, Fitzrandolph, Foushee, Frink, Guinn, Gwyn, Hamrick, Hartley, Haywood, Hoke, J. Horton, Houlder, Hutchison, Irion, W. Jones, Jordan, Judkins, Lee, Lyon, Maclin, Marsteller, M'Neill, Perry, Potts, Powell, Riddick, Register, Roebuck, Slade, J. L. Smith, Stockard, Swindell, Tathem, Wadsworth, Walker, Waugh, Weaver, Whitfield, Jacob Williams, Williamson, Witcher.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Allison, Barringer, Battle, Bell, Blatchford, Bray, Brummell, Bynum, Clement, Craige, Crump, Davenport, Dockery, Foreman, Gorrell, Graham, Hawkins, Harper, Harrison, Henderson, Henry, W. Horton, Howard, Kenan, King, Kittrell, Latham, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Sloan, Smallwood, G. Smith, Tillett, Williams of Greene, Williams of Richmond, Ziglar.

Mr. Haywood moved to strike out the whole of said resolutions after the word "resolved," and insert the following:

As the opinion of this General Assembly that the public domain of the United States, which was ceded to the National Government by this State and by other States, is a trust fund which belongs to all the States according to the laws of the several acts of session, and it would be a breach of faith by the National Government, if these lands should by any act of Congress be directly or indirectly given to the new States in which those lands are located, without the previous assent of the other States.

Resolved further, That the public domain of the United States, which was purchased by the



General Government, is of right the common property of all the States, and any act of Congress by which these lands shall be directly or indirectly given to the new States, in which these lands are located without the previous assent of the other States, would be a violation of the rights of the other States.

Resolved further, That whenever the proceeds of the public land shall not be wanted for the legitimate purposes of the National Government, some provision consistent with the constitution ought to be made for their distribution according to the principles declared in the foregoing resolutions; and if the constitution of the United States, according to its true meaning forbid such provision to be made by Congress, the subject ought to be referred to the States for their determination, that they may decide whether they will consent to give such power or not.

Mr. Barringer called for a division of the question, and before the question on said motion was put, the House, on motion of Mr. Foushee, adjourned until Monday morning, 10 o'clock.

Those who voted in the affirmative, were Messrs. Allison, Baker, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Cotten, Deyton, Dudley, Fitzrandolph, Foushee, Frink, Guinn, Gwyn, Hamrick, Harris, Hartley, Haywood, Hoke, J. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Manly, Marsteller, M'Neill, Perry, Potts, Powell, Roebuck, Sloan, J. L. Smith, S. Smith, Swindell, Tatham, Taylor, Wadsworth, Walker, Watson, Waugh, Weaver, Whitfield, Jacob Williams, Williamson, Witcher.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Barringer, Battle, Bell, Blatchford, Blalock, Brandon, Bray, Brummell, Clement, Craige, Crump, Davenport, Dockery, Foreman, Gorrell, Graham, Hawkins, Harper, Harrison, Henderson, Henry, W. Horton, Howard, King, Kittrell, Lilley, Lindsay, Long, Loudermilk, Manney, Martin, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Poin-dexter, Rush, Seawell, Smallwood, G. Smith, Tillett, Willey, Williams of Greene, Williams of Richmond, Ziglar.

#### MONDAY, JANUARY 5, 1835.

Received from the Senate, a message informing that they had passed the engrossed resolution in favor of Archibald S. Brown, late sheriff of Robeson county, and asking the concurrence of this House. The said resolution was read the first, second, and third times, passed, and ordered to be enrolled.

The resolution in favor of the President and Directors of the Leaksville toll bridge company was read the second and third times, passed, and ordered to be enrolled.

Mr. M'Neill, from the committee on claims, to whom was referred the resolution in favor of Reuben Mastin and wife, reported favorably thereon. The said resolution was read the second time, amended and passed.

Mr. M'Neill, from the same committee, reported unfavorably on the claim of Allen Jones, and asked to be discharged from the further consideration of the subject. The committee was discharged as prayed for, when Mr. Haywood presented a resolution in favor of the said Allen Jones; which was read the first time and passed.

The resignation of Joseph Edmonson, as a justice of the peace of the county of Edgecombe, was presented, read and accepted.

Mr. M'Neill, from the committee on claims, to whom was referred the resolution in favor of the heirs of William Gilliam, reported favorably thereon; when the said resolution was read the first time and passed.

On motion, leave of absence from the service of this House from and after tomorrow, for the residue of the session, was granted to George Whitfield.

Mr. Marsteller from the select committee, to whom was referred the resolution concerning the powers and immunities of the Cape Fear navigation company, reported a bill to repeal in part, an act, entitled an act amending the several acts of

Assembly, incorporating the Roanoke and Cape Fear navigation companies; and prescribing the mode of enforcing the collection of tolls, passed in the year 1832. The said bill was read the first time and passed.

Mr. Graham from the committee on education, to whom sundry resolutions on the subject had been referred, reported a bill to authorize the President and Directors of the Literary Fund, to sell certain portions of the swamp lands. The said bill was read the first time and passed, and on motion of Mr. Monk, ordered that the bill and report be printed.

Received from the Senate, a message informing that they had passed the engrossed bill concerning a Convention to amend the Constitution of the State, with sundry amendments; and asking the concurrence of this House. Among the amendments proposed by the Senate, is the following:

In the 13th Section, strike out the words, "One hundred, nor more than one hundred and seven; the Borough members included, to be elected one member by each of the borough towns of Wilmington, Fayetteville, Newbern, Edenton, Halifax, Hillsborough, and Salisbury;" and insert in lieu thereof, the words, "Ninety, nor more than one hundred and twenty, exclusive of borough members; which the Convention shall have the discretion to exclude in whole or in part."

Mr. Craige offered the following as an amendment to the Senate's amendment, viz. "That the said Convention shall form and devise a further amendment to the said Constitution, whereby to reduce the number of members in the House of Commons, to not less than one hundred, nor more than one hundred and twenty, the borough members included, to be elected one member by each of the borough towns of Wilmington, Fayetteville, Newbern, Edenton, Halifax, Hillsborough, and Salisbury; the population of which shall not be computed in determining the number of members to which the counties in which said boroughs are respectively situated, shall be entitled in the House of Commons; and the residue to be elected by counties or districts, or both, according to their federal population, viz. according to their respective numbers, which shall be determined by adding the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; and the enumeration to be made at convenient and prescribed periods: but each county shall have at least one member of the House of Commons, although it may not contain the requisite ratio of population."

The question on the adoption of Mr. Craige's amendment was decided in the negative—yeas 49, nays 68.

Those who voted in the affirmative, were Messrs. R. H. Alexander, Barringer, Bedford, Blalock, Brandon, Brown, Brummell, Cansler, Craige, Deyton, Dudley, Fleming, Gorrell, Graham, Guinn, Gwyn, Hamrick, Haywood, Henderson, Henry Hoke, W. Horton, Hutchison, W. Jones, Jordan, King, Kittrell, Latham, Lee, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Norcom, Ousby, Perkins, Poindexter, Rush, Seawell, J. L. Smith, Walker, Waugh, Weaver, Whitfield, Williams of Richmond.

Those who voted in the negative, were Messrs. Albritton, G. H. Alexander, Allison, Baker, Battle, Bell, Blatchford, Boddie, Bragg, Braswell, Bray, Bynum, Byrum, Carter, Clement, Clarke, Coor, Davenport, Fitzrandolph, Foreman, Foushee, Frink, Hawkins, Harper, Harrison, Hartley, J. Horton, Houlder, Howard, Irion, R. Jones, Judkins, Kenan, Lyon, Marsteller, Matthews, Monk, Mullen, M'Cluse, M'Lean, M'Neill, M'Pherson, Outlaw, Perry, Potts, Powell, Register, Roebuck, Slade, Sloan, Smallwood, G. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillett, Tomlinson, Wadsworth, Watson, Welch, Willey, Jacob Williams, Williams of Greene, Witcher, Ziglar.

Mr. Haywood moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon, was decided in the negative—yeas 17, nays 103. The yeas and nays demanded by Mr. Tillett,

Those who voted in the affirmative, were Messrs. R. H. Alexander, Baker, Bragg, Craige, Deyton, Gorrell, Graham, Haywood, Henderson, Henry, Hoke, Hutchison, W. Jones, King, Long, Norcum, Outlaw.

Those who voted in the negative, were Messrs. Albritton, G. H. Alexander, Allison, Barringer, Battle, Bedford, Bell, Blatchford, Blalock, Boddie, Braswell, Bray, Brown, Brummell, Bynum, Byrum, Cansler, Carter, Clement, Clarke, Coor, Crump, Davenport, Dockery, Dudley, Fitzrandolph, Fleming, Foreman, Foushee, Frink, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartley, W. Horton, J. Horton, Houlder, Howard, Irion, R. Jones, Jordan, Judkins, Kenan, Kittrell, Latham, Lee, Lilly, Lindsay, Locke, Loudermilk, Lyon, Manly, Manney, Marsteller, Martin, Mathews, Monk, Mullen, M<sup>c</sup>Cleese, M<sup>c</sup>Lean, M<sup>c</sup>Neill, M<sup>c</sup>Pherson, Ousby, Perkins, Perry, Poindexter, Potts, Powell, Riddick, Register, Roebuck, Rush, Seawell, Slade, Sloan, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Watson, Waugh, Weaver, Welch, Whitfield, Willey, Jacob Williams, Williams of Greene, Williams of Richmond, Williamson, Witcher, Ziglar.

Mr. Potts moved that the further consideration of the bill and proposed amendments be postponed until to morrow. This question was decided in the negative—yeas 23, nays 95. The yeas and nays demanded by Mr. Welch,

Those who voted in the affirmative, were Messrs. R. H. Alexander, Barringer, Battle, Bragg, Brummell, Hartly, Henderson, Hoke, W. Jones, Kenan, King, Kittrell, Latham, Long, Loudermilk, Manly, Manney, M<sup>c</sup>Neill, Norcum, Ousby, Outlaw, Potts, Seawell.

Those who voted in the negative, were Messrs. Albritton, G. H. Alexander, Allison, Baker, Bedford, Bell, Blatchford, Blalock, Boddie, Brandon, Braswell, Bray, Brown, Byrum, Cansler, Carter, Clement, Clarke, Coor, Craige, Crump, Davenport, Dockery, Dudley, Fitzrandolph, Fleming, Foreman, Foushee, Frink, Gorrell, Graham, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Haywood, Henry, W. Horton, J. Horton, Houlder, Howard, Hutchison, Irion, R. Jones, Jordan, Judkins, Lee, Lilly, Lindsay, Locke, Lyon, Marsteller, Martin, Mathews, Monk, Mullen, M<sup>c</sup>Cleese, M<sup>c</sup>Lean, M<sup>c</sup>Pherson, Perkins, Perry, Poindexter, Powell, Register, Roebuck, Rush, Slade, Smallwood, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Watson, Waugh, Weaver, Welch, Whitfield, Willey, Jacob Williams, Williams of Greene, Williams of Richmond, Williamson, Witcher, Ziglar.

Mr. Graham moved that the bill with the amendments of the Senate be referred to a select committee; this motion was negatived. Mr. Outlaw moved to amend the Senate's amendment by inserting in lieu thereof: "ninety five nor more than one hundred and five, including a borough member from each of the boroughs now represented under the present constitution." The question on the adoption of this amendment was decided in the negative—yeas 38, nays 82. The yeas and nays demanded by Mr. G. Smith,

Those who voted in the affirmative, were Messrs. R. H. Alexander, Barringer, Bedford, Blalock, Bragg, Brandon, Brummell, Clement, Crump, Deyton, Dudley, Gorrell, Graham, Hartley, Haywood, Henderson, Henry, Hoke, W. Horton, W. Jones, Judkins, King, Kittrell, Latham, Long, Loudermilk, Manly, Manney, M<sup>c</sup>Neill, Norcum, Ousby, Outlaw, Poindexter, Rush, Seawell, J. L. Smith, Waugh, Weaver.

