

JOURNALS

OF THE

SENATE & HOUSE OF COMMONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH-CAROLINA.

AT THE

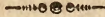
SESSION OF 1828-29.

RALEIGH:

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JOURNAL OF THE SENATE.



At a General Assembly, 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 twenty-eight, and in the fifty-third year of the Independence of the United States of America, it being the first Session of this 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*, Clement Marshall,
Ashe, John Hardin,
Beaufort, James O. K. Williams,
Bertie, George O. Askew,
Bladen, Malcom M'Innis,
Brunswick, Jacob Leonard,
Buncombe, Athan A. M'Dowell,
Burke, Merritt Burgin,
Cabarrus,
Camden, Haywood S. Bell,
Carteret, Otway Burns,
Caswell,
Chatham, Joseph Ramsey,
Chowan, William Walton,
Columbus,
Craven, Richard D. Spaight,
Cumberland, Arch'd M'Dearmid,
Currituck, Samuel Salyear,
Davidson, John M. Smith,
Duplin, Stephen Miller,
Edgecomb, Louis D. Wilson,
Franklin, Henry J. G. Ruffin,
Gates, Abraham Harrell,
Granville, Thomas T. Hunt,
Greene, Jesse Speight,
Guilford, Jonathan Parker,
Halifax, Isham Mathews,
Haywood, Thomas Love,
Hertford, David O. Askew,
Hyde, Littlejohn Pugh,
Johnston,
Jones, Risten M. M'Daniel,

From *Tredell*, Abner Franklin,
Lenoir, Hardy B. Croom,
Lincoln, Michael Reinhardt,
Martin, Joseph J. Williams,
Mecklenburg, William Davidson,
Montgomery, Edmund Deberry,
Moore, Alexander M'Neill,
Nash, Willis W. Boddie,
New-Hanover,
Northampton, John H. Patterson,
Onslow, Edward Ward,
Orange, James Mebane,
Pasquotank, John L. Bailey,
Perquimons, Willis Riddick,
Person, Maurice Smith,
Pitt, John Joiner,
Randolph, Alexander Gray,
Richmond, Tryam M'Farland,
Robeson, Archibald M'Eaclin,
Rockingham, Edward T. Brodnax,
Rowan, John Scott,
Rutherford, Martin P. Shuford,
Sampson, Hardy Royal,
Stokes, Emanuel Shober,
Surry, Meshack Franklin,
Tyrrell, John B. Beasley,
Wake, Charles L. Hinton,
Warren, Richard Davis,
Washington, Samuel Davenport,
Wayne, Gabriel Sherard,
Wilkes, James Wellborn.

A quorum, consisting of a majority of the whole number of members, being present, on motion of Mr. Mathews, the Senate proceeded to the choice of a Speaker. Whereupon, Mr. Mathews nominated for that appointment Jesse Speight, the Senator from the county of Greene; on motion of Mr. Miller, the name of Richard D. Spaight, the Senator from the county of Craven, was added to the nomination; on motion of Mr. Riddick, the name of James Wellborn, the Senator from the county of Wilkes, was also added to the nomination; and, on motion of Mr. Scott, the name of William Davidson, the Senator from the county of Mecklenburg, was likewise added to the nomination. An election by ballot thereupon took place, Messrs. Baily and Shober being appointed superintendents.

Mr. Shober, from the balloting committee for Speaker, reported that no person in nomination had a majority of votes.

On motion of Mr. Love, another balloting took place immediately, and Messrs. Shober and Baily were appointed to conduct it.

Mr. Shober, from the committee appointed to superintend the ballot for Speaker, reported that no person in nomination had received a majority of votes.

On motion of Mr. Williams, of Martin, the Senate adjourned until tomorrow, 10 o'clock.

TUESDAY, NOVEMBER 18, 1828.

Lawson H. Alexander, the Senator from the county of Cabarrus, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Williams, of Martin, the Senate proceeded to ballot for Speaker. On motion of Mr. Brodnax, the name of Louis D. Wilson, the Senator from the county of Edgecomb, was added to the nomination, and Messrs. Beasley, and Askew of Bertie, were appointed to superintend the ballot.

Mr. Beasley, from the committee to superintend the ballot for Speaker, reported that no person in nomination had received a majority of votes. On motion of Mr. Burns, another ballot immediately took place for Speaker; the name of James Wellborn, on motion of Mr. Riddick, being withdrawn from the nomination, and Messrs. Williams of Martin, and Mebane were appointed to conduct the ballot.

Mr. Williams, of Martin, from the committee to conduct the ballot for Speaker, reported that Jesse Speight, the Senator from the county of Greene, was duly elected Speaker; in which report the Senate concurred. Whereupon, Mr. Speight, of Greene, was conducted to the Speaker's Chair by Mr. Mathews; after which, he made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Love, James W. Clark was appointed Clerk of the Senate, and Samuel F. Patterson Clerk Assistant.

On motion of Mr. Gray, Thomas B. Wheeler was appointed Door-keeper, and Robert Ray Assistant Door-keeper of the Senate.

On motion of Mr. Miller, ordered that a writ of election issue to the Sheriff of Caswell county, commanding him to hold an election at the several places now prescribed by law in said county on the 24th instant, for the purpose of electing some person, qualified to fill the vacancy in the Senate, occasioned by the death of Bartlett Yancy, Esq.

On motion of Mr. Gray, a message was sent to the House of Commons, informing that House that the Senate is duly organized, and ready to proceed on public business, having appointed Jesse Speight, Esquire, Speaker; James W. Clark, Clerk; and Samuel F. Patterson, Clerk Assistant; and Thomas B. Wheeler and Robert Ray Door-keepers.

A message was received from the House of Commons, stating the due organization of that branch of the Legislature, by the appointment of Thomas Settle, Speaker; Pleasant Henderson, Clerk; and Charles Manly, Clerk Assistant; John Lumsden, Door-keeper; and Richard Roberts, Assistant Door-keeper.

Mr. Scott moved that the Senate do now proceed to the appointment of the standing committees, pursuant to the Rules and Orders of the Senate; and the question being taken thereon, it was determined in the negative.

On motion of Mr. Wellborn, a message was sent to the House of Commons, proposing to appoint a select joint committee, consisting of five persons on the part of each House, to inquire into the expediency of altering or amending the Joint Rules for the government of the intercourse between the two Houses; and naming of the committee on the part of the Senate Messrs. Wellborn, Mebane, Spaight, Miller and Ward.

A message was received from the House of Commons, proposing to appoint a select joint committee to wait upon his Excellency the Governor, and inform him of the organization of the Legislature, and of its readiness to receive any communication he may think proper to make; and appointing Messrs. Wheeler and Graham of the committee on the part of that House; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and naming Messrs. Gray and Matthews of the committee on the part of the Senate.

A message was received from the House of Commons, proposing that the two Houses proceed immediately to the election of three Engrossing Clerks; and nominating for the appointment William J. Cowan, Thomas G. Stone, Thomas Dews, Benjamin W. Milner, Richard D. Fortune, Nathaniel J. Palmer, Edwin Drake and John G. Wilson; which proposition was agreed to, and a message was sent to the House of Commons, informing them thereof; and that the name of Henry Wilks is added to the nomination; and stating that Messrs. Askew of Bertie and Beasley are appointed superintendents of the ballot on the part of the Senate. Whereupon a message was received from the House of Commons, appointing Messrs. Stedman and Simpson to conduct the ballot on their part.

A message was received from the House of Commons, agreeing to the proposition of the Senate to appoint a select joint committee to inquire into the expediency of altering or amending the Joint Rules for the government of the intercourse between the two Houses; and appointing of the committee, on the part of that House, Messrs. Swain, Ruffin, Newland, Allison and Hellen.

Mr. Miller moved that the Senate do now proceed to the appointment of the standing committees, pursuant to the Rules and Orders of the Senate; and the question being taken thereon, it was determined in the negative.

Mr. Gray, from the committee appointed to wait on 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. Beasley, from the committee appointed to conduct the ballot for three Engrossing Clerks, reported that William J. Cowan, Thomas Dews and Thomas G. Stone are duly elected; in which report the Senate concurred.

Mr. Boddie presented the resignation of Samuel Williams, a Justice of the Peace for the county of Nash; which was read and accepted, and sent to the House of Commons.

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

WEDNESDAY, NOVEMBER 19, 1828.

Mr. Wellborn, from the select joint committee instructed to inquire into the expediency of altering or amending the Joint Rules for the govern-

ment of the intercourse between the two Houses, reported that it is inexpedient to make any alteration in the existing Rules; and the question being stated on agreeing to the report, on motion of Mr. Shober, the further consideration thereof was postponed until to-morrow.

Mr. Mebane presented the following resolution, to wit:

Resolved, That a committee be appointed, consisting of two members, to report Rules for the government of this House; and that until such report, the Rules of last session govern the deliberations thereof.

Which being read, the Speaker decided that the resolution was not in order. From this decision of the Chair, an appeal was moved to the Senate by Mr. Mebane; and on the question "Is the decision of the Chair correct?" it was determined in the negative. The question then recurred on the adoption of the resolution, and it passed in the affirmative.—Messrs. Mebane and Wilson were appointed of the committee.

Received from the House of Commons a message from the Governor, accompanied with a proposition from that House, that the message be printed, one copy for each member of the Legislature; which proposition was agreed to, and the House of Commons were informed thereof by message.

Mr. Hinton presented, from the "Virginia Annual Conference, held in the city of Raleigh, North Carolina, March the seventh, 1828," the following resolution, to wit:

"It was resolved, that the thanks of this Conference be presented to the Senate of North-Carolina, at their next session, for the use of their commodious Chamber."

Which was read and ordered to lie on the table.

The Speaker presented a communication from the Hon. Nathaniel Macon, tendering the resignation of his appointment of Senator to the Senate of the United States, that of Trustee of the University of the State, and of a Justice of the Peace for the county of Warren; which was read and accepted and sent to the House of Commons.

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

THURSDAY, NOVEMBER 20, 1828.

On motion of Mr. Shober, the Senate proceeded to consider the report of the select joint committee instructed to inquire into the expediency of altering or amending the Joint Rules for the government of the intercourse between the two Houses; and the report being read, and the question taken on agreeing thereto, it passed in the affirmative, and the report was sent to the House of Commons for concurrence.

Mr. Mebane, from the committee appointed to report rules of order and decorum for the government of the Senate, reported that they have examined the rules of the last session, and recommend their adoption, as the rules of order and decorum for the present Session, with the following amendment, to wit: strike out in the 23d rule these words: "and the rules now adopted shall be and remain the permanent rules of this House hereafter, until otherwise ordered;" and the question being taken on agreeing to the report, it was decided in the affirmative. Ordered that the rules of order and decorum be printed, one copy for each member of the Legislature.

Received from the House of Commons, a message, proposing to refer a certain bill therein named to a select joint committee of five members from

each House, and naming on the part of the House of Commons, Messrs. Potter, Swain, Newland, Edmonston and Battle to form the committee; and the question being taken on agreeing thereto, it was determined in the negative, and the House of Commons informed thereof by message.

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

Mr. Shober submitted sundry resolutions, to wit:

1. *Resolved*, That so much of the Governor's Message as relates to the Tariff, and certain resolutions relating thereto, passed by the States of South Carolina, Georgia, Ohio and Vermont, be referred to a select committee.
2. *Resolved*, That so much of said message as relates to the internal improvement of the State, and the draining of the swamp lands, be referred to a select committee.
3. *Resolved*, That so much of the Governor's message as relates to the circulating medium, and the Banks of the State, be referred to a select committee.
4. *Resolved*, That so much of said message as relates to the Judiciary, be referred to a select committee.
5. *Resolved*, That so much of said message as relates to sundry resolutions adopted by the States of Georgia, Ohio, South Carolina and Vermont, be referred to a select committee.

Mr. Alexander moved to strike out the 5th resolution. On motion of Mr. Davidson, ordered that the resolutions be laid on the table.

On motion of Mr. Askew, of Bertie,

Resolved, That the Speaker of the Senate assign suitable places, for one or more stenographers, in the Senate Chamber for this Session.