Those who voted in the negative were, Messrs. Albritton, G. H. Alexander, Allison, Baker, Battle, Bell, Blatchford, Boddie, Braswell, Bray, Brown, Bynum, Byrum, Cansler, Carter, Clarke, Coor, Craige, Davenport, Dockery, Fitzrandolph, Fleming, Foreman, Foushee, Frink, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, J. Horton, Houlder, Howard, Hutchison, Irion, R. Jones, Jordan, Kenan, Lee, Lilly, Lindsay, Locke, Lyon, Marsteller, Martin, Monk, Mullen, M<sup>c</sup>Cleese, M<sup>c</sup>Lean, M<sup>c</sup>Pherson, Perkins, Perry, Potts, Powell, Riddick, Register, Roebuck, Sloan, Smallwood, G. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Watson, Welch, Whitfield, Willey, Jacob Williams, Williams of Greene, Williams of Richmond, Williamson, Witcher, Ziglar.

The question on the adoption of the said amendment of the Senate was determined in the affirmative—yeas 86, nays 36. The yeas and nays demanded by Mr. Marsteller,

Those who voted in the affirmative, were Messrs. Albritton, Allison, Baker, Battle, Bedford, Bell, Blalock, Boddie, Bragg, Brandon, Braswell, Brown, Brummell, Bynum, Byrum,

Cansler, Carter, Clement, Clarke, Cotten, Craige, Davenport, Deyton, Dockery, Fitzrandolph, Fleming, Foushee, Frink, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Hartly, Haywood, W. Horton, Howard, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Lee, Lilly, Lindsay, Locke, Lyon, Manney, Marsteller, Martin, M'Lean, M'Neill, Outlaw, Perkins, Potts, Powell, Riddick, Register, Rush, Sloan, Smallwood, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Watson, Waugh, Welch, Whitfield, Jacob Williams, Williams of Greene, Williams of Richmond, Williamson, Witcher, Ziglar.

Those who voted in the negative, were Messrs. R. H. Alexander, G. H. Alexander, Barringer, Blatchford, Bray, Coor, Crump, Dudley, Foreman, Gorrell, Graham, Harrison, Henderson, Henry, Hoke, Howard, King, Kittrell, Latham, Long, Loudermilk, Manly, Matthews, Monk, Mullen, M'Cleese, M'Pherson, Norcum, Ousby, Perry, Poindexter, Roebuck, Seawell, Tillet, Weaver, Willey.

The other amendments proposed by the Senate to the said bill, were read and concurred in, and the Senate so informed.

The House now proceeded to the unfinished business of Saturday, being Mr. Henderson's resolutions relating to a distribution of the Public Lands. The question being on the call of Mr. Barringer, for a division of the question raised on Mr. Haywood's motion as heretofore stated, the House refused to strike out—yeas 53, nays 64. The yeas and nays demanded by Mr. Norcum.

Those who voted in the affirmative, were Messrs. G. H. Alexander, Allison, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Carter, Deyton, Fitzrandolph, Foushee, Guinn, Gwyn, Hamrick, Hawkins, Harris, Hartley, Haywood, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Latham, Lee, Locke, Lyon, Marsteller, Potts, Powell, Riddick, Register, Roebuck, Slade, Sloan, J. L. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Whitfield, Jacob Williams, Williamson, Witcher, Ziglar.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, Baker, Barringer, Battle, Bell, Blatchford, Blalock, Brandon, Bray, Brummeil, Clement, Coor, Craige, Crump, Davenport, Dudley, Foreman, Frink, Gorrell, Graham, Harper, Harrison, Henderson, Henry, Hoke, W. Horton, J. Horton, Howard, Kenan, King, Kittrell, Lilly, Lindsay, Long, Loudermilk, Manly, Manney, Martin, Matthews, Monk, Mullen, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcum, Ousby, Outlaw, Perkins, Perry, Poindexter, Rush, Seawell, Smallwood, G. Smith, Tillet, Watson, Waugh, Weaver, Welch, Willey, Williams of Greene, Williams of Richmond.

Mr. Bragg moved that the resolutions lie on the table. The question thereon, was decided in the negative—yeas 38, nays 70. The yeas and nays demanded by Mr. Loudermilk,

Those who voted in the affirmative were, Messrs. Bedford, Bragg, Braswell, Brown, Bynum, Byrum, Carter, Coor, Deyton, Fitzrandolph, Foushee, Frink, Guinn, Gwyn, Hamrick, Haywood, Houlder, Irion, R. Jones, Jordan, Judkins, Kenan, Lee, Lyon, Marsteller, Perry, Potts, Powell, Riddick, Register, Roebuck, J. L. Smith, Swanner, Tatham, Tomlinson, Wadsworth, Willey, J. Williams.

Those who voted in the negative were, Messrs. Albritton, R. H. Alexander, G. H. Alexander, Allison, Barringer, Battle, Bell, Blatchford, Blalock, Brandon, Bray, Cansler, Clement, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Gorrell, Graham, Hawkins, Harper, Harrison, Hartley, Henderson, Henry, Hoke, W. Horton, J. Horton, Howard, Hutchison, King, Kittrell, Latham, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcum, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Sloan, Smallwood, G. Smith, Stockard, Swindell, Taylor, Tillet, Watson, Waugh, Weaver, Williams of Greene, Williams of Richmond, Witcher, Ziglar.

Mr. Bragg moved to add the following after the second resolutions, viz.

*Resolved*, That this General Assembly highly approve of the message of Andrew Jackson, President of the United States, transmitted to the Senate of the United States, on the 4th December, 1833, containing his reasons for withholding his assent to a bill passed by Congress at its preceding session, usually denominated "Mr. Clay's Land Bill;" and it is not their intention that the above resolutions shall be construed as to conflict with the views in said message expressed, or the principles therein inculcated.

The question on the adoption of this resolution, was decided in the negative—yeas 41, nays 68. The yeas and nays demanded by Mr. King,

Those who voted in the affirmative, were Messrs. Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Carter, Coor, Deyton, Fitzrandolph, Foushee, Guinn, Gwyn, Hamrick, Haywood,

Houlder, Hutchison, Irion, Jordan, Judkins, Lee, Lyon, Marsteller, Potts, Powell, Riddick, Register, Roebuck, Slade, J. L. Smith, Swanner, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Whitfield, Willey, Jacob Williams, Williamson, Ziglar.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Baker, Barringer, Battle, Bedford, Bell, Blatchford, Blalock, Brandon, Bray, Brummell, Cansler, Clement, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Gorrell, Graham, Hawkins, Harper, Harrison, Hartley, Henderson, Henry, Hoke, W. Horton, J. Horton, Howard, King, Kittrell, Latham, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Monk, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcum, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Sloan, Smallwood, G. Smith, Tillet, Watson, Waugh, Weaver, Welch, Williams of Greene, Williams of Richmond, Witcher.

Mr. Haywood moved to add to the second resolution the following words, "and such distribution ought not to be made so as to give any preference to the new States, like that proposed in the bill commonly called "Mr. Clay's Land Bill," which was vetoed by President Jackson." Mr. Dudley moved to strike out all of said amendment after the words "new States." The question on this motion, was decided in the negative—yeas 51, nays 66. The yeas and nays demanded by Mr. Whitfield,

Those who voted in the affirmative, were Messrs. Albritton, Baker, Barringer, Battle, Bell, Blalock, Bray, Brummell, Clement, Craige, Crump, Davenport, Deyton, Dudley, Fleming, Gorrell, Graham, Harper, Henderson, Henry, W. Horton, J. Horton, Howard, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Monk, Mullen, M'Lean, M'Neil, M'Pherson, Norcum, Ousby, Outlaw, Poindexter, Rush, Seawell, Smallwood, G. Smith, Swindell, Tillet, Williams of Greene, Williams of Richmond.

Those who voted in the negative, were Messrs. R. H. Alexander, G. H. Alexander, Allison, Bedford, Blatchford, Boddie, Bragg, Brandon, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Dockery, Fitzrandolph, Foreman, Foushee, Frink, Guinn, Gwya, Hamrick, Hawkins, Harris, Harrison, Hartly, Haywood, Hoke, Houlder, Hutchison, Irion, R. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Marsteller, M'Cleese, Perkins, Perry, Potts, Powell, Register, Roebuck, Slade, Sloan, J. L. Smith, Stockard, Swanner, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Watson, Waugh, Weaver, Whitfield, Willey, J. Williams, Williamson, Witcher, Ziglar.

The question on the adoption of the resolution and amendment as offered by Mr. Haywood, was decided in the negative—yeas 57, nays 59. The yeas and nays demanded by Mr. Waugh,

Those who voted in the affirmative, were Messrs. Allison, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Coor, Deyton, Fitzrandolph, Foushee, Frink, Guinn, Gwyn, Hamrick, Hawkins, Harris, Hartly, Haywood, Hoke, Houlder, Hutchison, Irion, R. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Marsteller, Perry, Potts, Powell, Register, Roebuck, Slade, Sloan, J. L. Smith, Stockard, Swanner, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Whitfield, Willey, J. Williams, Williamson, Witcher, Ziglar.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Baker, Barringer, Battle, Bell, Blatchford, Blalock, Brandon, Bray, Brummell, Clement, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Gorrell, Graham, Harper, Harrison, Henderson, Henry, W. Horton, J. Horton, Howard, King, Kittrell, Lilly, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Mathews, Martin, Monk, Mullen, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcum, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Smallwood, G. Smith, Swindell, Tillet, Watson, Williams of Greene, Williams of Richmond.

The question now recurring on the adoption of the original resolutions as submitted by Mr. Henderson, the same was decided in the affirmative—yeas 82, nays 32. The yeas and nays, demanded by Mr. Loudermilk,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Allison, Baker, Barringer, Battle, Bedford, Bell, Blatchford, Blalock, Brandon, Bray, Brummell, Cansler, Clement, Coor, Craige, Crump, Davenport, Deyton, Dockery, Dudley, Fleming, Foreman, Gorrell, Graham, Guinn, Hawkins, Harper, Harrison, Hartley, Henderson, Henry, Hoke, W. Horton, J. Horton, Houlder, Howard, King, Kittrell, Latham, Lilley, Lindsay, Locke, Long, Loudermilk, Manly, Manney, Martin, Mathews, Monk, Mullen, M'Cleese, M'Lean, M'Neill, M'Pherson, Norcum, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Sloan, Smallwood, G. Smith, Stockard, Swindell, Taylor, Tillet, Tomlinson,

Wadsworth, Walker, Watson, Waugh, Weaver, Jacob Williams, Williams of Green, Williams of Richmond, Witcher, Ziglar.

Those who voted in the negative were, Messrs. Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Carter, Fitzrandolph, Foushee, Frink, Gwyn, Harris, Haywood, Hutchison, R. Jones, Jordan, Judkins, Keenan, Lee, Lyon, Marsteller, Perry, Potts, Powell, Register, Roebuck, Slade, J. L. Smith, Swafner, Tatham, Whitfield, Williamson.

Ordered, that said resolutions be engrossed and sent to the Senate for concurrence.

On motion of Mr. Fleming, ordered, that a message be sent to the Senate proposing that the bill, when enrolled, entitled a bill concerning a convention to amend the constitution of the State, be printed, fifty copies for each member of the Legislature.

The House adjourned until to-morrow morning, 10 o'clock.

### TUESDAY, JANUARY 6, 1835.

Mr. Henry presented a bill to establish the Sulphur spring academy, in the county of Buncombe, and to incorporate the trustees thereof; which was read the first, second and third times, passed and ordered to be engrossed.

The engrossed bill to repeal an act passed at the last General Assembly, entitled an act to create an additional wreck district, in the county of Hyde, and for other purposes; and the engrossed bill authorizing John Treadwell, senr. of Sampson county, to erect a gate at his bridge across Cohary, on the road leading from Clinton to Elizabethtown, in Bladen county, and to receive toll for crossing the same; were severally read the second and third times, passed and ordered to be enrolled.

Mr. Haywood presented the petition of R. M. Saunders, asking compensation for certain professional services by him rendered to the State, together with a resolution for carrying into effect the prayer of the petitioner. The said resolution was read the first time and passed, and on motion of Mr. Craige referred to the committee on Claims.

Mr. W. Horton presented a bill for arming volunteer companies; which was read the first time and passed.

The resolution directing a new roll of the several justices of the peace; the resolution in favor of Francis Reider; the resolution in favor of Matthew Miller; and the resolution in favor of Reuben Mastin and wife, were each read the third time, passed, and ordered to be engrossed.

Mr. Houlder presented the following resolutions:

Whereas it is provided by the act passed at this session of the Legislature for the call of a Convention, that said Convention may exercise its discretion as to continuing or discontinuing borough representation in this State: and whereas this is a subject of great importance and much interest to the good people of the State: therefore,

*Resolved*, That it be recommended to the people specifically to instruct their delegates to the Convention to vote for or against the continuance of borough system.

*Resolved*, That the foregoing preamble and resolution be printed and attached to each copy of the bill for calling a Convention, which has been ordered to be printed by this House.

The said resolutions were read, and on motion of Mr. Poindexter, postponed indefinitely.

Mr. Marsteller presented a bill to repeal part of an act passed in 1819, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government for the year 1820; which was read the first time and passed.

The engrossed bill for the benefit of Edward Fitzgerald, of the county

of Brunswick ; the engrossed bill concerning mills erected in the county of New Hanover ; and the engrossed bill to incorporate the Pioneer mills gold mining company, in the county of Cabarrus ; were each read the second and third times, passed and ordered to be enrolled.

On motion, leave of absence from the service of the House from and after to-morrow, for the residue of the session, was granted to Dickson Sloan.

The engrossed bill for the better regulation of the county and superior courts of the counties of Rutherford and Buncombe ; and the engrossed bill to authorize Thomas J. Pasteur, of Craven county, to keep a ferry in said county, and for other purposes ; were each read the second and third times, amended and passed. Ordered, that the concurrence of the Senate be asked in the amendments made to said bills.

The bill to authorize the commissioners of Wilmington to assess and cause to be collected, a tax on all slaves whose owners reside out of town, but permit the slaves to reside in town ; was read the second and third times, passed and ordered engrossed.

The engrossed bill concerning a public road, leading from Columbia in Tyrrell county, to Plymouth ; and the engrossed bill to amend part of the first section of an act, entitled an act to authorize certain persons therein named, to raise by lottery six thousand dollars for cutting a canal, in Washington county, passed in 1833 ; were each read the second and third times, passed and ordered to be enrolled.

The engrossed bill to make an appropriation for completing the capitol, in the city of Raleigh ; was read the second time and passed—yeas 94, nays 21. The yeas and nays demanded by Mr. M'Lean,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Barringer, Battle, Bedford, Bell, Blatchford, Boddie, Bragg, Braswell, Bray, Brown, Brummell, Byrum, Carter, Clarke, Coor, Cotten, Craige, Crump, Dockery, Dudley, Fleming, Foreman, Foushee, Friuk, Gorrell, Graham, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartley, Haywood, Henderson, Hoke, Houlder, Howard, Hutchison, Irion, R. Jones, W. Jones, Judkins, Kenan, King, Kittrell, Latham, Lee, Lindsay, Long, Lyon, Manly, Mathews, Mullen, M'Cleese, M'Lean, M'Plerson, Norcum, Ousby, Perkins, Perry, Poindexter, Potts, Powell, Riddick, Roebuck, Rush, Seawell, Smallwood, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillet, Tomlinson, Walker, Watson, Waugh, Weaver, Welch, Whitfield, Willey, Jacob Williams, Williams of G., Williams of R., Williamson, Witcher.

Those who voted in the negative were, Messrs. Allison, Baker, Blalock, Brandon, Bynum, Cansler, Davenport, Deyton, Fitzrandolph, W. Horton, J. Horton, Lilley, Locke, Marsteller, Martin, Monk, M'Neill, Register, Sloan, G. Smith, Wadsworth.

On motion of Mr. Welch, the said bill was again read the third time, passed, and ordered to be enrolled.

On motion of Mr. Norcum, resolved that a message be sent to the Senate proposing to raise a joint select committee of two from each House, whose duty it shall be to confer with the officers of both Houses upon the state of the public business, and ascertain and report on what day the General Assembly can adjourn ; and informing that Messrs. Norcum and Boddie form said committee on the part of this House.

Mr. Blalock presented a bill to authorize and empower the county court of Yancy county to alter the dividing line between the two regiments of North Carolina Militia in said county ; which was read the first time and passed.

The bill concerning the exercise of suffrage by free persons of color, was read, and, on motion of Mr. Battle, postponed indefinitely.

The engrossed bill directing the conveyance of the commons adjoining the town of Franklin, to the Chairman of Macon county court, was read the second and third times, passed and ordered to be enrolled.

On motion of Mr. Long, ordered that a message be sent to the Senate, proposing to ballot immediately for a major of cavalry attached to the 5th brigade, and informing that William E. Crump, is in nomination for the appointment. A message from the Senate concurring in the proposition, and informing that Messrs. Arrington and Montgomery of Hertford, compose the balloting committee. Ordered that Messrs. Ousby and Byrum form said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, and asking the concurrence of this House therein, viz. A bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancy; a bill regulating the times of holding the superior courts in the counties of Ruthersford, Lincoln, and Iredell; a bill to authorize the commissioners of the town of Wentworth, to perfect titles to lots in said town, and to appoint commissioners for the town of Madison; a bill providing a reward for the taking up of runaway slaves belonging to citizens of this State, in the States of Pennsylvania, New York, Connecticut, New Jersey, and Massachusetts; a bill giving the county courts of this State, authority to abolish the offices of county trustee or commissioners of public buildings; a bill granting to persons therein named, certain lands for burying ground and place of public worship, for all denomination of Christians in Macon county; a bill to repeal an act of the General Assembly passed in 1833, entitled an act concerning the Wilkes county volunteer artillery company; the bill to prevent hauling seines or dragnets within two miles of certain bays and inlets within this State; a bill for the better regulation of the militia of the county of Macon; a bill to incorporate the Northampton Manufacturing Company; a bill additional to the acts now in force, directing how femes cover may pass land; a bill concerning the Plymouth Turnpike Company; a bill to incorporate the Mattamuskeet canal and Rose Bay Turnpike Company; a resolution authorizing the Governor to procure and transmit the acts of Assembly in certain cases therein named, and for other purposes; a resolution in favor of the door-keepers; a resolution to print a bill to provide a fund for the establishment of free schools in the State of North Carolina, and append the same to the acts of Assembly.

The engrossed bill providing a reward for the taking up runaway slaves belonging to citizens of this State, in the States of Pennsylvania, New York, Connecticut, New Jersey, and Massachusetts, was read the first time, and on motion of Mr. Clement, rejected.

The engrossed bill to authorize the commissioners of the town of Wentworth, to perfect titles to lots in said town, and to appoint commissioners for the town of Madison; and the engrossed bill, regulating the times of holding the superior courts in the counties of Ruthersford, Lincoln, and Iredell, were severally read the first, second, and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Mattamuskeet canal and Rose Bay Turnpike Company, was read the first and second times and passed.

The engrossed bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancy; and the engrossed bill granting to persons therein named, certain lands for a burying ground and place of public worship for all denominations of Christians, in Macon county, were severally read the first time and passed.

The engrossed bill giving the county courts of this State, authority to abolish the offices of county trustee and treasurer or commissioner of public



buildings, was read the first time. Mr. Poindexter moved that said bill be rejected. The question thereon, was decided in the negative—yeas 39, nays 61. The yeas and nays called for by Mr. Ousby,

Those who voted in the affirmative, were Messrs Bedford, Bell, Bragg, Cansler, Carter, Clarke, Clement, Crump, Davenport, Deyton, Dudley, Fitzrandolph, Gorrell, Graham, Hamrick, Harper, Hartley, Haywood, Henry, Hutchison, W. Jones, Judkins, King, Latham, Loudermilk, Lyon, Matthews, M'Lean, Norcom, Ousby, Outlaw, Perkins, Perry, Poindexter, Potts, Slade, S. Smith, Tatham, Walker.

Those who voted in the negative were, Messrs. Albritton, R. H. Alexander, G. H. Alexander, Allison, Barringer, Battle, Blatchford, Blalock, Boddie, Brandon, Braswell, Bray, Brown, Brummell, Bynum, Eyrum, Foreman, Foushee, Frink, Guinn, Gwyn, Hawkins, Harrison, W. Horton, J. Horton, Houlder, Irion, Kenan, Kittrell, Lee, Lindsay, Locke, Marsteller, Martin, Monk, Mullen, M'Donald, M'Neill, Powell, Register, Roebuck, Rush, Sloan, Smallwood, G. Smith, J. L. Smith, Stockard, Swanner, Swindell, Taylor, Tillett, Wadsworth, Waugh, Weaver, Welch, Willey, Jacob Williams, Williams of Greene, Williams of Richmond, Witeber, Ziglar.

The question shall the said bill pass the first reading? was decided in the affirmative.

The engrossed bill to prohibit hauling of seines or drag nets within two miles of certain Bars and Inlets within this State; the bill concerning the Plymouth Turnpike Company; the bill to repeal an act of the General Assembly, passed in 1833, entitled an act concerning the Wilkes County Volunteer Artillery Company; the bill to incorporate the Northampton Manufacturing Company; the bill for the better regulation of the militia of the county of Macon; and the resolution in favor of the doorkeepers, were each read the first time and passed.

The engrossed resolution to print a bill, entitled a bill to provide a fund for the establishment of free schools in the State of North Carolina, and append the same to the Acts of Assembly; and the engrossed resolution authorizing the Governor to procure and transmit the Acts of Assembly, in certain cases therein named, and for other purposes, were each read the first time and passed.

The engrossed bill additional to the acts now in force, directing how femes covert may pass lands, was read the first time, and on motion of Mr. Bragg, rejected.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee to confer with the officers of both Houses upon the state of public business, and ascertain, and report on what day the General Assembly can adjourn, and informing that Messrs. Arrington and Montgomery of Hertford, form said committee on their part.

Received from the Senate a message, transmitting a report from the committee on Finance, relating to the state of the Treasury, and the induction into office of Sammel F. Patterson, as Public Treasurer, and proposing that said report be printed; the Senate's proposition was concurred in.

The engrossed bill to authorize the Governor to procure a new great seal for the use of this State, was read the second time, amended on Mr. Clement's motion, and passed.

The bill to repeal and amend part of an act, passed in 1833, entitled an act to repeal an act, passed in 1818, entitled an act fixing the sum to be hereafter paid to the State for vacant lands, was read, and, on motion of Mr. Outlaw, indefinitely postponed.

The bill amendatory of an act, passed at the present session, entitled an act granting to persons therein named, certain lands for the use of the

Methodist Episcopal Church at Franklin, in Macon county, was read the second and third times, passed, and ordered to be engrossed.

The resignation of Pittis Finch, as a justice of the peace of the county of Randolph, was presented, read and accepted.

Mr. Ousby, from the balloting committee for a major of cavalry, attached to the fifth brigade, reported that William E. Crump, was duly elected; the report was concurred in.

The bill altering the number of company musters from two to four per annum, was read the second time, and on motion of Mr. Battle, indefinitely postponed—yeas 68, nays 34. The yeas and nays demanded by Mr. Roebuck,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Battle, Bedford, Boddie, Bragg, Braswell, Bray, Brown, Bynum, Byrum, Cansler, Carter, Clarke, Coor, Dudley, Fitzrandolph, Foreman, Foushee, Frink, Gorrell, Graham, Guinn, Gwyn, Hawkins, Harris, Harrison, Henderson, Henry, Houlder, Irion, R. Jones, W. Jones, Judkins, King, Kittrell, Latham, Lee, Lindsay, Lyon, Manly, Martin, M'Lean, M'Neill, M'Pherson, Norcom, Poindexter, Potts, Powell, Riddick, Rush, Smallwood, G. Smith, S. Smith, Swindell, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Walker, Watson, Weaver, Welch, Willey, Williams of Richmond, Witcher.

Those who voted in the negative, were Messrs. Allison, Barringer, Bell, Blalock, Brandon, Clement, Craige, Crump, Davenport, Deyton, Dockery, Fleming, Harper, Hartley, W. Horton, J. Horton, Hutchison, Keanan, Locke, Marsteller, Matthews, Monk, Ousby, Outlaw, Register, Roebuck, Sloan, J. L. Smith, Stockard, Swanner, Waugh, Jacob Williams, Williams of Greene, Ziglar.

The bill to exempt vessels owned in this State, under seventy-five tons burthen entering in at Ocracoke bar, from paying pilotage; was read the second and third times, passed and ordered to be engrossed.

On motion, leave of absence from the service of the House from and after to-morrow, for the remainder of the session, was granted to Archibald Monk.