On motion of Mr. Davidson,

Resolved, That the Senate do now proceed to the appointment of the standing committees, pursuant to the rules and orders of the Senate. Whereupon,

A committee of Finance, on the part of the Senate, was appointed, consisting of Messrs. M'Dowell, Davidson, M'Farland, Ward, Croom, Baily, Wilson and Gray, and a message sent to the House of Commons, informing them thereof.

A committee of Claims was appointed, consisting of Messrs. Love, Alexander, M'Dearmid, Sherard, Meares, Askew of Hertford, Boddie and Hinton.

A committee of Propositions and Grievances was appointed, consisting of Messrs. Reinhardt, Shober, Marshall, M'Innis, Pugh, Askew of Bertie, Williams of Martin, and Smith of Person.

A committee of Privileges and Elections was appointed, consisting of Messrs. Shuford, Franklin of Iredell, M'Neill, Miller, Joiner, Riddick, Mathews and Ramsey.

The Speaker laid before the Senate, a communication from Nathaniel Macon, in relation to certain documents sent by him for distribution, by the Speakers of the two houses; which being read, on motion of Mr. Wellborn, ordered that a message be sent to the House of Commons, proposing to appoint a joint select committee to consist of two members from each House, with instructions to report what disposition should be made of the documents referred to in said communication.

On motion of Mr. Alexander, the Senate proceeded to consider the resolutions presented by Mr. Shober, and laid on the table to-day on motion of Mr. Davidson, and the resolutions being read, Mr. Alexander moved an

amendment thereto, by *striking* out the 5th resolution, viz: "*Resolved*, that so much of said message as relates to sundry resolutions adopted by the States of Georgia, South Carolina, Ohio and Vermont, be referred to a select committee," and *inserting* as follows, to wit:

5. *Resolved*, That so much of said message as relates to certain reports of committees and resolutions adopted by the Legislatures of Georgia, South Carolina, Ohio and Vermont, on the subject of African Colonization, be referred to a select committee.

6. *Resolved*, That so much of said message as relates to certain reports of committees and resolutions adopted by the States of Georgia, South Carolina, Ohio and Vermont, as regards the powers claimed by the General Government, in relation to Internal Improvements, be referred to a select committee.

7. *Resolved*, That so much of the Governor's message, as relates to proposed amendments of the Constitution of the United States, from the States of Georgia, Ohio, Vermont and South Carolina, be referred to a select committee.

And the question being taken on said amendment, it passed in the affirmative. The question then recurred on the adoption of the resolutions as amended, and was determined in the affirmative.

On motion of Mr. Davidson, ordered that a committee be appointed, to be styled the "committee on Public Roads." Messrs. Davidson, Joiner, Deberry, Burgin and Pugh were appointed of the committee.

Mr. M'Eachin moved that a committee of Divorce and Alimony be now appointed, and the question being taken, it was decided in the negative.

On motion of Mr. Gray, ordered that a committee be appointed, to be styled the "committee on Agriculture." The committee consists of Messrs. Gray, Boddie, Davis, Sherard and Scott.

On motion of Mr. Mebane, ordered that a committee be appointed, to be styled the "committee on Education." Messrs. Mebane, Ruffin, Croom, Hunt and Franklin of Iredell, compose the committee.

The following petitions were presented, to wit: By Mr. Davidson, the petition of John Millwee, of the county of Mecklenburg, a soldier in the militia of the revolutionary war, praying to be placed on the pension list; by Mr. Bailey, the petition of Joseph Banks, of Pasquotank county, a soldier of the continental line in the revolutionary war, stating the loss of his land warrant by fraudulent means, and praying such aid and assistance as the Legislature may think proper to extend to him. Ordered that the said petitions, with the accompanying documents, be referred to the committee of Propositions and Grievances.

Mr. Parker presented the petition of Sarah Wooters, of Guilford county, praying that a law may be passed, securing to her such property as she may hereafter acquire. Mr. Parker moved the reference of the petition to the committee of Propositions and Grievances, and the question being taken, it was determined in the negative. On motion of Mr. Parker, ordered that the petition lie on the table.

The following resignations were presented, to wit: By Mr. M'Dowell, the resignation of Michael Reinhardt, as Colonel Commandant of Cavalry attached to the 10th brigade of North Carolina militia; and by Mr. Wellborn, the resignation of B. H. Brown, as a justice of the peace for the county of Wilkes; which were read and accepted, and sent to the House of Commons.

Received from the House of Commons, the following resignations, to wit: The resignation of Joseph Walk, of the county of Davidson; the resignation of Heartwell Hayes, of the county of Wilkes; and the resignation of

Thomas Speller, of the county of Bertie, justices of the peace for their respective counties; also the resignation of J. Broom, of the county of Pitt, as Colonel Commandant of the regiment of Pitt; and the resignation of Henry Best, Lieutenant Colonel of the county of Columbus; which were read and accepted.

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

FRIDAY, NOVEMBER 21, 1828.

William B. Meares, the Senator from the county of New-Hanover, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Mathews, a message was sent to the House of Commons, proposing that a ballot be had at the meeting of the two Houses on Monday next, for a Senator, to serve in the Congress of the United States for six years from and after the 4th day of March next; and nominating for that appointment John Branch.

Mr. Williams, of Martin, moved that a committee, to be styled the "Committee on Alimony," be appointed, and the question being taken, it was decided in the negative.

On motion of Mr. Williams, of Beaufort, ordered that a committee be appointed, to be styled the "committee on the Militia Laws and Public Arms." Messrs. Williams of Beaufort, Ward, M'Dowell, Wilson and M'Eachin, were appointed of the committee.

Mr. Mebane presented the petition of John B Ogg, of the borough of Norfolk, and State of Virginia, praying that certain military certificates be allowed him. Ordered that the said petition be referred to the committee of Claims.

Mr. M'Farland presented the following bills, to wit: a bill to repeal an act, passed in the year 1823, entitled "an act to regulate the Court of Pleas and Quarter Sessions of Richmond county," and a bill for the education of the poor children of the State of North Carolina; which bills were read the first time and passed; and the last named bill was, on motion of Mr. M'Farland, referred to the committee on Education, and, on motion of Mr. Alexander, ordered to be printed, one copy for each member of the Legislature.

Received from the House of Commons, a message, stating their concurrence in the proposition of the Senate, to raise a joint select committee to take into consideration, and report what disposition shall be made of certain documents presented by Mr. Macon, and naming Messrs. Alexander and Borden of the committee on their part. Whereupon, a message was sent to the House of Commons, stating that Messrs. Wellborn and Shober are appointed of the committee on the part of the Senate.

On motion of Mr. Croom,

Resolved, That a select committee of five persons be appointed to enquire into, and report upon the expediency of reducing the damages now given by law on Bills of Exchange.

Messrs. Croom, Hinton, Franklin of Surry, Brodnax, and Williams of Martin, form the committee.

On motion of Mr. Mebane,

Resolved, That so much of the Governor's message as relates to a petition of sundry citizens of the county of Haywood, relative to suits brought against them in the Federal Court by individuals claiming their lands, under a grant issued by the State in the year 1796, be referred to the committee on the Judiciary.

Mr. Davis presented the certificate of allowance made by the County Court of Warren, in favor of Elizabeth Harris, the widow of Burwell Harris, a soldier in the continental line of this State; which, on motion of Mr. Davis, was ordered to be countersigned by the Speaker of the Senate, and it was accordingly done, and the certificate sent to the House of Commons.

Received from the House of Commons, a message, agreeing to the proposition of the Senate, to ballot on Monday next for a Senator in the Senate of the United States, to serve six years from and after the fourth of March next.

Received from the House of Commons the report of the committee on the joint rules of the two Houses, endorsed in that House, "read and concurred in."

Received from the House of Commons, a message, proposing that the accompanying report of the superintendent of public buildings, be referred to a joint select committee of two persons from each House, and naming of the committee on their part, Messrs. Jones of Wake, and Hampton. Whereupon, a message was sent to the House of Commons, agreeing to their proposition, and appointing of the committee on the part of the Senate, Messrs. Hinton and Davidson.

Received from the House of Commons, a message, proposing that the accompanying documents, transmitted by the Governor, be referred to a joint select committee; and that the report of the commissioner, Romulus M. Saunders, be printed, one copy for each member of the Legislature, and appointing of the committee on their part, Messrs. Fisher, Shipp, Gary, Newland and Stedman. The proposition was agreed to by the Senate, and a message sent, informing the House of Commons thereof; and naming of the committee on the part of the Senate, Messrs. Mebane, Love, Smith of Davidson, M'Daniel and Parker.

On motion of Mr. Wellborn,

Resolved, That a joint select committee be appointed, to take into consideration the expediency of reducing the price of vacant and unappropriated lands.

The committee on the part of the Senate consists of Messrs. Wellborn, Meares, Franklin of Surry, M'Dearmid and M'Neill.

A message was received from the House of Commons, proposing that the two Houses proceed on Monday next to ballot for a Solicitor of the first Judicial circuit; and nominating for the appointment John L. Baily. The proposition was agreed to, and the House of Commons informed thereof by message.

On motion of Mr. Wilson, a message was sent to the House of Commons, proposing to refer the report of the Public Treasurer to the committee of Finance.

Received from the House of Commons, the following resignations, to wit: The resignation of Reddick Cross, of the county of Hertford; the resignation of Joseph Ellis, of the county of Greene; the resignation of Benjamin Durham, of the county of Rutherford; and the resignation of John Hufham, of the county of Duplin, justices of the peace for their respective counties; also the resignation of James Carraway, as major of the 32d regiment, and 3d brigade of militia; and the resignation of Jesse Sullers, of the county of Rutherford, as a justice of the peace.

Received from the House of Commons, a message, stating that they have

appointed on their part, a committee of Finance, consisting of Messrs. Gaston, Bynum, Hodges, Wyche, Fisher, Pool, Walker and Mitchell.

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

SATURDAY, NOVEMBER 22, 1828.

James Burney, the Senator from the county of Columbus, appeared, produced his credentials, was qualified and took his seat.

Mr. M'Dearmid presented the certificate of allowance made by the County Court of Cumberland in favor of Sherwood Fort a pensioner of the State; which, on motion of Mr. M'Dearmid, was ordered to be countersigned by the Speaker of the Senate, which was accordingly done, and the certificate sent to the House of Commons.

The bill to repeal an act passed in the year 1823, entitled "an act to regulate the Court of Pleas and Quarter Sessions of Richmond county," was read the second and third times and 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 establish Bethel Academy, in the county of Duplin, and to incorporate the Trustees thereof;" a bill appointing commissioners for the town of Snow Hill, in Greene county;" and "a bill to encourage the raising of sheep and for the destruction of Wolves, in the county of Ashe;" in which they ask the concurrence of the Senate. Thereupon the said bills were read the first, second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that the name of Mathias B. Palmer, is added to the nomination for Solicitor in the first Judicial Circuit; and a further message was received, adding to the nomination for the said appointment, the names of James H. Jones and Jesse Wilson.

Received from the House of Commons, the certificate of allowance, made by the County Court of Warren, in favor of Elizabeth Harris, endorsed in that House, "read and ordered to be countersigned by the Speaker."

A message was received from the House of Commons, proposing that the report accompanying the message of the surviving Commissioner, William Roberts, appointed to superintend the sale of the property of the late Treasurer, John Haywood, be referred to the committee of Finance, and that it be printed; which proposition was agreed to, and a message sent informing the House of Commons thereof.

Received from the House of Commons, the resolution appointing a select joint committee, to take into consideration the expediency of reducing the price of vacant and unappropriated lands, endorsed in that House "read and concurred in; and Messrs. Clayton, Gregory, Blackledge, Alexander and Brittain of Haywood, appointed on said committee."

On motion of Mr. Marshall, a message was sent to the House of Commons, informing them of the appointment on the part of the Senate, of a committee on Enrolled Bills. Messrs. Marshall and Bailey form the committee.