The bill to prohibit sheriffs and their deputies from executing the office of constables, in civil cases; was read the second time and rejected. The said bill was subsequently, on motion of Mr. Dudley, reconsidered and laid on the table.

The bill concerning the wardens of the poor; and the bill prescribing in what manner copies of administration or returns of property, of deceased persons in another State, shall be read in evidence; were read the second time and passed.

The bill giving the superior courts of law, exclusive original jurisdiction of all applications for divorces; was read the second time, and on motion of Mr. King, indefinitely postponed.

The House then adjourned until to-morrow morning, 10 o'clock.

### WEDNESDAY, JANUARY 7, 1835.

Mr. J. W. Guinn, from the committee on Propositions and Grievances, reported unfavorably on the petitions of Lucy R. Hendricks and Lucy T. Reid, praying to be divorced from their husbands, and also unfavorably on the petition of Jacob Lassiter of Randolph, praying to be allowed to erect a gate across a public road, and asked that the committee be discharged from the further consideration of said petitions. The report was concurred in.

A message from the Senate, agreeing to the proposition of this House to print fifty copies for each member of the Legislature, of a bill, entitled a bill concerning a convention to amend the constitution of the State.

The resolution authorizing the appointment of a clerk by the commis-

sioners to revise the laws, was read the third time and passed, and ordered to be engrossed.

The resolutions in favor of John Cooper; were read the second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. a bill to repair, alter and amend the road leading from the ford of the Yackin river, where Cass formerly lived, to the Ashe county line, on the Blue ridge; a bill supplemental to an act passed at the present session, entitled an act concerning a convention to amend the constitution of the State of North Carolina; and a resolution authorizing the Public Treasurer to borrow money on behalf of the State, for certain purposes therein mentioned, and asking the concurrence of this House. The said bills and resolution, were read the first time and passed.

The resolution in favor of William Thompson, was read the second and third times, passed and ordered to be engrossed.

On motion, leave of absence from the service of the House from and after Friday next, for the remainder of the session, was granted to Abner Hartley and Frederick P. Latham.

Mr. Norcun, from the joint select committee appointed to examine into the state of the unfinished business before the two Houses, made a report thereon. Whereupon, it was resolved, that the two Houses of the General Assembly do adjourn on Saturday the 10th inst., and that the clerks be directed to make up the estimates accordingly.

Mr. Dudley moved that the bill to amend the charter of the Wilmington and Raleigh railroad company, be now taken up and considered; this was agreed to. The said bill was read the second time, amended on motion of Mr. Dudley, when Mr. Smallwood moved that said bill be laid on the table until the third Monday in November next. The question on Mr. Smallwood's motion, was determined in the affirmative—yeas 71, nays 30. The yeas and nays demanded by Mr. Dudley,

Those who voted in the affirmative, were Messrs. Albritton, G. H. Alexander, Barringer, Battle, Bedford, Boddie, Bragg, Brandon, Braswell, Bray, Bynum, Byrum, Cansler, Carter, Clarke, Coor, Cotten, Crump, Davenport, Fitzrandolph, Foreman, Gorrell, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartly, Henderson, J. Horton, Houlder, Irion, R. Jones, Judkins, Latham, Lee, Long, Loudermilk, Lyon, Mullen, M'Cleese, M'Lean, M'Pherson, Outlaw, Perry, Potts, Powell, Riddick, Roebuck, Rush, Smallwood, G. Smith, J. L. Smith, S. Smith, Swanner, Swindell, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Waugh, Weaver, Welch, Willey, J. Williams, Williams of Greene, Williams of Richmond, Witcher, Ziglar.

Those who voted in the negative, were Messrs. R. H. Alexander, Allison, Bell, Blatchford, Blalock, Brummell, Clement, Craige, Dudley, Fleming, Frink, Graham, Howard, W. Jones, Kenan, Kittrell, Lindsay, Manly, Manney, Marsteller, Martin, Monk, M'Neill, Ousby, Poindexter, Register, Seawell, Sloan, Stockard, Tatham.

On motion, leave of absence from the service of the House from and after to-morrow, for the residue of the session, was granted to James Manney.

Mr. Long presented the following resolutions:

Whereas, by the Constitution of the United States, Congress alone is clothed with authority to borrow money on the credit of the government, and whereas, the Post Master General has taken upon himself the exercise of this high power, involving the right to tax the people of these United States, without the authority of their Representatives.

*Be it therefore resolved by the General Assembly of North Carolina.* That the Post Master General in borrowing money without the consent of Congress, has violated the plain meaning of the Constitution, and that therefore, the loans made to him are not binding upon the nation.

*Resolved,* That the Senators and Representatives from this State in Congress, be requested to continue the investigations already commenced, into the abuses and corruptions of that

department, and that they endeavor to secure for the future, a more economical and faithful administration of its concerns.

*Resolved.* That his Excellency the Governor be requested to transmit forthwith, to our Senators and Representatives in Congress, one copy each of the foregoing resolutions.

The said resolutions were read, and on motion of Mr. Swanner, laid on the table till the third Monday in November next—yeas 70, nays 45. The yeas and nays demanded by Mr. Craige,

Those who voted in the affirmative, were Messrs. Albritton, G. H. Alexander, Allison, Battle, Bedford, Boddie, Bragg, Braswell, Brown, Bynum, Byrum, Cansler, Carter, Clarke, Coor, Cotten, Davenport, Deyton, Fitzrandolph, Foreman, Foushee, Frink, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Hartly, Haywood, Hoke, J. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, Latham, Lee, Lyon, Marsteller, M'Lean, Perry, Potts, Powell, Reddick, Register, Roebuck, Sloan, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tomlinson, Wadsworth, Walker, Watson, Waugh, Welch, Willey, J. Williams, Williamson, Witcher, Ziglar.

Those who voted in the negative were Messrs. R. H. Alexander, Baker, Barringer, Bell, Blatchford, Bray, Brummell, Craige, Crump, Dudley, Fleming, Gorrell, Graham, Harper, Henderson, Henry, W. Horton, Howard, King, Kittrell, Lilly, Lindsay, Long, Loudermilk, Manly, Manney, Martin, Mathews, Monk, Mullen, M'Cleese, Norcum, Ousby, Outlaw, Perkins, Poindexter, Rush, Seawell, Slade, Smallwood, G. Smith, Tillet, Weaver, Williams of Greene, Williams of Richmond.

Mr. Outlaw presented a resolution in favor of Lewis Bond, late sheriff of Bertie; which was read the first, second and third times, two thirds of the House concurring, passed and ordered to be engrossed.

Mr. R. H. Alexander presented a bill to enable any two of the judges of the Supreme Court to hold the same; which was read the first time and passed.

Mr. Norcum presented a resolution in favor of the Engrossing clerks, allowing them fifty dollars for the purpose of employing additional clerks, for the balance of the session; Mr. Loudermilk moved to amend by striking out "fifty," and inserting "twenty." The question on Mr. Loudermilk's motion, was decided in the affirmative—yeas 97, nays 5. The yeas and nays demanded by Mr. Loudermilk,

Those who voted in the affirmative were, Messrs. Albritton, Allison, Barringer, Battle, Bedford, Bell, Blalock, Boddie, Braswell, Bray, Bynum, Byrum, Cansler, Carter, Clarke, Coor, Cotten, Crump, Davenport, Deyton, Dudley, Fitzrandolph, Fleming, Foreman, Foushee, Gorrell, Graham, Guinn, Gwyn, Hamrick, Hawkins, Harper, Harris, Harrison, Hartley, Haywood, Henry, W. Horton, J. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, Kenan, King, Kittrell, Latham, Lee, Lindsay, Locke, Loudermilk, Lyon, Manney, Marsteller, Martin, Mathews, Monk, Mullen, M'Lean, M'Neill, M'Pherson, Ousby, Perry, Poindexter, Powell, Riddick, Register, Roebuck, Rush, Seawell, Slade, Smallwood, G. Smith, J. L. Smith, S. Smith, Stockard, Swanner, Swindell, Tatham, Taylor, Tillet, Tomlinson, Wadsworth, Walker, Watson, Waugh, Weaver, Welch, Willey, J. Williams, Williams of Greene, Williams of Richmond, Witcher, Ziglar.

Those who voted in the negative were, Messrs. R. H. Alexander, Blatchford, Bragg, Frink, Manly.

The said resolution as amended, was thereupon read the first, second and third times, passed, and ordered to be engrossed.

On motion, leave of absence from the service of the House for the residue of the session, was granted to Mr. Howard after to-morrow; and to Messrs. Crump and Kittrell after Friday next.

The bill supplemental to an act, passed at the present session, entitled an act concerning a Convention to amend the Constitution of the State of North Carolina, was read the second time. Mr. Houlder moved that the following clause be stricken out, viz. "To provide that the salaries of the judges shall not be diminished during their continuance in office. The question on the adoption of this amendment, was decided in the negative—yeas 42, nays 66. The yeas and nays demanded by Mr. Foushee,

Those who voted in the affirmative, were Messrs. Allison, Bedford, Braswell, Byrum, Carter, Coor, Cotten, Deyton, Fitzrandolph, Foushee, Guinn, Gwyn, Hamrick, Hawkins, Harris, Houlder, Hutchison, Irion, R. Jones, Judkins, Lee, Lyon Mullen, M'Neill, Riddick, Register, Roebuck, Rush, G. Smith, J. L. Smith, S. Smith, Stockard, Tillet, Tomlinson, Wadsworth, Walker, Weaver, Welch, Willey, Jacob Williams, Williams of Richmond, Ziglar.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Barringer, Battle, Bell, Blatchford, Blalock, Boddie, Bragg, Brandon, Bray, Brummell, Bynum, Cansler, Clement, Craige, Crump, Davenport, Dudley, Fleming, Foreman, Frink, Gorrell, Graham, Harper, Hartley, Haywood, Henderson, Henry, W. Horton, Howard, W. Jones, Jordan, Kenan, King, Kittrell, Latham, Lindsay, Locke, Loudermilk, Manly, Manney, Marsteller, Martin, Matthews, M'Cleese, M'Lean, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Perry, Poindexter, Potts, Powell, Seawell, Smallwood, Swanner, Swindell, Tatham, Waugh, Williams of Greene, Williamson, Witcher.

The said bill was amended in several particulars on the motions of Messrs. Gorrell, Haywood and Outlaw, and the question, shall the said bill pass the second reading? was decided in the affirmative—yeas 75, nays 36. The yeas and nays demanded by Mr. Allison,

Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Baker, Barringer, Battle, Bell, Blatchford, Blalock, Boddie, Bragg, Brandon, Bray, Brummell, Byrum, Cansler, Clement, Craige, Crump, Deyton, Dudley, Fleming, Foreman, Gorrell, Graham, Guinn, Gwyn, Hawkins, Harper, Harris, Harrison, Hartly, Henderson, Henry, W. Horton, Howard, Hutchison, Judkins, Kenan, King, Kittrell, Latham, Lindsay, Locke, Long, Loudermilk, Lyon, Manly, Manney, Marsteller, Martin, Mullen, M'Cleese, M'Lean, Norcom, Ousby, Outlaw, Perkins, Perry, Poindexter, Powell, Rush, Slade, G. Smith, J. L. Smith, Swanner, Tatham, Walker, Waugh, Weaver, Jacob Williams, Williams of Greene, Williams of Richmond, Williamson, Ziglar.

Those who voted in the negative, were Messrs. Allison, Bedford, Bynum, Carter, Clarke, Coor, Cotten, Davenport, Fitzrandolph, Foushee, Frink, Hamrick, Haywood, J. Horton, Houlder, Irion, R. Jones, Lee, Matthews, M'Neill, M'Pherson, Riddick, Register, Roebuck, Smallwood, S. Smith, Stockard, Swindell, Taylor, Tillet, Tomlinson, Wadsworth, Watson, Welch, Willey, Witcher.

The said bill was thereupon again read on motion, the third time and passed. Ordered that the concurrence of the Senate be asked in the amendments made by this House.

The engrossed bill for the better regulation of the militia of Macon county, was read the second and third times, passed, and ordered to be enrolled.