The following bills were presented, to wit: by Mr. M'Innis, a "bill for the inspection of steam mill timber;" and by Mr. Reinhardt, a "bill giving compensation to Patrollers;" which bills were read the first time and passed, and the last mentioned bill, on motion of Mr. Reinhardt, ordered to be referred to the committee on the Judiciary.

Mr. Bailey presented the resignation of James S. Relfe, as Lieutenant Colonel of Pasquotank Militia; which was read and accepted and sent to the House of Commons.

And the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 24, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to repeal an act, passed in the year 1823, entitled 'an act to regulate the Court of Pleas and Quarter Sessions of Richmond county,'" in which they ask the concurrence of that House.

On motion of Mr. Wilson,

Resolved, That a message be sent to the House of Commons, proposing that the select committee raised on so much of the Governor's Message as relates to the Banks and circulating medium of the State, be a Joint Select committee, to which all matters relating to that subject shall be referred; and that the said committee consist of nine members on the part of each House.

Mr. Wellborn presented the following resolution, to wit:

Resolved, That a joint select committee be appointed by the two Houses of this Legislature, to take into consideration the expediency of instructing our Senators, and requesting our Representatives in the Congress of the United States, to obtain for this State a proportionable part of the public funds for the purpose of internal improvement.

And the said resolution being read, on motion of Mr. Spaight, ordered that the resolution be laid on the table.

The following bills were presented, to wit: By Mr. Boddie, a bill concerning the County Courts of Nash county; by Mr. Franklin, of Iredell county, a bill to authorise the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville; and by Mr. Pugh, a bill to provide for the draining of Mattamuskeet Lake; which bills were read the first time and passed, and the last mentioned bill referred, on motion of Mr. Pugh, to the committee on Internal Improvements, and, on motion of Mr. Love, ordered to be printed.

On motion of Mr. Shober, a message was sent to the House of Commons, proposing that the two Houses proceed, on Friday next, to ballot for Attorney General; and stating that Romulus M. Saunders and Charles Manly are in nomination for the appointment.

On motion of Mr. Ruffin,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of altering or amending the existing laws in relation to mortgages and deeds in trust, so as to prevent their being used for purposes of partiality and fraud; and that they report by bill or otherwise.

Received from the House of Commons the certificate of allowance made by the County Court of Cumberland in favor of Sherwood Fort, a pensioner of the State, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons."

Mr. Sherard presented the petition of George Jernigan, of Wayne county, praying the Legislature to restore him to credit. Ordered that the petition be referred to the committee of Propositions and Grievances.

A message was sent to the House of Commons, stating that Messrs. Mathews and Joiner are appointed of the committee of superintendence to conduct the ballot, heretofore agreed on, for a Senator in the Congress

of the United States, to serve for six years from and after the fourth day of March next; and a message was received from that House, stating that Messrs. Gaston and Ruffin attend the Senate, to conduct the ballot on the part of the House of Commons.

On motion of *Mr Love*, a message was sent to the House of Commons, proposing to ballot on to-morrow for a Senator in the Congress of the United States, to supply the vacancy occasioned by the resignation of the Honorable Nathaniel Macon; and nominating for the appointment Monfort Stokes.

On motion of *Mr Hinton*, ordered that so much of the Governor's message as relates to the acts of Congress, be referred to a select committee. The committee consists of Messrs. Hinton, Wellborn, Bell, Harrell and Royal.

The following bills, to wit: A bill to authorise the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville; and a bill concerning the County Courts of Nash county, were read the second and third times and passed, and ordered to be engrossed.

A message was sent to the House of Commons, stating that Messrs. Beasley and Davenport attend the House to conduct the ballot, as heretofore agreed on, for a Solicitor in the first Judicial Circuit; and a message was received from that House, appointing Messrs. Mhoon and Alexander the balloting committee on their part; and stating that the name of Samuel T. Sawyer is added to the nomination for Solicitor for the first Judicial Circuit.

Mr Mathews, from the committee to superintend the ballot for a Senator in the Congress of the United States, to serve for six years from and after the fourth day of March next, reported that John Branch, having received a majority of the whole number of votes, was duly elected; in which report the Senate concurred.

Received from the House of Commons a message, proposing that the Senate raise a select joint committee of nine members, to be added to the committee already raised by that House, on so much of the Governor's message as relates to the Banks; and that the said committee, so united, be a joint committee of both houses on that subject, and be clothed with the same powers as are now committed to the select committee of that house on that subject; and asking the concurrence of the Senate in the accompanying resolution, defining the powers of said committee, to wit:

WHEREAS the large interest which the State of North Carolina has vested in the several Banks of the State, renders it necessary that the representatives of the people should thoroughly investigate the conduct and condition of said Banks; and whereas the charters of the present Banks will expire on the first day of January, 1835; and experience and prudence advise us, before the termination of said charters, to procure correct information upon which the Legislature may act understandingly in discontinuing or extending the charters of the present Banks, or in establishing such other institutions as the good sense and best interest of the people may require: Therefore

Resolved, That the committee, to whom so much of the Governor's message as relates to the Banks is referred, be authorised and empowered to send for such persons and papers as may be necessary to a full investigation of the subject matter committed to their charge.

Whereupon the proposition contained in the message, together with the

accompanying resolution, were agreed to, and the House of Commons were informed thereof by message.

Mr. Beasley, from the committee appointed to conduct the ballot for a Solicitor in the first Judicial Circuit, reported that John L. Bailey was duly elected; in which report the Senate concurred.

A message was sent to the House of Commons, stating the agreement of the Senate to their proposition to raise a joint select committee of nine members, to be added to the committee already raised by that house on so much of the Governor's message as relates to the Banks; and also of the agreement of the Senate to the resolution accompanying their message, authorising and empowering the committee to send for persons and papers; and stating that Messrs. Wilson, Croom Meares, Wellborn, M'Farland, Sherard, Leonard and M'Dearmid, form the committee on the part of the Senate.

A message was received from the House of Commons, agreeing to ballot, as proposed by the Senate, on Friday next, for Attorney General; and stating that the names of Priestly H. Mangum, Thomas P. Devereux and Thomas Blackledge, are added to the nomination.

The following persons were appointed on the several select committees, ordered on the message of the Governor, in pursuance of Mr. Shober's resolutions; and the amendment of Mr. Alexander thereto, to wit:

On the first resolution, Messrs. Brodnax, Williams of Beaufort, Reinhardt, Shuford and Askew of Bertie.

On the second resolution, Messrs. Mebane, Burns, Pugh, Franklin of Surry and Burney.

On the fourth resolution, Messrs. Meares, Shober, Miller, Bailey and Marshall.

On the fifth resolution, Messrs. Alexander, Parker, M'Eachin, Askew of Hertford and Walton.

On the sixth resolution, Messrs. Spaight, Williams of Martin, Ward, Riddick and Smith of Person.

On the seventh resolution, Messrs. Davidson, Patterson, Franklin of Iredell, Scott and Ramsey.

Received from the House of Commons the following resignations, to wit: The resignation of Thomas Rice, of the county of Johnston; the resignation of John Ritch, of Mecklenburg county; and the resignation of Robert Gillaspie, of the county of Rowan, justices of the peace for their respective counties.

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

TUESDAY, NOVEMBER 25, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to authorise the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville; and a bill concerning the County Courts of Nash county; in which they ask the concurrence of that House.

The following bills were presented, to wit: By Mr. Deberry, a bill to amend an act, passed in 1815, entitled "an act to provide for the removal of the public buildings in the county of Montgomery;" and by Mr. Mebane, a bill to authorise the Treasurer of this State to purchase stock in the Cape Fear Navigation Company; which bills were read the first time and passed, and the last named bill, on motion of Mr. Mebane, order to be referred to the committee on Internal Improvement.

On motion of Mr. Parker, the Senate proceeded to consider the petition of Sarah Wooters, of Guilford county, which, on motion of Mr. Parker, was laid on the table on the 20th instant; and the petition being read, Mr. Parker presented a bill to secure to Sarah Wooters such property as she may hereafter acquire; which was read the first time and passed, and, on motion of Mr. Parker, referred to the committee of Propositions and Grievances.

On motion of Mr. Riddick, a message was sent to the House of Commons, stating that the name of James Iredell is added to the nomination for a Senator, to supply the vacancy occasioned by the resignation of Nathaniel Macon; and also a message, on motion of Mr. Deberry, adding the name of Robert H. Jones to the nomination for Attorney General.

Mr. Love presented the petition of sundry inhabitants of the south-western part of Haywood county, praying of the Legislature to pass a law forming all that part of the south-western territory lately acquired by treaty from the Cherokee Indians, into a separate county; which being read, Mr. Love presented a bill to erect that section of country, commonly called the Cherokee purchase, into a separate county; which was read the first time and passed, and, on motion of Mr. Love, referred to a select committee. The committee consists of Messrs. Love, Brodnax, M^r. Neill, Deberry and Hardin.

Mr. Burns presented a bill in aid of the Clubfoot and Harlows Creek Canal Company; which was read the first time and passed, and, on motion of Mr. Burns, ordered to be referred to the committee on Internal Improvements.

On motion of Mr. Shober,

Resolved, That the committee on Public Roads be instructed to inquire into the expediency of amending the laws, as far as regards the manner in which public roads are worked and kept in repair; and that they report by bill or otherwise.

The bill to amend an act, passed in 1815, entitled "an act to provide for the removal of the public buildings in the county of Montgomery," was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating their disagreement to the proposition of the Senate to ballot on this day for a Senator in Congress, and proposing that the two Houses ballot for a Senator on Thursday next; which proposition was agreed to by the Senate, and a message sent, informing the House of Commons thereof.

Mr. Hardin presented the resignation of John Mast, of the county of Ashe, as a justice of the peace; which was read and accepted by the Senate, and sent to the House of Commons.

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

WEDNESDAY, NOVEMBER 26, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to amend an act, passed in 1815, entitled 'an act to provide for the removal of the public buildings in the county of Montgomery;'" in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of George Jernigan, of Wayne county; which be-

ing read, Mr. Shober reported a bill to restore to credit George Jernigan, of Wayne county; which was read the first time and passed.

On motion of Mr. Ward,

Resolved, That the committee of Finance be authorised to burn such amount of the Treasury notes now in the Treasurer's office as they may deem unfit for circulation.

And a message was sent to the House of Commons, asking their concurrence in the resolution.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill to prevent the falling of timber in or obstructing the channels of Uharie river and Richland creek, in Randolph county; a bill to incorporate Line Lodge, No. 87, of Sampson county; and a bill to alter the names of Benjamin Michael Ezell and Robert Marshall Ezell, of Sampson county, and to legitimate them; in which they ask the concurrence of the Senate; which bills were severally read the first time and passed.

Mr. Askew, of Bertie, presented a bill to alter the name of Andrew J. Perry, of Bertie county, and to legitimate him; which was read the first time and passed.

A message was received from the House of Commons, informing the Senate of the appointment, on their part, of a committee on Enrolled Bills, consisting of Messrs. Jones of Rowan, Gordon, Wheeler and Whitfield.

Received also from the House of Commons a message, proposing to raise a joint select committee to inquire into the expediency of electing sheriffs by the people; and that such committee be authorised to report by bill or otherwise; and stating that Messrs. Blackledge, Stedman, Hodges, Newland, Potter, Allison, Underwood and Gary compose said committee on their part; which proposition was agreed to, and a message sent to the House of Commons, stating the agreement of the Senate, and that Messrs. Spaight, Wellborn, Beasley, Davenport and Mathews are appointed of the committee on the part of the Senate.

A further message was received from the House of Commons, proposing that so much of the Governor's message as relates to a Penitentiary and Lunatic Asylum, be referred to a joint select committee, and naming Messrs. Williams of Davidson, Spruill, Gary, Bethell and Fisher, of the committee on their part. The proposition was agreed to, and a message sent, informing that House thereof, and appointing of the committee on the part of the Senate, Messrs. Spaight, Wilson, Davidson, Brodnax and Shober.