The bill to prohibit sheriffs and their deputies from executing the office of constables in civil cases, was read the second time and passed. The said bill was again read the third time and rejected—yeas 50, nays 51.—The yeas and nays demanded by Mr. Hutchison,

Those who voted in the affirmative, were Messrs. Allison, Battle, Blatchford, Boddie, Bynum, Byrum, Coor, Cotten, Deyton, Dudley, Fleming, Foushee, Frink, Guinn, Hawkins, Harris, Haywood, Henry, J. Horton, Houlder, R. Jones, W. Jones, Jordan, Kenan, Kittrell, Lee, Lindsay, Manney, Marsteller, Martin, Mullen, M'Lean, Ousby, Perkins, Perry, Powell, Register, Roebuck, Slade, Smallwood, S. Smith, Stockard, Swanner, Swindell, Taylor, Watson, Waugh, Weaver, Witcher, Ziglar.

Those who voted in the negative, were Messrs. Albritton, G. H. Alexander, Baker, Barringer, Bedford, Bell, Blalock, Brandon, Bray, Brummell, Cansler, Carter, Clement, Craige, Fitzrandolph, Foreman, Correll, Graham, Gwyn, Hamrick, Harper, Harrison, Hartly, W. Horton, Hutchison, Irion, Judkins, King, Latham, Loudermilk, Lyon, Manly, Mathews, M'Cleese, M'Neill, M'Pherson, Outlaw, Poindexter, Riddick, Rush, G. Smith, J. L. Smith, Tatham, Tillet, Wadsworth, Walker, Welch, Willey, Jacob Williams, Williams of Greene, Williams of Richmond.

The House then adjourned until 3 o'clock, P. M.

The House re-assembled pursuant to adjournment.

The bill to amend an act, entitled an act for the better observation and keeping of the Lord's Day, commonly called Sunday, and for the more effectual suppression of vice and immorality, passed in the year 1741, chapt. 30, was read, and, on motion of Mr. Barringer, indefinitely postponed.

The engrossed bill fixing the punishment for the crime of bigamy, was read the second time and rejected.

The engrossed bill regulating costs in certain cases, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendments.

On motion, leave of absence from the service of the House from and after Friday next, for the residue of the session, was granted to Messrs. Riddick, Willey, Matthews, and Ousby.

Mr. Barringer presented a bill amending the act of the last session of the General Assembly, entitled an act to regulate the times of holding the superior courts in the sixth judicial circuit; which was read the first time and passed.

The bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians, was read, and, on motion of Mr. Craige, postponed indefinitely.

Mr. Haywood presented a resolution in favor of Edward Rigsbee; which was read the first, second, and third times, passed, and ordered to be engrossed.

The engrossed bill giving compensation to sheriffs and coroners for executing writs of *capias ad satisfaciendum* in certain cases; and the bill concerning divorces, were read the second time and passed.

The engrossed resolution providing for the compiling and publishing a list of all the names and grade of officers, of ensigns and superior officers, who served during the revolutionary war, or were killed in service, was read, and, on motion of Mr. Poindexter, indefinitely postponed.

The engrossed bill defining the duty of the county court in appointing patrols, and the duty of patrols, was read the second time, and, on motion of Mr. Swanner, laid on the table until the third Monday in November next.

The bill amendatory of the act of 1833, concerning the injury done by the erection of mills, was read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, JANUARY 8, 1835.

On motion, leave of absence from the service of the House, from and after to-day, was granted to Mr. Lilley, and after to-morrow, to Mr. Welch, for the residue of the session.

The bill prescribing in what manner copies of administration or returns of property of deceased persons in another State shall be made in evidence, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Mattamuskeet canal and Rose-Bay Turnpike Company, was read the third time, passed, and ordered to be enrolled.

The resignation of the Hon. Henry Seawell, as a commissioner for re-building the Capitol, was presented, read, and accepted.

The bill amendatory of the act of 1833, concerning the injury done by the erection of mills; the bill concerning divorces; and the bill concerning the Wardens of the Poor, was read the third time and passed, and ordered to be engrossed.

The engrossed bill, giving compensation to sheriffs and coroners for executing writs of *capias ad satisfaciendum* in certain cases, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to authorize the Governor to procure a new great seal, for the use of this State, was read the third time and passed. Ordered that the concurrence of the Senate be asked in the amendment heretofore made.

Mr. McNeill, from the committee on claims, to whom was referred the message of the Governor, relating to the apprehension of John Sugg, a fugitive from this State, made a report thereon, accompanied by a resolution in favor of Richard W. Ashton; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to establish the Merchants' Bank of the town of Newbern, with certain amend-

ments, and asking the concurrence of this House. The said amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the town of Bath, in Beaufort county, with amendments, and asking the concurrence of this House. The amendments were read and agreed to.

A message from the Senate, informing that they had postponed indefinitely, the engrossed bill authorizing the freemen of the town of New Salem, in Randolph county, to elect a constable; and the engrossed bill to incorporate a company by the name and stile of the "Montgomery Gold Mining Company."

The resignation of R. M. Saunders, as a commissioner for re-building the Capitol, received from the Senate, was read and accepted.

Mr. Dudley presented a bill appointing commissioners for re-building the State Capitol; which was read the first, second, and third times; two thirds of the House concurring, passed, and ordered to be engrossed.

The bill to enable any two of the Judges of the supreme court to hold the same, was read the second and third times, amended on Mr. Battle's motion and passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill supplemental to an act for the relief of debtors for debts which may be contracted after the first day of May next, passed in the year 1822; a bill to authorize a subscription on the part of this State to the capitol stock of the Oconalufy Turnpike Company; a bill to authorize Wiley Roberts to build a bridge across Deep river; a bill to extend the limits of the city of Raleigh; resolution in favor of the heirs at law, of Jeremiah Bullock, deceased; and a resolution in favor of Charles M'Cleese, agent of Ephraim Mann, deceased; and asking the concurrence of this House. The said bills and resolutions were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend an act passed in the year 1805, concerning wrecks; and the engrossed resolution directing the Public Treasurer to commence suits on bonds for Cherokee lands, and asking the concurrence of this House. The said bill was read the first time, and on motion of Mr. Manly, rejected. The said resolution was, on motion of J. W. Guinn, referred to a select committee, consisting of Messrs. Guinn, Hoke, and Barringer.

On motion, leave of absence from the service of the House for the residue of the session, from and after this day, was granted to Mr. Jordan.

The resolution in favor of the heirs of William Gilliam, was read the second and third times, passed, and ordered to be engrossed:

The engrossed resolution in favor of E. W. Hancock, was read the second and third times, passed, and ordered to be enrolled.

Mr. Graham presented a bill to alter the time of holding the elections for members and for the meeting of the General Assembly in the year 1835; which was read the first time and passed

The resolution in favor of Allen Jones, was read the second and third times, passed, and ordered to be engrossed. On the passage of the said resolution on its third reading, Mr. Bynum called for the yeas and nays, and the vote was—yeas 62, nays 31.

Those who voted in the affirmative, were Messrs. R. H. Alexander, Allison, Barringer, Bell, Bragg, Brandon, Braswell, Bray, Brummell, Cansler, Carter, Clarke, Cotten, Craige, Crump, Dockery, Dudley, Fleming, Foushee, Frink, Graham, Guinn, Gwyn, Hawkins, Harris, Hartley, Haywood, W. Horton, J. Horton, Hutchison, Irion, R. Jones, W. Jones, Kenan, King, Latham, Lindsay, Locke, Loudermilk, Manly, Manney, Martin, M'Lean, Norcum, Ousby, Perkins, Perry, Poindexter, Riddick, Rush, Seawell, G. Smith, Swanner, Tatham, Tillett, Waugh, Weaver, Jacob Williams, Williams of Greene, Williamson, Witcher, Ziglar.

Those who voted in the negative, were Messrs A Britton, Battle, Bedford, Blatchford, Blalock, Bynum, Byrum, Coor, Davenport, Deyton, Fitzrandolph, Harper, Houlder, Judkins, Lyon, Mullen, M'Neill, M'Pherson, Powell, Register, Roebuck, Smallwood, Stockard, Swindell, Taylor, Tomlinson, Wadsworth, Watson, Welch, Willey, Williams of Richmond.

The engrossed resolution to print a bill, intitled a bill to provide a fund for the establishment of free schools in the State of North Carolina, and append the same to the acts of Assembly, was read the second and third times and passed, and ordered to be enrolled.

The engrossed resolution authorizing the Public Treasurer to borrow money on behalf of the State, for certain purposes therein mentioned was read the second and third times, passed, and ordered to be enrolled.

The resolution in favor of Micajah Hicks, was read the second and third times, passed, and ordered to be engrossed.

The bill to provide for a fair valuation of lands in this State, and prescribing the mode in which the said lands and other taxable property shall be given in by the owners thereof for taxation, was read, and, on motion of Mr. Willey, laid on the table until 3d Monday in November next.

The engrossed resolution, authorizing the Governor to procure and transmit, the acts of Assembly in certain cases therein named, and for other purposes, was read the second time and rejected.

The engrossed bill to prohibit hauling of seines or dragnets within two miles of certain bars and inlets within the State, was read the second time, amended and passed, and on motion of Mr. Norcom, referred to a select committee, consisting of Messrs. Norcom, and M'Cleese. The said bill was subsequently reported by Mr. Norcom, read the third time as amended, and passed. Ordered that the concurrence of the Senate be asked in said amendments.

The resolution in favor of the door-keepers was read. Mr. Taylor moved that said resolution be postponed indefinitely. The question thereon was decided in the negative—yeas 3, nays 98. The yeas and nays demanded by Mr. Taylor,

Those who voted in the affirmative, were Messrs. Bynum, Carter, Taylor.

Those who voted in the negative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Allison, Baker, Barringer, Battle, Bedford, Bell, Blatchford, Blalock, Boddie, Brandon, Braswell, Bray, Brummell, Byrum, Cansler, Cotten, Clarke, Craige, Crump, Davenport, Deyton, Dudley, Fitzrandolph, Fleming, Foreman, Foushee, Frink, Gorrell, Graham, Guina, Gwyn, Hamrick, Hawkins, Harper, Harrison, Hartley, Haywood, Henderson, W. Horton, J. Horton, Houlder, Hutchison, Irion, R. Jones, W. Jones, Jordan, Judkins, King, Kittrell, Latham, Lee, Lindsay, Locke, Loudermilk, Lyon, Manly, Manney, Martin, Matthews, Mullen, M'Cleese, M'Pherson, Norcom, Ousby, Outlaw, Perkins, Perry, Poindexter, Potts, Powell, Riddick, Register, Roebuck, Rush, Seawell, Slade, Smallwood, G. Smith, J. L. Smith, Stockard, Swanner, Tatham, Tomlinson, Wadsworth, Watson, Waugh, Weaver, Welch, Willey, Jacob Williams, Williams of Greene, Williams of Richmond, Williamson, Witcher, Ziglar.

The said resolution was thereupon read the second and third times, passed, and ordered to be enrolled.

On motion, leave of absence from and after to-morrow, was granted to Mr. Dudley.

The engrossed bill concerning the Plymouth Turnpike Company, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendments.

The bill to alter the time of holding the elections for members, and for the meeting of the General Assembly in the year 1835 was read, and on motion of Mr. King, laid on the table till the third Monday in November next—yeas 65, nays 38. The yeas and nays demanded by Mr. Tomlinson,



Those who voted in the affirmative, were Messrs. Albritton, R. H. Alexander, G. H. Alexander, Battle, Blatchford, Blalock, Bragg, Bray, Bynum, Byrum, Carter, Clarke, Coor, Cotten, Crump, Davenport, Deyton, Dockery, Fitzrandolph, Fleming, Foreman, Foushee, Frink, Hawkins, Harper, Harrison, J. Horton, Houlder, Irion, R. Jones, Judkins, Kenan, King, Lee, Lindsay, Loudermilk, Lyon, Manly, Mullen, M'Cleese, M'Lean, M'Pherson, Outlaw, Perkins, Perry, Potts, Powell, Register, Roebuck, Rush, Slade, Smallwood, J. L. Smith, Swanner, Swindell, Taylor, Tillet, Tomlinson, Wadsworth, Watson, Weaver, Welch, Williams of Greene, Williams of Richmond, Witcher.