Mr. Speaker presented a communication from M. S. Clark, Clerk of the House of Representatives of the United States, addressed to the Clerk of the Senate, accompanied with a copy of the Land Laws of the United States; which being read, on motion of Mr. Wellborn, ordered that the communication be referred to the committee to whom was referred the documents transmitted by Nathaniel Macon.

The bill to alter the name of Andrew J. Perry, of Bertie county, and to legitimate him, was read the second time and passed; and being read the third time, on motion of Mr. Wilson, ordered that the bill be laid on the table.

The bill to restore to credit George Jernigan, of Wayne county, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Croom, a message was sent to the House of Com-

mons, proposing to raise a joint select committee, to be styled the "Library Committee," and informing that House that Messrs. Croom, Bailey and Askew of Bertie are appointed of the committee on the part of the Senate.

Received from the House of Commons, a message, accompanied with a bill to erect out of the counties of Burke and Buncombe a separate and distinct county, and proposing to refer the said bill to a joint select committee, and naming Messrs. Swain, Gaston, Nash, Hellen and Graham of the committee on their part; and the question being taken on agreeing to the reference as proposed by the House of Commons, it was determined in the negative, and the House of Commons informed thereof by message.

Mr. Wilson presented the report of the representatives on the part of the State, at the meeting of the stockholders of the Cape Fear Bank, held at Wilmington on the 7th day of January, 1828, with the accompanying documents; which were read. On motion of Mr. Alexander, ordered that the report and documents be printed, and referred to the committee on so much of the Governor's message as relates to the circulating medium and Banks of the State; and a message was sent to the House of Commons, asking their concurrence.

Received from the House of Commons a message, proposing that the exhibits of the several Banks of this State to the Treasury office, since their organization, together with the Public Treasurer's report accompanying them, be referred to the select joint committee on the Banks; and that the several accounts and exhibits be printed; which propositions were agreed to, and the House of Commons informed thereof by message.

The engrossed bills, to wit: a bill to incorporate Line Lodge, No. 87, of Sampson county; and the bill to prevent the falling of timber in, or obstructing the channels of Uharie river and Richland Creek, in Randolph county, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to alter the names of Benjamin Michael Ezell and Robert Marshall Ezell, of Sampson county, and to legitimate them, was read the second time and passed; and being read the third time, Mr. Alexander moved that the bill be laid on the table; which was not agreed to. The question then recurred on the passage of the bill the third time, and it passed in the affirmative, and was ordered to be enrolled.

Mr. Deberry presented the petition of William Ferrell, of Montgomery county, praying to be restored to the privileges of a citizen. Ordered that the petition be referred to the committee of Propositions and Grievances.

Mr. Harrell presented the resignation of Riddick Matthews, of Gates county, as Major of the 6th regiment of militia; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons the resignation of Ezekiel Feague, as a justice of the peace for Davidson county; also the resignation of Samuel Williams, as Major of the 2d regiment of Cumberland militia.

On motion of Mr. Smith of Davidson, Alexander Gray, the Senator from the county of Randolph, had leave of absence from and after this day. And the Senate adjourned till to-morrow, 10 o'clock.

THURSDAY, NOVEMBER 27, 1828.

A message was sent to the House of Commons, stating that the Senate

have passed the following engrossed bill to wit: a bill to restore to credit George Jernigan, of Wayne county; in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the bill to secure to Sarah Wooters such property as she may hereafter acquire, together with the accompanying documents, reported the bill without amendment; and thereupon the bill was read the second time and passed; and being read the third time, Mr. Alexander moved to postpone the further consideration of the bill until to-morrow; and the question being taken, there were 27 yeas and 27 noes. There being an equal number of votes on this question, the Speaker of the Senate voted in the affirmative, and the further consideration of the bill was postponed till to-morrow.

A message was received from the House of Commons, stating that they have passed the engrossed bill to alter the time and places of holding the election in the county of Greene; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

Received from the House of Commons a message, transmitting a communication from the Governor, together with the memorial of the Tuscarora nation of Indians, with a proposition that they be referred to a select joint committee, and naming of the committee on the part of that house, Messrs. Gary, Bynum, Spruill, Mhoon and Pierce; which proposition was agreed to, and a message sent to the House of Commons, stating the agreement of the Senate; and naming of the committee on their part, Messrs. Williams of Martin, Matthews, Joiner, Bell and Boddie.

Mr. Meares presented a bill to regulate the emancipation of slaves; which was read the first time and passed, and, on motion of Mr. Meares, ordered to be referred to the committee on the Judiciary.

The engrossed bill to alter the time and place of holding the election in the county of Greene, was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Burgin, a message was sent to the House of Commons, stating that Messrs. Miller and Ruffin attend to conduct the ballot, as heretofore agreed on, for a Senator in the Congress of the United States. Whereupon a message was received from that House, naming Messrs. Gary and Mendenhall of the committee on their part.

On motion of Mr. M'Dearmid,

Resolved, That the committee on vacant and unappropriated lands be instructed to inquire into the expediency of so amending and altering the existing law concerning the entry of vacant swamp and marsh lands in this State, as to authorise entry takers to receive entries where there is not a greater quantity than 640 acres vacant in any one swamp; and that they report by bill or otherwise.

Mr. Miller, from the committee appointed to conduct the ballot for a Senator in the Congress of the United States, reported that no person in nomination had received a majority of votes.

On motion of Mr. Meares, a message was sent to the House of Commons, proposing to ballot again immediately for a Senator in the Congress of the United States.

Received from the House of Commons the resolution authorising the committee of Finance to burn such Treasury notes now in the Treasurer's office as they may deem unfit for circulation, endorsed in that house. "read and agreed to."

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate to raise a joint select committee on the Public Library, and naming of the committee on the part of that house, Messrs. Graham, Webb of Person and Cox.

Received from the House of Commons the following resignations, to wit: the resignation of A. M. Gatlin, as Colonel of the regiment of Chowan militia; and the resignation of John M'Millan, as justice of the peace for the county of Ashe; which were read and accepted.

And the Senate adjourned till to-morrow, 10 o'clock.

FRIDAY, NOVEMBER 28, 1828.

Bedford Brown, the Senator from the county of Caswell, elected to fill the vacancy occasioned by the death of Bartlett Yancy, appeared, produced his credentials, was qualified, and took his seat.

On motion of Mr. Shober, a message was sent to the House of Commons, stating that Messrs. Brodnax and Hinton attend to conduct, on the part of the Senate, the ballot heretofore agreed on for Attorney General; and a message was received from that House, naming Messrs. Montgomery and Bethel of the balloting committee on their part.

On motion of Mr. Spaight, ordered that Thomas T. Hunt, the Senator from the county of Granville, have leave of absence from this day until Tuesday next.

On motion of Mr. Wellborn, the name of Montfort Stokes was withdrawn from the nomination for Senator in the Congress of the United States; and a message was sent to the House of Commons, informing them thereof.

Mr. Love, from the select committee to whom was referred the bill to erect that section of country, commonly called the Cherokee Purchase, into a separate county, reported the bill without amendment. Ordered that the bill be committed to a committee of the whole House, and made the order of the day for Monday next; and that it be printed, together with the report of the committee.

Received 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 1826, entitled "an act to prohibit the Justices of the County Courts of Pleas and Quarter Sessions for the counties of Brunswick, Currituck and Moore from allowing extra service money to the county officers;" also a bill to amend an act, passed in 1800, entitled "an act concerning wrecks;" and a bill concerning certain lands purchased at the sales of the commissioners in Haywood county; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

On motion of Mr. Beasley,

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of making a road through that part of the land owned by the State, that lies between Lake Phelps and that of Cahoons, and report by bill or otherwise.

Received from the House of Commons a message, proposing that the select committees of both Houses on so much of the Governor's message as relates to the Tariff, be considered a joint select committee; and that the papers referred to the select committees of the two Houses on that subject,

shall be considered as referred to the joint committee, and acted on accordingly; which proposition was agreed to, and the House of Commons were informed thereof by message.

Mr. Hinton, from the committee to conduct the ballot for Attorney General, reported that Romulus M. Saunders having received a majority of all the votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer the report of the Representatives in behalf of the State at a meeting of the Stockholders of the Cape Fear Bank, held at Wilmington on the 7th day of January, 1828, and the accompanying documents, to the committee on so much of the Governor's message as relates to the circulating medium and the Banks of the State; and that they be printed.

Received from the House of Commons, a message of the date of yesterday, stating that they do not agree to the proposition of the Senate to ballot immediately for a Senator in Congress; but propose that the two Houses ballot for that officer on to-morrow morning; which proposition was not agreed to, and a message was sent, informing the House of Commons thereof, and proposing that the two Houses proceed on Monday next to ballot for a person to fill that appointment.

Mr. Ward presented the following resolution, to wit:

Whereas the multiplicity of business in the Treasurer's and Comptroller's Departments render it very inconvenient to make their monthly settlements, as prescribed by the act of the General Assembly of 1827, during the sitting of the Legislature;

Therefore be it resolved, That the monthly settlements of the Treasurer and Comptroller, as required by the act of 1827, be suspended during the sitting of the Legislature.

And the resolution being read, on motion of Mr. Wilson, it was ordered to be laid on the table.

On motion of Mr. Wilson, the Senate proceeded to consider the bill to alter the name of Andrew J. Perry, of Bertie county, and to legitimate him; and the bill being read, Mr. Wilson moved to amend the bill by inserting the words, "and Benjamin Farmer, of the county of Edgecomb, the illegitimate son of Arthur Farmer and Parma his wife, and Louis C. Pender, of said county, the illegitimate son of William Pender and Nelly his wife." Mr. Sherard moved to amend the amendment by adding thereto as follows, to wit: "And be it further enacted, that Benjamin Farmer, of the county of Edgecomb, the illegitimate son of Arthur Farmer and Parma his wife, and Louis C. Pender, of said county, the illegitimate son of William Pender and Nelly his wife, and Curtis Holland, of the county of Wayne, the illegitimate son of Curtis Holland and Nancy his wife, be, and they are hereby declared to be capable in law to take and inherit, as heirs at law of the aforesaid Arthur Farmer, William Pender and Curtis Holland, in as full and ample a manner as if they had been born in lawful wedlock; any law to the contrary notwithstanding." The question being taken on the amendment to the amendment, it passed in the affirmative. The bill was then read as amended the third time and passed, and ordered to be engrossed.

On motion of Mr. M'Farland,

Resolved, That the committee on Internal Improvements be authorised to examine into the practicability of causing a survey for a Canal from the nearest and most convenient point of Lumber river to the nearest and most convenient point of Cape Fear;

which survey shall be made the ensuing year by the Civil Engineer of the State; and that he report the probable cost of said canal to our next Legislature; and that said committee report by bill or otherwise.

Mr. Miller presented the resignation of Thomas O. Larkins, as a justice of the peace for the county of Duplin; which was read and accepted, and sent to the House of Commons.

And the Senate adjourned till to-morrow, 10 o'clock.

SATURDAY, NOVEMBER 29, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, to wit: a bill to alter the name of Andrew J. Perry and others, and to legitimate them; in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating their agreement to the proposition of the Senate to ballot on Monday next for a Senator in the Congress of the United States.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of John Millwee, of the county of Mecklenburg, made a report thereon; which was read, and the resolution therein contained, viz. "*Resolved*, that the prayer of the petitioner be not allowed," being read, on motion of Mr. Davidson, ordered that the report and resolution be laid on the table.

Mr. Shober, from the same committee, made a report on the petition of Joseph Banks, of the county of Pasquotank; which was read, and the resolution therein contained was concurred in by the Senate, as follows: "That the prayer of the petitioner be not allowed."

Mr. Shober, from the same committee, made a report on the petition of William Ferrell, of Montgomery county; which was read, when Mr. Shober reported a bill to restore William Ferrell, of Montgomery county, to credit; which was read the first time and passed.

Mr. Deberry presented a bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery; which was read the first time and passed.