Those who voted in the negative, were Messrs. Allison, Baker, Barringer, Bedford, Bell, Boddie, Brandon, Braswell, Brummell, Cansler, Clement, Craige, Dudley, Gorrell, Graham, Guion, Gwyn, Hamrick, Harris, Hartly, Haywood, Henderson, W. Horton, Hutchison, W. Jones, Kittrell, Latham, Locke, Martin, Matthews, Ousby, Poindexter, G. Smith, Stockard, Tatham, Waugh, J. Williams, Ziglar.

The bill authorizing the entering of the unsurveyed lands acquired by treaty from the Cherokee Indians; which was indefinitely postponed yesterday, was, on motion of Mr. Barringer, reconsidered and laid on the table.

The House then adjourned until 4 o'clock P. M.

The House met pursuant to adjournment.

On motion, leave of absence from the service of the House from and after tomorrow, was granted to Mr. Hoke.

On motion, Mr. Manney obtained leave to withdraw from the files of the House, certain papers and exhibits, by him produced before the committee on Privileges and Elections, in the case of his contested election.

The bill amending the act of the last session of the General Assembly, entitled an act to regulate the times of holding the superior courts in the sixth Judicial circuit, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to repair, alter, and amend the road leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line, on the Blue ridge, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, concurring in the several amendments made by the House of Commons, to the engrossed bills, entitled a bill regulating courts in certain cases; a bill for the better regulation of the county and superior courts of the counties of Rutherford and Buncombe; and a bill to authorize Thomas J. Pasteur, of Craven county, to keep a ferry in said county, and for other purposes.

The engrossed bill to repair, alter, and amend the road leading from Holeman's ford to the Deep Gap, was read the second time, and on motion of Mr. King, indefinitely postponed.

The bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to authorize Willey Roberts to build a bridge across Deep river, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Northampton Manufacturing Company, was read the second time and passed.

On motion, leave of absence from the service of the House from and after tomorrow, for the residue of the session, was granted to Mr. Clement.

The engrossed bill to extend the limits of the City of Raleigh, was read, and, on motion of Mr. Graham, indefinitely postponed.

The bill to authorize and empower the county court of Yancy county, to alter the dividing line between the two regiments of North Carolina militia in said county, was read the second and third times, passed, and ordered to be engrossed.

The question on the third reading of the bill to repair, alter, and amend the road leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line, on the Blue Ridge was, on motion of Mr. Register, reconsidered; when the said bill was again read the third time and indefinitely postponed.

The engrossed bill to repeal an act of the General Assembly, passed in 1833 entitled an act concerning the Wilkes county volunteer artillery company, was read the second and third times, passed, and ordered to be enrolled.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, JANUARY 9, 1835.

The engrossed bill to incorporate the Northampton Manufacturing Company, was read the third time, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to authorize the forming a fire engine company in the town of Fayetteville; and the engrossed bill for the better regulation of the courts of pleas and quarter sessions in the county of Guilford, with amendments; and asking the concurrence of this House. The amendments were read and concurred in.

Mr. Gorrell was placed on the committee on enrolled bills, in lieu of Mr. Hoke.

On motion of Mr. Harris, ordered that the report of the select committee, on which was predicated the resolution of expulsion of Robert Potter, be entered at large on the Journals.

The select committee, to which was referred the following preamble and resolution, viz:

Whereas a report is in circulation highly injurious to the reputation of Robert Potter, a sitting member from Granville county, and derogatory to the dignity of this House, touching his conduct since he took his seat as a member of this House. Therefore,

*Resolved*, That a select committee of five be appointed, to investigate the matter, and report the facts to this House; and that said committee have power to send for persons and papers, and to examine persons on oath. Having, according to order, had the same under consideration, report:

That Robert Potter and S. W. Cotton, on the night of the 25th instant in this city, about the hour of ten, commenced a game of cards called 13 the odd, at which in about two hours, Cotton won from Potter all the money he had about him, amounting to the sum of forty dollars: the money was paid, and the game ceased. Potter then proposed to Cotton, to remain until he could get more money, and they would continue the game: which was assented to. One of the witnesses remarked to Potter, that Cotton was his superior at the game, and advised him not to play again. Potter, however, retired and in a few minutes returned with another supply of money, and the game was resumed by him and Cotton: which continued without intermission or incident, until the next morning between the hours of 9 and 10 o'clock, when Potter was again beaten and lost his last stake; making in all, including the \$40 lost in the early part of the night, the sum of \$230 or \$250, which was piled on the table before Cotton. Potter snatched the money, and thrust it into his pocket, remarking at the instant, that no rascal should win his money and chuckle in his sleeve; whereupon Cotton seized hold of Potter across the table on which they had been playing cards, a scuffle ensued, the table upset, and the parties disengaged: Potter retreated to the corner of the room and drew a pistol, and placed himself on the defensive: Cotton was unarmed; one of the witnesses interfered and remonstrated with him, and insisted that no fighting should take place there: Potter stated that he only intended to use the arms in self defence. Potter accused Cotton of having made, previously, a proposition to a man named Partain, to defraud him of money, and assigned that in justification for taking the money. Cotton denied the accusation promptly: demanded the money, which Potter refused to give up; and soon after, left the house with the money, and yet detains it. It is proper to remark that the parties present at the seizure of the money, and the scuffle, and in whose apartments the gaming took place, appear to be gamblers, and as such known to Mr. Potter. And on the evidence of these men, this report is principally made. The testimony of Partain, the person alluded to above as having given Potter information of a proposed plan by Cotton, to cheat him, (Potter) although vague and unsatisfactory in the manner of delivery, yet, go to establish the fact, that Cotton did make some such proposition to him, (Partain,) which Cotton, in his testimony, directly contradicts.

The Committee are of opinion, that the foregoing statement exhibits all the facts; which, together with affidavits of the several witnesses examined in the case, are respectfully submitted.

EDWARD B. DUDLEY, *Chairman*.

A message from the Senate, informing that they had postponed indefinitely, the following engrossed bills and resolutions, viz. A bill to exempt vessels owned in this State, under seventy-five tons burthen, entering in at Ocracoke bar, from paying pilotage; a bill to repeal an act, to amend an act passed in the year 1819,

chapter 103, entitled an act to prevent obstructions to the passage of fish up Neuse river; and also to repeal an act passed in the year 1830, chapter 102, to prevent obstructions to the passage of fish up Neuse river, Brice's Creek, and Trent river; a bill directing the manner in which lands shall be sold for taxes in the county of Washington; a bill authorizing the election of constables in Greensborough, and in Jamestown and its vicinity in the county of Guilford; a resolution in favor of John P. Jasper; and a resolution in favor of the heirs of Joseph Hale, deceased.

The bill to repeal in part, an act entitled an act, amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of tolls, passed in the year 1832; was read the second time, and on motion of Mr. Graham indefinitely postponed.

On motion of Mr. Graham,

*Resolved*, That the Secretary of State be directed to issue to Asa DeLozier and Henry Reegan, grants for three hundred acres, and one hundred acres of land according to the provisions of an act of the last session of the General Assembly, entitled an Act granting to Asa DeLozier and Henry Reegan, under certain conditions, two tracts of land upon the surveys and plots made by Joseph Henry, the agent on behalf of the State.

Mr. J. W. Guinn, from the committee on propositions and grievances, reported unfavorably on the petition in behalf of Davy Dickerson, praying to be emancipated; and asked that the committee be discharged from the further consideration of the subject. The report was agreed to.

The Resolution authorizing the Governor to employ Engineers to survey a rail road route from Beaufort to the western limits of the State, was read the second time, and on motion of Mr. Hawkins, laid on the table—yeas 46, nays 22. The yeas and nays demanded by Mr. King.

Those who voted in the affirmative were, Messrs. Albritton, G. H. Alexander, Bedford, Blalock, Boddie, Braswell, Bray, Bynum, Byrum, Carter, Clarke, Davenport, Fitzrandolph, Foreman, Frink, Guinn, Gwyn, Hamrick, Hawkins, Harris, Harrison, Houlder, W. Jones, Kenan, Lee, Lyon, M'Pherson, Norcom, Powell, G. Smith, J. L. Smith, Stockard, Swanner, Swindell, Taylor, Tillett, Tomlinson, Wadsworth, Walker, Watson, Weaver, J. Williams, Williams of Greene, Williams of Richmond, Witcher, Ziglar.

Those who voted in the negative were, Messrs. Allison, Barringer, Battle, Brummell, Crump, Deyton, Fleming, Gorrell, Graham, Haywood, Henry, W. Horton, King, Lindsay, Martin, Poindexter, Register, Rush, Tatham, Waugh, Welch, Willey.

A message from the Senate, concurring in the amendments marked A and B, proposed by the House of Commons, to the engrossed bill supplemental to an act passed at the present session, entitled an act concerning a convention to amend the constitution of the State of North Carolina, but not concurring in the proposition "to strike out the 5th provision." Ordered, that the Senate be informed that the House of Commons do *insist* on their said amendment.

A message from the Senate, proposing that a committee of conference be appointed on the disagreeing votes of the two Houses on said amendment, and informing that Messrs. Sawyer, Wilson, Beard, Edmonston and Wyche, form their branch of said Committee. The proposition of the Senate was agreed to, and Messrs. Graham, Gorrell, Haywood, Battle and Barringer, appointed to compose said committee on behalf of the Commons. The engrossed Resolution directing the Public Treasurer to commence suits on bonds for Cherokee lands, was reported by Mr. Poindexter, from the select committee to which it had been referred with amendments; when the said bill was read the second time, amended and passed.

The bill for arming volunteer companies; and the bill to authorize the president and directors of the Literary fund, to sell certain portions of the swamp lands; were each read the second and third times, passed, and ordered to be engrossed.

The engrossed Resolution in favor of Charles M'Cleese, agent of E. Mann deceased, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, concurring in the several amendments heretofore made in this House, to the engrossed bill to authorize the Governor to procure a new great seal for the use of the State: also to the engrossed bill concerning the Plymouth Turnpike Company; and the engrossed bill to prohibit hauling seines or drag nets within two miles of certain Bars and Inlets within this State.

The bill to repeal part of an act passed in 1819, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government, was read the second time, and on motion of Mr. Battle postponed indefinitely.

The engrossed bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancey, was on motion of Mr. Hawkins indefinitely postponed.

The engrossed bill supplemental to an act, entitled an act for the relief of debtors for debts which may be contracted after the first day of May 1823; was read the second time and rejected.

The engrossed bill, giving the county courts of this State authority to abolish the offices of county trustee and treasurer or commissioner of public buildings, was read, and on motion of Mr. Loudermilk postponed until the 3d Monday of November next

The bill to authorize the Governor of this State, to subscribe for and on behalf of the same, 1000 shares of the capital stock of the Cape Fear Yadkin and Pee-dee rail road company, and to pay for said stock in the manner hereinafter directed; was on motion of Mr. Boddie laid on the table.

The engrossed bill to authorize a subscription upon the part of this State, to the capital stock of the Oconalufy Turnpike Company; was read, and on motion of Mr. Hawkins, laid on the table.

The bill to encourage the discovery of mines in this State, was read, and on motion of Mr. J. W. Guinn, laid on the table.

The House then adjourned till 4 P. M.

The House met pursuant to adjournment.

Received from the Senate a message, informing that they recede from their disagreement to the amendment proposed by the House of Commons to the engrossed bill supplemental to an act, passed at the present session, entitled an act concerning a Convention to amend the Constitution of the State of North Carolina. Ordered that said bill be enrolled.

Mr. Barringer presented a bill concerning the publication of the acts relative to a Convention, and the payment thereof by the Governor; which was read the first, second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they have rejected the engrossed bill to amend and explain the several sections of an act, passed in 1833, entitled an act, directing the manner in which constables shall hereafter be appointed in this State; the resolution in favor of Asa Delozier and Henry Reagan, was read the second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed resolution directing the report of the committee of Finance, to be appended to the acts of the General Assembly; and the resolution in favor of Caleb Barco, and asking the concurrence of this House. The said resolutions were read the first, second and third times, passed, and ordered to be enrolled.

Mr. Seawell asked and obtained leave to withdraw from the files of the House, the papers and exhibits appertaining to his contested election.

A message from the Senate, informing that they had passed the engrossed resolution in favor of Micajah Hicks, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in.