Mr. Ward presented a bill to alter and amend an act, passed in the year 1827, entitled "an act concerning the Public Treasury;" which was read the first time and passed. Whereupon, on motion of Mr. Ward, the rule of the Senate, requiring that all bills of a public nature, when ready for a second hearing, shall be noted to be read at least one day previous thereto, was suspended so far as relates to the said bill; and the bill was read the second time and passed; and being read the third time, Mr. Scott moved to amend the bill by inserting in the 10th line of the enacting clause after the word "year" the words "and that the said officers bring up their accounts as settled monthly, bearing the date of the settlement;" which amendment was agreed to; and the bill as amended, was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Parker,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending or explaining the laws regarding dower, so far as respects the amount of costs to be taxed, and by whom to be paid; and that they report by bill or otherwise.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the bill to provide for the draining of Mattamuskeet Lake,

reported the bill without amendment, and the bill was made the order of the day for Monday next.

Mr. Hinton moved that the Senate reconsider the vote taken to-day on the third and last reading of the bill to alter and amend an act, passed in 1827, entitled "an act concerning the Public Treasury;" and the question, "will the Senate reconsider the said vote?" was decided in the affirmative. The bill being again before the Senate, after some discussion thereon, the question on the passage of the bill the third time passed in the affirmative, and the bill was ordered to be engrossed.

Mr. Marshall presented the petition of sundry citizens of Anson county, praying of the Legislature to pass a law vesting in the people of said county the right of electing sheriffs and field officers. Ordered that the said petition be referred to the joint select committee to whom was referred the resolution relative to the appointment of Sheriff.

Mr. Sherard presented the petition of James Daniel, of Wayne county, praying such compensation for revolutionary services therein stated as may seem just and equitable. Ordered that the petition be referred to the committee of Propositions and Grievances.

The bill to repeal in part an act, passed in the year 1826, entitled "an act to prohibit the justices of the Courts of Pleas and Quarter Sessions for the counties of Brunswick, Currituck and Moore from allowing extra service money to the county officers," was read the second time, and, on motion of Mr. Leonard, was indefinitely postponed.

On motion of Mr. Wellborn,

Resolved, That a joint select committee be appointed to take into consideration the expediency of directing the State Engineer to examine and lay off a road the nearest and best way from Fayetteville to the town of Wilkesborough, in Wilkes county, or to a point on the Yadkin river, in a direct line between the two towns; and that the said committee have leave to report by bill or otherwise.

And a message was sent to the House of Commons, asking their concurrence in the resolution.

Mr. Hardin presented the following resolution, viz.

Resolved, That the Public Treasurer be instructed to pay to John Gambill, Sheriff of Ashe county, the sum of sixty dollars and sixty cents; and that he be allowed a credit for the same in the settlement of his public accounts.

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

Received from the House of Commons a communication from the Governor, inclosing the official returns of votes for Electors of President and Vice President of the United States, received at the Executive Department of North Carolina. On motion of Mr. Brown, ordered that the communication be laid on the table.

And the Senate adjourned till Monday morning, 10 o'clock.

MONDAY, DECEMBER 1, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to alter and amend an act, passed in the year 1827, entitled "an act concerning the Public Treasury;" in which they ask the concurrence of that House.

The following bills were presented, to wit: By Mr. Ramsey, a bill to legitimate Polly Matilda Stinson, of the county of Chatham; and by Mr. Croom, a bill to establish a separate election in the county of Lenoir; also

by Mr. Croom, a bill to authorise the wardens of the poor for the county of Lenoir to purchase a tract of land, and to erect thereon a house for the poor; which bills were 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 the better regulation of the Courts of Pleas and Quarter Sessions of the county of Hertford; a bill to restore Nathaniel Meechum, of Lincoln county, to credit; a bill amendatory of the law respecting dower; and a bill prescribing in what manner field officers shall be recommended to the General Assembly; in which they ask the concurrence of the Senate; which said bills were read the first time and passed, and, on motion of Mr. M'Eachin, ordered that the last named bill be referred to the committee on the Militia and Public Arms; and, on motion of Mr. Spaight, the bill amendatory of the law respecting dower was referred to the Judiciary committee.

On motion of Mr. Wellborn,

Resolved, That a joint select committee be appointed, to take into consideration the expediency of erecting some tribunal for the trial of all minor offences against the State, with leave to report by bill or otherwise.

On motion of Mr. Croom, a message was sent to the House of Commons, stating that Messrs. Ruffin and Miller attend the House to conduct the balloting for a Senator, as heretofore agreed on; and a message was received from the House of Commons, naming Messrs. Waddell and Gary to superintend the ballot on the part of that House.

On motion of Mr. Reinhardt,

Resolved, That the judiciary committee be instructed to inquire into the expediency of altering and amending the law compensating jurors, so far as regards the county of Lincoln.

Mr. Boddie presented the petition of sundry inhabitants residing in the extreme corners of the counties of Wayne, Edgecomb, Nash and Johnston, praying of the Legislature to pass an act erecting a new county out of the extreme corners of the aforesaid counties. Ordered that the petition be referred to the committee of Propositions and Grievances.

The Senate resolved itself into a committee of the Whole House, Mr. Wilson in the Chair, on the bill to erect that section of country, commonly called the Cherokee Purchase, into a separate county; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wilson reported that the committee had had the said bill under consideration, and made no amendment. Whereupon the bill was read the second time. Mr. Miller moved that the bill be laid on the table; which was not agreed to; and the question on the passage of the said bill at the second reading being taken, it passed in the affirmative—yeas 33, nays 26. The yeas and nays being demanded by Mr. Askew, of Hertford.

Those who voted in the affirmative, are Messrs. Alexander, Brodnax, Burgin, Burney, Burns, Brown, Davidson, Davis, Deberry, Franklin of Iredell, Franklin of Surry, Hardin, Joiner, Love, M'Dearmid, M'Dowell, M'Eachin, M'Farland, M'Innis, M'Neill, Marshall, Meares, Mebane, Parker, Pugh, Ramsey, Reinhardt, Scott, Smith of Davidson, Smith of Person, Shober, Shuford and Wellborn.

Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Bailey, Beasley, Bell, Boddie, Croom, Davenport, Harrell, Hinton, Leonard, M'Daniel, Matthews, Miller, Patterson, Riddick, Royal, Ruffin, Salyear, Sherard, Spaight, Walton, Ward, Williams of Beaufort, Williams of Martin, and Wilson.

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

Mr. Miller, from the committee to conduct the ballot for Senator in the

Congress of the United States, to supply the vacancy occasioned by the resignation of Nathaniel Macon, reported that James Iredell is duly elected; in which report the Senate concurred.

On motion of Mr. Ward, a message was sent to the House of Commons, proposing that the two Houses proceed on Friday next to ballot for a Governor for the ensuing year, and nominating for that appointment Montfort Stokes and Richard Dobbs Spaight.

Received from the House of Commons the resignation of Henry Smith, as Lieutenant Colonel of the regiment of *Martin* county; which was read and accepted.

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

TUESDAY, DECEMBER 2, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, to wit: a bill to erect that section of country, commonly called the Cherokee purchase, into a separate county; in which they ask the concurrence of that House.

A motion was made by Mr. Davis to reconsider the vote taken yesterday on the bill to erect that section of country, commonly called the Cherokee purchase, into a separate county, at its third and last reading; and on the question "will the Senate reconsider the said vote?" it was determined in the negative.

Mr. Marshall presented a bill to alter the name of George Pinkney Coppedge, an illegitimate son of John Leë, of Anson county, and to legitimate him; which was read the first time and passed.

Mr. Love presented the following petitions, to wit: the petition of Isaac A. Miller, of the county of Sevier, and State of Tennessee, praying of the Legislature to extend to him the privilege of practising as an attorney in the different courts in the counties of Buncombe and Haywood; and the petition of William H. Steelman, of the county of Habersham, and State of Georgia, praying to be admitted to the privileges of counsellor and attorney in the State of North-Carolina. Ordered that the said petitions be referred to the committee on the Judiciary.

The bill to legitimate Polly Matilda Stinson, of the county of Chatham, was read the second and third times and passed, and was ordered to be engrossed.

The engrossed bill to restore Nathaniel Meechum, of Lincoln county, to credit, was read the second time and passed; and being read the third time, Mr. Mebane moved to amend the bill by striking out from the words "convicted," in the 10th line of the enacting clause, the remainder of the clause, and to insert the words following, to wit: "of any crime whatever;" which amendment was agreed to, and the bill as amended was read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Boddie presented the counter petition of sundry citizens of Nash county in relation to the establishment of a new county. Ordered that the petition be referred to the committee of Propositions and Grievances.

The following bills, to wit: a bill to authorise the wardens of the poor for the county of Lenoir to purchase a tract of land, and to erect thereon a house for the poor; and a bill to alter the name of George Pinkney Cop-

pedge, an illegitimate son of John Lee, of Anson, and to legitimate him; also a bill to establish a separate election in the county of Lenoir, were read the second and third times and passed, and ordered to be engrossed.

The bill to amend the laws regulating the sale of land and slaves, so far as respects the county of Montgomery, was read the second and third times and passed, and ordered to be engrossed.

Mr M'Eachin presented a bill for the better regulation of retailing spirituous liquors; which was read the first time and passed, and, on motion of Mr. M'Eachin, ordered to be referred to the committee on the Judiciary.

Received from the House of Commons a message, transmitting a communication of the Governor, enclosing the annual report of the Board of Internal Improvements, with a proposition to print the report; which was agreed to, 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 engrossed bill to amend an act, passed in the year 1777, entitled "an act to encourage the building of public mills, and directing the duty of millers;" which was read the first time and passed.

On motion of Mr. Bell,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of amending the inspection laws of this State, so as to create a penalty on those who sell fish without the proper dimension of barrels, as is now prescribed by law.

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

On motion of Mr. Meares, the bill to provide for the draining of Mattamuskeet Lake, was ordered to be committed to a committee of the whole House, and made the order of the day for Thursday next

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

Whereas it appears from the books of the Comptroller's Office, that there is a large balance due from the United States to this State: Therefore

Resolved, That the claims of this State against the United States be referred to a joint select committee of three members from each House, to inquire into the demand, and report such measures as ought to be taken to obtain payment.

Which was agreed to, and the resolution sent to the House of Commons for their concurrence.

Received from the House of Commons a message, stating their agreement to the proposition of the Senate to ballot on Friday next for Governor of this State for the ensuing year.

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

Whereas there are various opinions among the people of this State, and many doubts exist, whether the commission of a Justice of the Peace, while acting as Sheriff, is suspended or entirely vacated or annulled thereby: Be it therefore

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law explaining the same; and that they report by bill or otherwise.

Which was agreed to.

Received from the House of Commons the resolution, proposing to raise a select joint committee to inquire into the expediency of having a route for a road laid off from Fayetteville to Wilkesborough, endorsed in that House "read and agreed to."

Also received from the House of Commons the resolution, proposing to

raise a select joint committee to consider the expediency of creating some tribunal for the trial of all minor offences against the State, endorsed in that House "read and agreed to." Messrs. Wellborn, Meares, Alexander, Marshall and Baily compose the committee on the part of the Senate, and the House of Commons were informed thereof by message.

A message was sent to the House of Commons, stating that Messrs. Wellborn, M'Dearmid, M'Neill, Deberry and Royal are appointed of the committee on the part of the Senate on the resolution to inquire into the expediency of having a route for a road laid off from Fayetteville to Wilkesborough.

The engrossed bill concerning certain lands purchased at the sales of the commissioners in Haywood county, was read the second and third times and passed, and ordered to be enrolled.

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

WEDNESDAY, DECEMBER 3, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to legitimate Polly Matilda Stinson, of the county of Chatham; a bill to authorise the wardens of the poor for the county of Lenoir to purchase a tract of land, and to erect thereon a house for the poor; a bill to alter the name of George Pinkney Coppedge, an illegitimate son of John Lee, of Anson, and to legitimate him; a bill to establish a separate election in the county of Lenoir; and a bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery; in which they ask the concurrence of that House.

On motion of Mr. Meares, a message was sent to the House of Commons, proposing that the documents accompanying the report of the Board of Internal Improvements be printed.

A message was sent to the House of Commons, stating that Messrs. Davidson, Matthews and Miller compose the committee on the part of the Senate on the resolution in relation to the balance due from the United States to this State.

Mr. Meares presented a bill to appropriate thousand hundred dollars for improving the navigation of the Cape Fear river below Wilmington; which was read the first time and passed, and, on motion of Mr. Meares, ordered to be referred to a select joint committee of four members of each house; and a message was sent to the House of Commons, asking their concurrence, and naming Messrs. Meares, Brodnax, Mebane and Burney of the committee on the part of the Senate.

Mr. Deberry presented a bill to provide for the final settlements of executors and administrators; which was read the first time and passed, and, on motion of Mr. Shober, ordered to be printed.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: a bill to repeal an act, passed at the last session of the General Assembly, entitled "an act for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Robeson;" and a bill to restore to credit John A. Nuffer, of the county of Anson; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

Mr. Brodnax presented the following resolution, viz.

Resolved, That the Senate do adjourn at 12 o'clock, and that the use of their chamber be tendered to the Electors of President and Vice President after that hour.

Resolved further, That the Clerk of this House notify the said Electors of this resolution.

Mr. Sherard moved to amend the last resolution, by striking out the word "Clerk," and insert in lieu thereof the word "Doorkeeper;" which amendment was not agreed to; and the question then recurred on the adoption of the resolution, and it passed in the affirmative.

Mr. Spaight presented the certificate of allowance made by the County Court of Craven in favor of Thomas Ewell and Christopher Bexley, pensioners; also the certificate of allowance by the County Court of Craven, in favor of Capt. John Rhem, a pensioner. On motion of Mr. Spaight ordered that the said certificates be countersigned by the Speaker of the Senate; which was accordingly done, and the certificates sent to the House of Commons.

Mr. Hinton presented the petition of Benjamin S. King, of the city of Raleigh, praying of the Legislature to grant him indulgence in the payment of a certain balance therein stated to be due the State, until the first day of January, 1829; and the petition being read, on motion of Hinton, *Resolved*, That the Treasurer be directed to order stay of execution in the case, "The Governor to the use of the State of North Carolina against Benjamin S. King," issued from the Court of Pleas and Quarter Sessions for the county of Wake, according to the prayer of said King's petition, until the first of Nov. 1829.

Mr. Hinton presented the petition of Stephen Pearson, praying to be relieved from the payment of a certain bond therein stated. Ordered that the said petition be referred to the committee of Claims.

On motion of Mr. Deberry, the Senate proceeded to consider the bill to restore William Ferrell, of Montgomery county, to credit; and the bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Meares, from the Judiciary committee, to whom was referred the bill to regulate the emancipation of slaves, reported the bill with an amendment; and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, to whom was referred the engrossed bill amendatory of the law respecting dower, reported the same without amendment, and the bill was made the order of the day for to-morrow.

Mr. Smith, of Person, presented a bill to secure to Rachael Blackwell, of Person county, such property as she may hereafter acquire; which was read the first time and passed, and, on motion of Mr. Smith, of Person, ordered that the bill be referred to the committee of Propositions and Grievances:

Received from the House of Commons the memorial of John D. Hawkins, Edward T. Brodnax and John R. Eaton, with a proposition from that House that the memorial be referred to a select joint committee of three members from each House; which proposition was agreed to, and a message sent, informing that House thereof; and that Messrs. Mebane, Brown and Meares form the committee on the part of the Senate.

The engrossed bill to repeal an act, passed at the last session of the General Assembly, entitled "an act for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Robeson," was read the

second time. Mr. M'Eachin moved to amend the bill by *striking* out the word "same," in the fourth line of the enacting clause, and inserting the words "above recited act;" which amendment was agreed to, and the bill as amended was read the second and third times and passed; and a message sent to the House of Commons, asking their concurrence in the amendment.

Mr. Wellborn presented the petition of Joshua Pinion, of Wilkes county, praying to be restored to the privileges of a citizen. Ordered that the petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Burney, a message was sent to the House of Commons, stating that the names of John Owen and Willis Alston are added to the nomination for Governor.

The following resignations were presented, to wit: By Mr. Burney, the resignation of Luke R. Simmons, of the county of Columbus; by Mr. Meares, the resignation of David Jones, of the county of New Hanover; and by Mr. Hardin, the resignation of Abraham Vanderpool, of the county of Ashe, justices of the peace in their respective counties; which were read and accepted and sent to the House of Commons.

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

And the Senate adjourned till to-morrow, 10 o'clock.

THURSDAY, DECEMBER 4, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to restore William Ferrell, of Montgomery county, to credit;" in which they ask the concurrence of that House; also the engrossed resolution in favor of Benjamin S. King; in which they ask the concurrence of that House.

A message was received from the House of Commons, transmitting a communication from the Governor, with accompanying documents and references, with a proposition that they be referred to the joint select committee on the Penitentiary and Lunatic Asylum; which proposition was agreed to, and the House of Commons informed thereof by message.

Received from the House of Commons a message, stating that they have passed the engrossed bill, to wit: a bill to prevent the falling of timber in, or obstructing the run of the Yadkin river, in Wilkes county; also the engrossed resolution, directing the Comptroller of public accounts to have his statements hereafter printed in octavo, six copies for each member of the Legislature, &c. in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed, and was subsequently read the second time, and, on motion of Mr. Wellborn, ordered to lie on the table; and the resolution concerning the Comptroller's statement was read the first time and passed.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate in the engrossed bill to restore to credit Nathaniel Meechum, of Lincoln county. Whereupon the bill was ordered to be enrolled.

Received from the House of Commons the resolution proposing the appointment of a select joint committee to inquire into the claims of this State against the United States, endorsed in that House "read and con-

occurred in," and Messrs. Gaston, Spruill and Swain form the committee on the part of that House.

A message was received from the House of Commons, stating that the name of James Mebane is added to the nomination for Governor.

A message was received from the House of Commons, stating that Messrs. Fisher, Shipp, Eccles, Gordon and Allison form the committee on the part of that House to take into consideration the expediency of directing the State Engineer to survey and lay off a road from Fayetteville to Wilkesborough; also stating that Messrs. Spruill, Gary, Mitchell, Ruffin and Swain form the committee on the part of that House on the resolution to take into consideration the expediency of creating some tribunal for the trial of all minor offences against the State.

The Speaker presented the following resolutions, signed by Monfort Stokes, of Wilkes, President of the Electoral College:

Raleigh, Dec. 3d, 1828.

Resolved, That the thanks of the Electors of the Electoral College of North Carolina be presented to the Honorable Speaker of the Senate, and through him to the Senate of North Carolina, for their polite tender of the Senate Chamber for the use of the Electoral College.

Resolved, That the President of the Electoral College present these resolutions to the Honorable Speaker of the Senate, and request that he will present them to the Senate in the most acceptable manner.

And the resolutions being read, on motion of Mr. Wilson, ordered that the resolutions be laid on the table.

On motion of Mr. Wilson, the Senate proceeded to consider the resolution appointing a select joint committee to take into consideration the expediency of instructing our Senators and requesting our Representatives in Congress of the United States to obtain for this State a proportionable part of the public funds for the purpose of Internal Improvements; and the resolution being read, on motion of Mr. Spaight, ordered that the resolution be committed to a committee of the Whole House, and that it be made the order of the day for Monday next. Mr. Wilson presented the following as an amendment to the resolution now before the Senate on that subject viz:

Whereas by the tenth article of the amendment to the Constitution of the United States it is declared that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;"

Be it therefore resolved, as the opinion of this Legislature, that the right by the Congress of the United States to carry on Internal Improvement in the several States, or to appropriate the funds of the General Government for that purpose, is not contained in the granted powers of the Constitution of the United States, and is at variance with the rights reserved to the States, and not sanctioned by sound policy.

Which being read, on motion of Mr. Wilson, ordered that the resolution be referred to the committee of the Whole House to whom was referred heretofore a resolution on the same subject, and be made the order of the day for Monday next.

On motion of Mr. Patterson, ordered that Willis W. Boddie, the Senator from the county of Nash, have leave of absence from and after to day until Monday next.

A message was received from the House of Commons, stating their agreement to print the documents accompanying the report of the Board of Internal Improvements.

The Senate proceeded to the orders of the day, and resolved itself into a committee of the whole House, Mr. Davidson in the Chair, on the

bill to provide for the draining of Mattamuskeet Lake; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Davidson reported that the committee had, according to order, had the said bill under consideration, and had directed him to report the bill with sundry amendments; and the question being taken on concurring in the several amendments made in committee of the Whole, they were severally concurred in by the Senate. Mr. M'Dearmid moved to amend the bill, by inserting at the end of the second section the following proviso, to wit: "provided that contracts for the completion of the canal can be made for the sum hereby appropriated;" which was agreed to. Mr. M'Dearmid then moved to amend the bill by *striking* out in the fourth line of the first section the word "eight" and inserting the word "ten;" which amendment was not agreed to. Mr. Meares moved to amend the bill by adding to the proviso at the end of the second section of the bill the words following, to wit: "and that a tax of two cents per acre shall be paid on all lands lying within one half mile of said lake, to be collected by the Sheriff of the county of Hyde, and appropriated (in addition to the sum herein specified) for the purpose of making said canal. Mr. Beasley moved to amend the amendment by striking out the word "a" in the first line of the amendment, and inserting the words "an annual;" which amendment to the amendment was not agreed to, and the question being taken on the amendment of Mr. Meares, it passed in the affirmative. The bill as amended was read second time, and the question being taken on the passage of the bill, it was determined in the negative—yeas 26, nays 32: the yeas and nays being demanded by Mr. Davenport.

Those who voted in the affirmative, are Messrs. Alexander, Bailey, Brodnax, Burney, Burns, Franklin of Surry, Hardin, Hunt, Love, M'Daniel, M'Dearmid, M'Dowell, M'Eachin, M'Farland, M'Innis, Meares, Mebane, Miller, Pugh, Royal, Ruffin, Shober, Spaight, Ward, Wellborn, Williams of Beaufort.

Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Beasley, Bell, Burgin, Brown, Davenport, Davidson, Davis, Deberry, Franklin of Iredell, Harrell, Hinton, Joiner, Leonard, M'Neill, Marshall, Matthews, Parker, Patterson, Ramsey, Reinhardt, Riddick, Salyer, Scott, Smith of Davidson, Smith of Person, Sherard, Shuford, Walton, Williams of Martin and Wilson.

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

FRIDAY, DECEMBER 5, 1828.

A message was received from the House of Commons, stating their rejection of the engrossed bill to restore William Ferrell, of Montgomery county, to credit; and also stating their concurrence in the amendment made by the Senate in the engrossed bill to repeal an act, passed at the last General Assembly, entitled "an act for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Robeson." Whereupon the said bill was ordered to be enrolled.

Mr. Ramsey presented a bill to amend an act, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government," passed in the year 1822; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Gaston, Walker of Wilmington, Smith of Chatham, and Mendenhall form the select joint committee on the part of that House, to whom the Senate proposed to refer the bill to appropriate thousand hundred dollars for the improvement of the river Cape-Fear below Wilmington;

and stating also that Messrs. Nash, Bethell, and Ward of Franklin form the committee on the part of that House, to whom the memorial of John D. Hawkins, Edward T. Brodnax and John R. Eaton, on behalf of the Roanoke Navigation Company, was proposed to be referred.

Received from the House of Commons a message from the Governor, transmitting to the General Assembly a communication from the Stockholders of the State Bank of North-Carolina; which was read, and, on motion of Mr. Shober, ordered to be referred to the committee on the Banks; and a message was sent to the House of Commons, asking their concurrence in the reference.

Received from the House of Commons a certificate of allowance made by the County Court of Craven in favor of Thomas Ewell and Christopher Bexley, pensioners, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons, and returned to the Senate;" also the certificate of allowance of the County Court of Craven in favor of Captain John Rhem, a pensioner, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons, and returned to the Senate."