A message from the Senate, informing that they had postponed indefinitely the following engrossed bills and resolution, viz. The bill to establish the Merchants' and Farmers' Bank, in the town of Washington; the bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians; the bill to repeal an act, passed in 1826, to reduce the license of pedlars on the South side of the Albemarle Sound; the bill providing for the temporary appointment of registers in certain cases; the bill concerning coroner's fees; the bill authorizing the county court of Granville, to make allowances in certain cases; and the resolution in favor of Allen Jones.

Mr. McNeill, from the committee on Claims to whom was referred the resolution in favor of R. M. Saunders, reported favorably thereon, and the said resolution was read the second and third times, passed, and ordered to be engrossed.

The engrossed resolution directing the Public Treasurer to commence suits on bonds for Cherokee lands, was read the third time and passed.— Ordered that the concurrence of the Senate be asked in the amendment heretofore made.

Mr. R. H. Alexander presented a resolution directing the Public Treasurer to pay certain monies to certain agents therein named; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. King, the two engrossed bills yesterday rejected by the House, viz. The bill to repair, alter and amend the road leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line on the Blue Ridge: and the bill to repair, alter and amend the road leading from Holeman's ford, to the Deep Gap, were reconsidered, when the said bills were again read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they have rejected the engrossed bill for arming Volunteer Companies.

The House then adjourned until to-morrow morning 6 o'clock.

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SATURDAY, JANUARY 10, 1835.

Received from the Senate, a message proposing to rescind the joint resolution adopted by both Houses to print fifty copies of the Convention bill for each member. The message was read, and on motion of Mr. Haywood, laid on the table.

A message from the Senate, proposing that the bill supplemental to the act passed at the present session, entitled an act concerning a Convention to amend the constitution of the State of North Carolina, be printed in connection with said act. The proposition was concurred in.

A message from the Senate, concurring in the amendment proposed by the House of Commons, to the engrossed resolution directing the Public Treasurer to commence suits on bonds for Cherokee lands. Ordered that said resolution be enrolled.

Mr. Lyon presented a resolution, directing the payment of certain money granted to Owen Carroll; which was read the first, second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of James Wellborn, and asking the concurrence of this House. The said resolution was read the first second and third times, passed and ordered to be enrolled.

On motion of Mr. Barringer, ordered, that a message be sent to the Senate proposing to ballot immediately for a superintendent of public works, and informing that James Wyche is nominated for the appointment. A message from the Senate concurring in this proposition, and informing that Messrs. Caldwell and Mast compose their balloting committee. Ordered, that Messrs. Cotten and Allison form this committee on behalf of the Commons.

A message from the Senate, informing that they had passed the engrossed resolution in favor of Romulus M. Saunders, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

Mr. Allison, from the committee appointed to conduct the balloting for a superintendent of public works, reported that James Wyche was duly elected. The report was concurred in.

Received from the Senate a message, informing that they had adopted a resolution directing that the Public Printer be employed to print the bills passed at the present session, relative to a State Convention. The said resolution was read, and on motion of Mr. Barringer laid on the table—yeas 38, nays 33. The yeas and nays demanded by Mr. Allison,

Those who voted in the affirmative, were Messrs. Albritton, G. H. Alexander, Barringer, Battle, Bedford, Bell, Blalock, Bray, Bynum, Coor, Craige, Deyton, Dockery, Gorrell, Graham, Harper, Harris, Harrison, Henderson, Henry, W. Horton, J. Horton, King, Lindsay, Loudermilk, Martin, McLean, Perkins, Poindexter, Rush, Smallwood, G. Smith, Swindell, Tillet, Watson, Weaver, Jacob Williams, Williams of Greene.

Those who voted in the negative, were Messrs. Allison, Braswell, Byrum, Carter, Cotten, Fitzrandolph, Foushee, Frink, Guinn, Gwyn, Hamrick, Hawkins, Haywood, Houlder, Hutchinson, Irion, R. Jones, W. Jones, Lee, Lyon, Powell, Register, J. L. Smith, S. Smith, Stockard, Tatham, Taylor, Tomlinson, Walker, Waugh, Williamson, Witcher, Ziglar.

Mr. Haywood, on behalf of himself and the other signers, submitted the following protest:

The undersigned members of the House of Commons exercising a right secured by the Constitution, do hereby dissent from and protest against certain resolutions relative to the public lands, which passed on the 5th day of January, 1835, and assign the following reasons:

The first resolution affirm that "any acts by which Congress shall give the public lands to the States in which they are situated, would seriously affect the prosperity of the old States, and do great injustice to those States by whom they were originally ceded to the confederacy." 2d. "That any act by which the *minimum* price at which these lands are *now* sold shall be reduced would seriously affect the prosperity of the old States, and do great injustice to those States by whom they were originally ceded to the confederacy."

These two propositions are blended together in one resolution, so that those who could not vote for both were prevented from supporting either one singly. It is undeniable that the members of the House of Commons are almost if not altogether unanimous in the opinion, that a gratuitous donation of the public lands to the States in which they may be situated, would be unjust to the other States, and would involve a breach of the public faith, whilst it was known that divisions existed among us as to the propriety of expressing the opinion contained in the second proposition before stated. Wherefore we think the majority owed it to the State not to pursue a course which precluded *unanimity* upon the first question, and it would seem that we are warranted in protesting against its combination with another and distinct proposition. The undersigned do not charge that it was designed to drive them from the support of the whole of the first resolution, by framing it so as to express one opinion upon two distinct propositions; yet, they must vindicate their own conduct by stating that after the resolutions were introduced and before they were adopted, remonstrance was vainly made against this combination of distinct questions, and all our attempts to amend were unsuccessful. The effect of it has been to force the undersigned to vote against that which they approved, in order to avoid sanctioning that which they could not approve, and it may be that some of those who compose this majority have voted in favor of that which they did not wish to

approve, in order to escape the necessity of opposing that in which they most heartily concurred. The latter conjecture will be strengthened by comparing the vote which was taken upon the motion to insert the substitute proposed by one of the undersigned, with the vote upon the final passage of these resolutions. The ground assumed upon this point is further fortified by the facts, that after it was openly stated in the debate by several of those who advocated these resolutions, that they were not intended for an *indirect* sanction of the bill, commonly called "Mr. Clay's Land Bill," but that the speakers themselves approved of the voting of that bill by the President in consequence of the preference secured by it to the new States; a motion was made to amend the second resolution in conformity with these declarations, and yet, the motion was rejected upon the assumption that they who moved the amendment were influenced by the sinister intention of defeating the resolutions, and that the amendment would not alter the meaning of the resolution as originally written.

We submit further that the view we have presented of an unnecessary connection of these two propositions in one and the same resolution, cannot be eluded upon the pretext that the price of the public lands is necessarily connected with the other question, because the price might be reduced to a nominal sum, as a means of giving these lands to the new States indirectly. For let it be remembered, the amendment proposed by one of the undersigned to the first resolution, declares that such donation, whether *direct* or *indirect*, would be a breach of public faith.

The reasons for which the undersigned could not approve of the second proposition contained in the first resolution, are shortly these:

The subject is one of great difficulty, and is well calculated to perplex the honest enquirer under circumstances the most favorable for investigation, and yet, the General Assembly of North Carolina were called upon to act at a late period of the session, without any report from the joint select committee to whom it had been referred by both Houses, whilst no good reason could be given for a speedy determination of it by this body. All agree that it is a matter upon which the Legislature of a State cannot *enact laws*, but that it can only *advise* the Federal Government. We might, it is true, impetuously follow the dictates of our pecuniary interests only, and readily conclude upon the course which that interest alone indicates; but every one must perceive that the same rule of action being adopted by the new States will inevitably produce collisions: that if *we* advise Congress to regulate the price of the public lands to suit the interests and prosperity of the old States only, so may the new States demand that *their* interests and *their* advancement shall be exclusively consulted. The right of the latter to give their instructions is as perfect as ours. At last, then, it must devolve upon Congress to legislate upon this subject, with a view to the rights, interests, honor, and prosperity of *all the States*.

The undersigned do not undertake to determine that the price of our public lands is too high or too low, but in either case the reason assigned in this resolution of advice to Congress is, in our judgment, unworthy of our State, and unsuited to the character she has always deserved, and always maintained for her devoted and patriotic attachment to the *Union* of the States,—an Union which cannot be preserved, if each member of it act upon the principle that her individual interest and prosperity must be exclusively recognized by the national councils.

The injury to our prosperity, which, it was mainly urged, (in the debate on these resolutions,) a reduction in the price of our public lands would produce, is, that it would *increase emigration from North Carolina to the Western States*. Now this may or may not be true; but if true, does it form a just consideration, by which the Congress of the United States are to be influenced in regulating the price of the public lands? And if it were so, who can pretend that it is one of such promineny as to shut out all others from their view? To us it appears almost self evident, that supposing the reason to be good, the conclusion which follows from it must be, that the price of the public lands ought to be increased, nay, that *our land offices ought to be closed!* Moreover, if it were conceded that the prosperity of the new States injuriously affects the interest of the old ones by withdrawing a portion of their population, we more than doubt the honor or justice of instructing our Representatives in Congress, who convene to legislate for *all*, the western as well as the eastern, northern and southern States, to contract the sphere of their political observation, within bounds narrower than the *whole Union*; and to look at the interest and prosperity of a part only. We deprecate such a course as selfish and unpatriotic, and we protest against it as having a tendency to create dangerous jealousies, and kindle the most invidious feelings among the States. It treats the new States as if they were foreign governments, by regarding their prosperity, and their honor, and their glory, as so many impediments to our own elevation.

We do not, indeed, admit the propriety ordinarily of sacrificing the rights of North Carolina, for promoting the interests of other sections of the country; but we likewise protest against the envious demand of regarding our interests alone, without respect to the rights of others. Not to enlarge more upon this topic, we earnestly ask with what decency can the representatives of North Carolina denounce the selfish motives, upon which alone rests this unfounded claim of a new State to the exclusive enjoyment of the common property of the Union, whilst

the very grounds upon which we require them to resist that claim, are neither less ignoble nor more disinterested? If our representatives must regulate the price of the public lands, so as to retard the settlement of the new States, because it is *our interest to do it*, will not the new States be exonerated for claiming the exclusive ownership of the lands, because it is *their interest to do it*?

Further, we protest against the second resolution: Because, after asserting that the public debt is paid, it erroneously concludes that, *therefore*, a distribution of the public lands ought to be made among all the States: Because, it requires that distribution to be made absolutely, and without reference to the situation of our national finances. No matter what may be the exigencies of the nation, no matter what the circumstances of the country, (so far as this resolution is concerned,) the stream of wealth which flows from this source of our national revenue is to be diverted from the National Treasury, and distributed among the States. Even though there shall be a want for money to meet the legitimate expenditures of the Federal Government, it must not be supplied from the proceeds of the public lands—these must go to the States, and the National Treasury must be replenished by additional taxes, or by creating a national debt! Because, some of our purest and ablest statesmen have well doubted the constitutional power of Congress, to become in any form the dispensers of public money or other bounties to the States, and this resolution not only acknowledges the right, but enjoins it upon Congress to exercise the doubtful power. Hence, too, some States which esteem their political principles higher than “filthy lucre,” would be constrained to refuse an acceptance of its proposition, whilst those which entertain different opinions would take theirs, and others again might barter their principles to secure a share of the spoils.

The undersigned refer to the substitute, which was offered by one of them as an amendment to this resolution, and they confidently rely upon the judgment of an impartial people, that it affords a double guaranty against the dangers of corruption, from the unnecessary accumulation of national revenue on the one hand, and the fear of usurpation in the exercise of ungranted or doubtful powers by the Federal Government, on the other.

Finally, we protest against these resolutions, being considered as instructions to our Senators, which in our judgment they would be, if disconnected from the circumstances under which they passed the House of Commons. Because, it was distinctly avowed in debate by some of those who advocated the passage of the resolutions, that they were not “instructions to our Senators,” and this was acquiesced in by the silence of nearly all, if not every other member of the majority. Because, a large proportion of the members of the House of Commons, who had during this session, *denied* the right of the General Assembly to instruct the Senators, yet voted in favor of these resolutions. Because, these resolutions were introduced, and the vote was finally taken, at a late period of the session, and after many members had obtained leave of absence, and many others were not present to vote.

HOUSE OF COMMONS, 10TH JANUARY, 1835.