Mr. Hinton, from the committee on the Public Buildings, made a detailed report; when Mr. Hinton reported a bill to provide for the repairing of the State House and railing round the Public Square; which was read the first time and passed.

Mr. Meares presented a bill to amend the practice in Courts of Equity; which was read the first time and passed, and, on motion of Mr. Meares, ordered to be referred to the committee on the Judiciary.

Mr. Meares, from the Judiciary committee, to whom was referred the resolution relating to mortgages and deeds in trust, made a report; which was read, when Mr. Meares reported a bill to prevent frauds in the execution of mortgages and deeds in trust; which was read the first time and passed, and, on motion of Mr. Shober, ordered to be printed, one copy for each member of the Legislature.

The Speaker presented the report of the Adjutant General of the State. On motion of Mr. Wilson, ordered that the report be referred to the committee on the Militia and Public Arms, and that it be printed.

Mr. Love, from the committee of Claims, to whom was referred the petition of John B. Ogg, made a detailed report; which was read, and the recommendation therein contained, as follows, viz. "that it is inexpedient to grant the prayer of the petitioner John B. Ogg," was concurred in by the Senate.

Mr. Meares, from the Judiciary committee, to whom was referred the bill giving compensation to patrollers, reported the bill with sundry amendments, and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, to whom was referred the resolution in relation to the expediency of passing a law explanatory of the effect produced on the commission of a justice of the peace by his appointment to the office of Sheriff, reported that it is deemed unnecessary to pass any law upon the subject; in which report the Senate concurred.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of Joshua Pinion, of the county of Wilkes, made a detailed report; which was read, when Mr. Shober reported a bill to restore Joshua Pinion, of Wilkes county, to credit; which was read the first

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

On motion of Mr. Alexander, the Senate proceeded to consider the bill to secure to Sarah Wooters, of Guilford county, such property as she may hereafter acquire; and the bill was read the third time and passed, and ordered to be engrossed.

Mr. M'Farland presented a bill prescribing the time jurors shall be paid for their services in the county of Richmond; which was read the first time and passed, and was subsequently read the second and third times and passed, and ordered to be engrossed.

The bill for the inspection of steam mill lumber, was read the second and third times and passed, and ordered to be engrossed.

The bill amendatory of the law respecting dower, was read the second time and passed, and being read the third time, on motion of Mr. Meares, the further consideration thereof was postponed until to-morrow.

On motion of Mr. Burns.

Resolved, That the committee on Internal Improvements inquire into the expediency of giving to Alanson Nash, State Engineer, compensation for certain services performed during the last session of the General Assembly.

Mr. M'Eachin presented the petition of Mary M'Eachern, of Robeson county, praying to have such property as she may hereafter acquire secured to her; which was read, when Mr. M'Eachin presented a bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire; which was read the first time and passed, and, on motion of Mr. M'Eachin, referred, with the petition, to the committee of Propositions and Grievances.

Mr. Shober presented the petition of Susannah Mary Houser, of the county of Stokes, praying of the Legislature to secure to her such property as she may hereafter acquire. Ordered that the petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Burns, a message was sent to the House of Commons, stating that Messrs. Burns and Bailey attend the House to conduct the ballot for Governor as heretofore agreed on; and a message was received from the House of Commons, naming Messrs. Walker of Wilmington and Clayton of the balloting committee on their part.

Mr. Burns, from the committee to conduct the ballot for Governor, reported that no person in nomination had received a majority of votes.

A message was received from the House of Commons, proposing to ballot again immediately for Governor; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and stating that Messrs. Burns and Bailey are appointed of the committee to conduct the ballot on the part of the Senate; and a message was received from the House of Commons, naming Messrs. Walker of Wilmington and Clayton to conduct the ballot on their part.

The bill to amend an act, passed in the year 1800, entitled "an act concerning wrecks," was read the second time. Mr. Salyear moved to amend the bill by adding an additional section, as follows, viz. "And be it further enacted, That the provisions of this act shall not

extend to the county of Currituck, except that the commissioners who are already appointed, or who may hereafter be appointed, shall renew their bonds annually, beginning at the first County Court which shall be held for said county after the first day of January, 1829;" when, on motion of Mr. Meares, the further consideration of the bill, together with the amendment, was postponed until Monday next.

Mr. Burns, from the committee to conduct the ballot for Governor, reported that no person in nomination had received a majority of votes.

The following resignations were presented: by Mr. Royal, the resignation of Henry Godwin, of Sampson county, as a justice of the peace; and by Mr. Reinhardt, the resignation of John Zimmerman, as Lieut. Colonel of Cavalry of the 10th brigade of North Carolina militia; which were read and accepted, and sent to the House of Commons.

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

SATURDAY, DECEMBER 6, 1828.

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 Joshua Pinion, of Wilkes county, to credit; a bill to secure to Sarah Vooters, of the county of Guilford, such property as she may hereafter acquire; and a bill for the inspection of stean mill timber; in which they ask the concurrence of that House.

Received from the House of Commons the following resolution, to wit:

Resolved, That a joint select committee be appointed, to inquire into the expediency of changing the present mode of receiving lists of taxable property, and ascertaining the value of lands, and amending the revenue laws of this State; and that they report by bill or otherwise.

Resolved, That Messrs. Swain, Mitchell, Hall, Gregory and Simmons of Columbus form the committee on the part of this House.

Which resolutions were agreed to, and a message sent to the House of Commons, informing them thereof, and stating that Messrs. Ruffin, Matthews, Brown, Salyear and Bell form the committee on the part of the Senate.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill for the taking of depositions; a bill more effectually to prescribe the duty of the County Trustee of Onslow county; a bill to repeal in part the third section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State relative to the infantry; and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the militia laws of this State; a bill concerning the grave lot in Greenville, in the county of Pitt; and a bill making it the duty of the Major General of the 3d division of the militia of North Carolina, to which the county of Orange is attached, to

review the militia at their usual muster grounds; in which they ask the concurrence of the Senate; which bills were severally read the first time and passed, and the bill to repeal in part the 3d section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State relative to infantry; and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the militia laws of this State; was, on motion of Mr. M'Eachin, ordered to be referred to the committee on the Militia and Public Arms.

On motion of Mr. Askew, of Bertie, a message was sent to the House of Commons, proposing to ballot again for Governor, and stating that the name of Willis Alston is withdrawn from the nomination. Whereupon a message was received from the House of Commons, agreeing to the proposition of the Senate, and naming Messrs. Rainey and Wyche superintendents on their part; and a message was sent to the House of Commons, naming Messrs. Askew of Bertie and Leonard to conduct the ballot on the part of the Senate.

Received from the House of Commons a message, stating that they have rejected the engrossed resolution in favor of Benjamin S. King, and that they concur in the reference made in the Senate of the Governor's message and the report of the Stockholders of the State Bank to the joint select committee on the Banks.

Mr. Meares, from the Judiciary committee, to whom was referred the resolution relative to the expediency of amending the law regarding costs on petitions for dower, made a report; which was read, when Mr. Meares reported a bill to regulate costs on petitions for dower and partition; which was read the first time and passed, and made the order of the day for Monday next.

On motion of Mr. M'Eachin, ordered that Gabriel Sherard, the Senator from the county of Wayne, have leave of absence for and during this day.

Mr. Wellborn, from the joint select committee to whom was referred the resolution relative to the expediency of reducing the price of vacant lands; and also the resolution relative to the entry of vacant swamp and marsh lands, made a detailed report; which was read, when Mr. Wellborn reported a bill fixing the price hereafter to be paid for vacant lands, and permitting the entry of certain swamp lands; which was read the first time and passed.

Mr. Meares, from the Judiciary committee, to whom was referred the resolution relative to altering and amending the law compensating the jurors of Lincoln county, made a report; which was read, when Mr. Meares reported a bill making provision for compensating jurors so far as regards the county of Lincoln; which was read the first time and passed, and being subsequently read the second time, was amended by adding after the word Lincoln, in the 6th line of the first section of the bill, the words "Moore, Rutherford and

Anson;" and the provisions of the bill and the title were amended so as to correspond thereto; and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

Mr. Leonard, from the committee to conduct the ballot for Governor, reported that no person in nomination had received a majority of votes.

The Senate entered on the orders of the day, and proceeded to consider the bill to provide for the repairing of the State House and railing round the Public Square; and the bill being read the second time, Mr. Meares moved to amend the bill by adding at the end of the bill the following proviso, to wit: "provided nevertheless, that no gate shall be erected, through which any horse or carriage can pass into the enclosure round the public square;" which amendment was agreed to. Mr. Wellborn moved to amend the bill by striking out the words "two thousand two hundred," in the 10th and 11th lines of the bill. Mr. Alexander moved to postpone the further consideration of the bill until Monday next, together with the proposed amendment; which was agreed to.

On motion of Mr. Love, the further orders of the day were postponed, and, on motion of Mr. Love, the name of Montfort Stokes was withdrawn from the nomination for Governor, and a message was sent to the House of Commons, informing them thereof.

A message was received from the House of Commons, proposing that another ballot take place immediately for Governor of the State; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof; and stating that Messrs. Leonard and Askew of Bertie are appointed to conduct the ballot on the part of the Senate; and a message was received from the House of Commons, naming Messrs. Alexander and Pierce to conduct the ballot on their part.

On motion of Mr. Burns, a message was sent to the House of Commons, proposing to ballot on Wednesday next for a Judge of the Superior Courts of Law and Equity, to supply the vacancy created by Judge Ruffin's resignation, and stating that Willie P. Mangum is nominated for the appointment.

Mr. Meares presented the following resolution, viz.

Resolved, That the Treasurer pay to Louis D. Wilson, Isaac Wright and Frederick J. Hill (the commissioners appointed on behalf of the State to attend the meeting of the Stockholders of the Bank of Cape-Fear) the sum of ten cents per mile for travelling to and from their respective homes to Wilmington, and three dollars per day for the time they were actually engaged in performing their duty.

Which was read the first time and passed.

Mr. Askew, of Bertie, from the committee to superintend the ballot for Governor, reported that no person in nomination had received a majority of votes.

On motion of Mr. Brown, a message was sent to the House of Commons, proposing to ballot again immediately for Governor; and a message was received from that House, agreeing to the proposi-

tion of the Senate, and naming Messrs. Alexander and Pierce as superintendents of the ballot on their part. Whereupon a message was sent to the House of Commons, stating that Messrs. Leonard and Askew of Bertie attend to conduct the ballot on the part of the Senate.

Mr. Davenport moved that the committee to superintend the ballot for Governor be instructed to wait on the sick members at their chambers; which was not agreed to.

Mr. Wilson presented the following resolution, to wit:

Resolved, That the Public Treasurer be, and he is hereby instructed to pay to William Martin the sum of fifteen dollars, for carrying writs of election to supply the vacancy occasioned in the representation from the county of Caswell, by the death of Bartlett Yancy and Charles D. Donoho, Esquires.

Which was read the first time and passed. Whereupon Mr. Wilson moved that the rule of the Senate requiring all bills of a public nature, when ready for the second hearing, shall be noted to be read at least one day previous thereto, be suspended as far as regards this resolution; which was agreed to, and the resolution was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill concerning the grave lot in Greenville, in the county of Pitt, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill more effectually to prescribe the duty of the county trustee for the county of Onslow, was read the second time and passed.

Received from the House of Commons the resignation of Thomas Ruffin, of the office of a Judge of the Superior Courts of law and Equity; also the resignation of John Linn, of Rowan county, and the resignation of Joseph Mumford, of New Hanover county, justices of the peace in their respective counties; and the resignation of Frederick F. Robbins, as Lieutenant Colonel of the first regiment of Edgecomb militia; which were read and accepted by the Senate.

And the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 8, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill making provision for the compensation of jurors, so far as regards the counties of Lincoln, Moore, Rutherford and Anson;" and the engrossed resolution in favor of William Martin; also the engrossed bill prescribing the time when jurors shall hereafter be paid for their services in the county of Richmond; in which they ask the concurrence of that House.

Mr. Leonard, from the committee to conduct the ballot for Governor, reported that no person in nomination had received a majority of votes.