(Signed) *William H. Haywood, Jr. Philip Irion, Blake W. Braswell, John E. Brown, L. A. Gwyn, Isaac Carter, James M. Hutchison, Thomas Tatham, S. Register, Turner Pynum, J. L. Smith, O. R. Kenan, Tho's J. Judkins, L. H. Marsteller, Wm. Foushee.*

Ordered, that a message be sent to the Senate, informing that the House of Commons having acted on all the public business before them, are now ready to adjourn without day.

A message from the Senate, informing that they also are ready to adjourn without day.

Mr. Barringer presented the following resolution, which was unanimously adopted.

*Resolved.* That the thanks of this House be tendered to William J. Alexander, Esquire, the Speaker thereof, for the able, impartial and prompt manner in which he has discharged the duties of the Chair, during the present session.

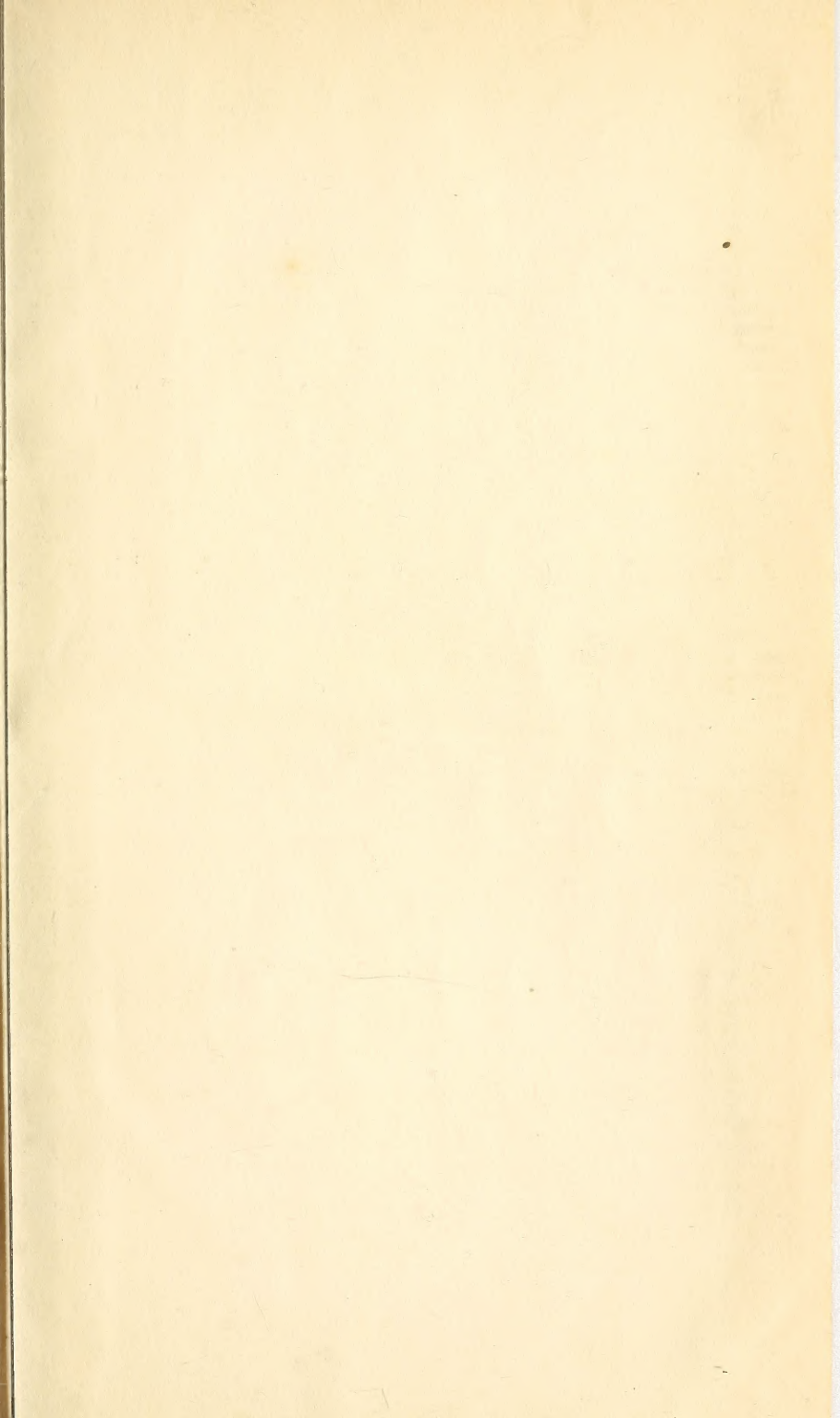
Whereupon, the Speaker made his acknowledgements to the House in an appropriate address, and adjourned the same *sine die*.

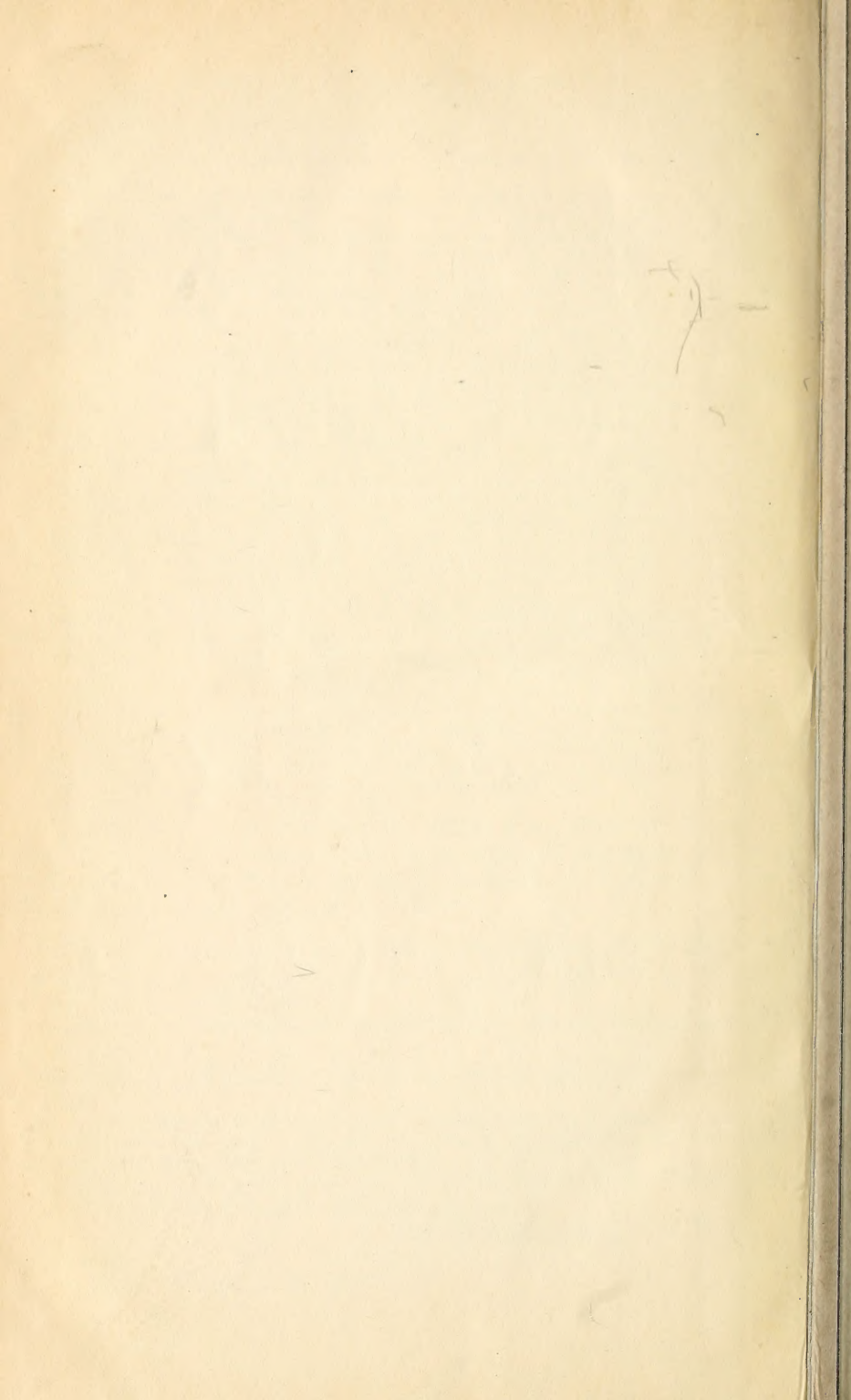
WM. J. ALEXANDER, S. H. C.

By order,

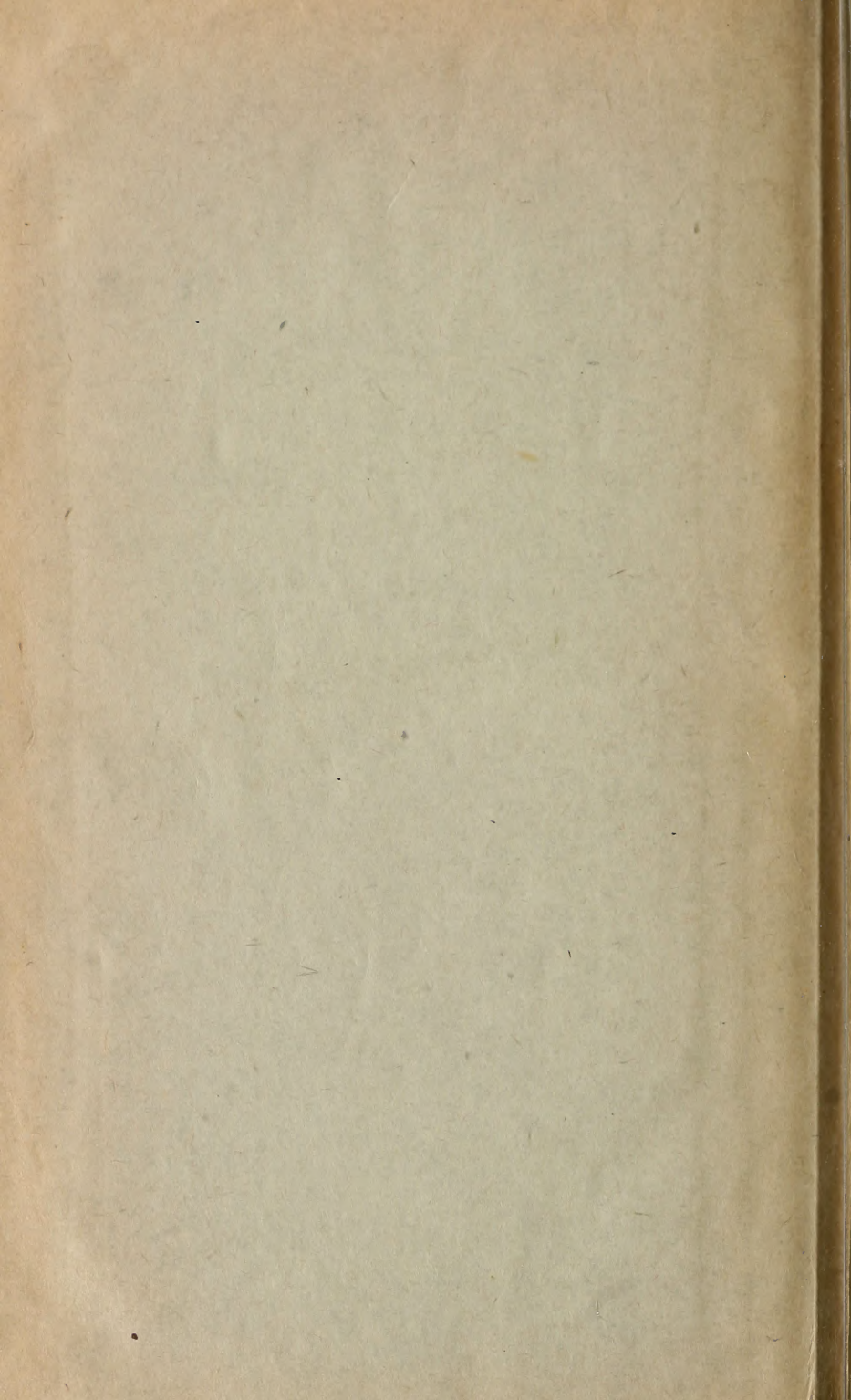
CHAS. MANLY, C. H. C.







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