Mr. Leonard moved that a message be sent to the House of Commons, proposing to ballot again immediately for Governor; which was not agreed to.

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, entitled an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain services; a bill concerning the treasurer of public buildings and county trustee of Buncombe county; a bill to incorporate Chorazin Chapter, No. 13, of Royal Arch Masons, in the town of Greensborough, in the county of Guilford; and a bill to legitimate Joseph Smith and Mary Bently, illegitimate children of John Smith and Susannah Berry, of Burke county; in which they ask the concurrence of the Senate; which bills were severally read the first time and passed.

Mr. Meares, from the Judiciary Committee, made a detailed report on the petition of William A Steelman, of the county of Habersham and State of Georgia; which was read, and the resolution therein contained, as follows, to wit: "*Resolved*, that the prayer of the petitioner be not allowed," was concurred in by the Senate.

Mr. Meares, from the same committee, made a report on the petition of Isaac A. Miller, of the county of Sevier and State of Tennessee; which was read, and the resolution therein contained, as follows, to wit: "*Resolved*, that the prayer of the petitioner be not allowed," was concurred in by the Senate.

Mr. Meares, from the same committee, reported the bill for the better regulation of retailing spiritous liquors, with sundry amendments; and the bill was made the order of the day for to-morrow.

The following bills were presented, to wit: By Mr. Williams, of Beaufort, a bill to incorporate Bellefont Cotton Manufacturing Company, in the county of Beaufort; by Mr. Croom, a bill to establish Mosely Hall Academy, in the county of Lenoir, and to incorporate the trustees thereof; by Mr. Burgin, a bill to extend the provisions of an act, passed in the year 1822, entitled an act granting further time to perfect titles within this State; which were read the first time and passed.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of James Daniel, of Wayne county; which was read, and the resolution therein contained, as follows to wit: "*Resolved*, that the prayer of the petitioner be not allowed," being read, on motion of Mr. Sherard, ordered that the report and resolution be laid on the table.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to restore Joshua Pinion, of Wilkes county, to credit; and that they have rejected the engrossed bill to secure to Sarah Wooters, of Guilford county, such property as she may hereafter acquire.

The bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort, was read the second time and passed.

The bill to establish Mosely Hall Academy, in the county of Lenoir, and to incorporate the trustees thereof, was read the second and third times and passed, and ordered to be engrossed.

Mr. Mebane, from the committee on Education, to whom was referred a bill to provide for the education of the poor children of North Carolina, reported the same without amendment, and the bill was made the order of the day for to-morrow.

On motion of Mr. Shober,

Resolved, That the committee on the Militia Laws and Public Arms be instructed to inquire into the expediency of appointing a suitable guard for the better protection of the arsenal and public arms, and the public buildings generally; and that they report by bill or otherwise.

Mr. Wellborn presented the petition of sundry citizens of the counties of Wilkes and Ashe, praying assistance from the Legislature to keep up the stage road from Wilkesborough to the Tennessee line; and, on motion of Mr. Wellborn, ordered that the petition be referred to the select joint committee on the proposition to inquire into the expediency of laying off a road from Fayetteville to Wilkesborough.

A message was received from the House of Commons, proposing to ballot immediately for a Governor; which proposition was agreed to, and a message was sent to the House of Commons, stating the agreement of the Senate, and naming Messrs. Wilson and Ruffin to conduct the ballot on their part; and a message was received from the House of Commons, naming Messrs. Alexander and Bynum superintendents on their part.

Mr. Williams, of Martin, moved that a message be sent to the House of Commons, proposing to instruct the balloting committee to wait on the sick members at their chambers; and the question being taken, there were 27 yeas, and 26 noes. The Speaker voted in the negative, which produced an equal division of the Senate, and the motion did not prevail.

Mr. Wellborn moved to reconsider the vote just taken on the proposition to the Commons to instruct the balloting committee to wait on the sick members at their chambers; and on the question "will the Senate reconsider the vote?" it was determined in the negative.

Mr. Wilson, from the balloting committee for a Governor for the ensuing year, reported that John Owen was duly elected; in which report the Senate concurred.

The following engrossed bills, to wit: a bill to amend an act, entitled "An act to authorise the Court of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain services;" a bill to incorporate Chorazin Chapter, No. 13, of Royal Arch Masons, in the town of Greensborough, in the county of Guilford; a bill to legitimate Joseph Smith and Mary Bently, illegitimate children of John Smith and Susannah Berry, of Burke county; and the

bill concerning the Treasurer of Public Buildings and County Trustee of Buncombe county, were read the second and third times and passed, and ordered to be enrolled.

The Senate entered on the orders of the day, and proceeded to consider the bill to provide for the repairing of the State House and railing round the public square. The question before the Senate was on the motion of Mr. Wellborn on the 6th instant, to strike out the words "two thousand two hundred" in the 10th and 11th lines of the bill; and the question being taken, it passed in the affirmative. Mr. Wellborn moved to fill the blank with "two hundred." On motion of Mr. Wellborn, ordered that the further consideration of the bill be postponed until to-morrow.

The engrossed resolution concerning the Comptroller's statements, was read the second time. Mr. Wilson moved that the resolution be indefinitely postponed; when, on motion of Mr. Spaight, ordered that the resolution be laid on the table.

The bill to regulate the emancipation of slaves within the State of North Carolina, was read a second time, and the amendment proposed by the Judiciary committee, viz: to insert as an additional section, as follows, to wit: "*Be it further enacted*, That it shall be the duty of grand jurors within this State to make presentment of all slaves who may hereafter be emancipated, who may violate the provisions of this act of Assembly; and upon such presentment, it shall be the duty of the prosecuting officer of the Court wherein the presentment may be made, to prosecute such slave as herein before provided," being read, and the question taken on agreeing thereto, it passed in the affirmative, and the bill, as amended, was read the second time and passed.

The resolution in favor of Louis D. Wilson, Isaac Wright and Frederick J. Hill, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill making it the duty of the Major General of the third division of the militia of North Carolina, to which the county of Orange is attached, to review the militia at their usual regimental muster grounds, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to amend an act, passed in the year 1800, entitled an act concerning wrecks, was read the second time. The question before the Senate on the postponement of the further consideration of the bill on the 5th instant, was, on Mr. Salyear's motion, to amend the bill by adding the following section, to wit: "*And be it further enacted*, That the provisions of this act shall not extend to the county of Currituck; except that the commissioners already appointed shall renew their bonds annually, beginning at the first County Court which shall be held for said county after the first day of January, 1829;" and the amendment being read, the question on

agreeing thereto passed in the negative. Mr. Meares moved to amend the bill by adding as an additional section the following, to wit: "*Be it further enacted*, That whenever hereafter any property shall be found on board any vessel at sea, which has been wrecked or abandoned by the crew, which property is afterward brought into this State, it shall be the duty of the person in whose possession the same may be, to deliver it to the wreck master of the district into which said property may be brought, to be disposed of as stranded property is now directed to be; and any person who may hereafter embezzle or conceal or appropriate to his own use any such property, shall be liable to indictment, and, upon conviction, shall be whipped at the discretion of the court, not exceeding thirty-nine lashes;" and the question on agreeing to the amendment passed in the affirmative, and the bill, as amended, was read the second time and passed, and was subsequently read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill to amend an act, passed in the year 1777, entitled an act to encourage the building of public mills, and directing the duty of millers, was read the second time, and, on motion of Mr. Sherard, ordered to be indefinitely postponed, and the House of Commons were informed thereof by message.

The following resignations were presented: by Mr. Deberry, the resignation of John Crump, as Colonel Commandant of the first regiment of militia of the county of Montgomery; and by Mr. Shuford, the resignation of William Davis, as a justice of the peace for the county of Rutherford; which were read and accepted, and sent to the House of Commons.

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

TUESDAY, DECEMBER 9, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to establish Mosely Hall Academy, in the county of Lenoir, and to incorporate the trustees thereof;" also the engrossed resolution in favor of Louis D. Wilson, Isaac Wright and Frederick J. Hill; in which they ask the concurrence of that House.

A message was received from the House of Commons, proposing that a special messenger be forthwith appointed by the Speakers of the two houses, to inform John Owen, of Bladen county, of his election as Governor of the State, and to request his presence here as early as convenient, for the purpose of taking the oaths of office; which proposition was agreed to, and the House of Commons informed thereof by message.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: a bill to determine how surveys of lands shall be made to enable surveyors to ob-

tain grants from the State, and to confirm grants heretofore made to surveyors and deputy surveyors in certain cases; a bill to amend an act, passed in the year 1820, chapter 1045, entitled "an act to extend the jurisdiction of justices of the peace;" and a bill concerning the chairman of the County Court of Bertie; in which they ask the concurrence of the Senate.

The following bills were presented, to wit: By Mr. Smith, of Person, a bill to repeal an act, passed in the year 1815, entitled "An act to incorporate Person Library Society;" by Mr. Wilson, a bill to repeal so much of an act, passed in the year 1810, as prevents any person from working seines and nets in Tar river above the mouth of Fishing Creek; and by Mr. Gray, a bill to amend an act, passed in 1823, entitled an act to amend and extend the provisions of an act, entitled an act to promote agriculture and family domestic manufactures in this State; which bills were read the first time and passed.

The Speaker laid before the Senate a communication from James Iredell, in relation to the period of time when the office of Governor expires; and the communication being read, on motion of Mr. Shober, a message was sent to the House of Commons, proposing to refer the communication to a select joint committee, to consist of three members from each House; and stating that Messrs. Shober, Mears and Brown are appointed of the committee on the part of the Senate.

Received from the House of Commons the certificate of allowance made by the County Court of Cumberland in favor of Isabella Campbell, widow of James Comphell, of the continental line of this State, endorsed in that House "read and ordered to be countersigned by the Speaker of this House, and sent to the Senate;" and the certificate being read, on motion of Mr. W'Dearmid, ordered that the certificate be countersigned by the Speaker of the Senate; which was accordingly done, and the certificate sent to the House of Commons.

Mr. Spaight moved that the Senate reconsider the vote taken yesterday on the third and last reading of the bill to amend an act, passed in the year 1800, entitled an act concerning wrecks; and on the question "will the Senate reconsider the vote?" it passed in the affirmative; and the bill being again before the Senate on its third and last reading, Mr. Spaight moved to amend the bill by striking out the words "or appropriate to his own use;" in the 11th line of the last section of the bill; and the question being taken on the amendment, it passed in the affirmative, and the bill, as amended, 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 concerning the Chairman of the County Court of Bertie, was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Askew, of Bertie,

Resolved, That the committee of Claims be instructed to inquire into the expediency of

refunding to Lewis Bond, Sheriff of Bertie county, the sum paid by the said Sheriff for the apprehension of a Moses Ward, who broke jail and was attempting an escape, committed on a charge of burglary; and that they report by bill, resolution or otherwise.

Mr. Joiner presented the petition of Richard Jordan, a revolutionary soldier, praying such relief as the Legislature may think proper to extend to him. Ordered that the petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Matthews John H. Patterson, the Senator from the county of Northampton, had leave of absence from the service of the Senate from and after this day, to include Saturday next.

Mr. Shober presented the following resolutions, to wit:

1st *Resolved*, That the best interest of the State requires that Agriculture and Domestic Manufactures should be protected.

2nd. *Resolved*, That the committee on Agriculture be instructed to inquire into the best means of promoting objects so essential.

3rd. *Resolved*, That the growing of wool is of primary importance; and that the said committee inquire if any measures can be adopted for its encouragement; and that they report by bill or otherwise.

And the resolutions being read, and the question taken on their adoption, it passed in the affirmative.

Received from the House of Commons the report of James Iredell, William Robards and William Hill, who were appointed by a resolution of the last General Assembly, to examine the accounts relating to the expenditures for the reception of General Lafayette in the year 1825, accompanied with a proposition from that House, that the report be referred to the committee of Finance; which proposition was agreed to, and the House of Commons informed thereof by message.

On motion of Mr. Burns,

Resolved, That a joint select committee of both Houses be appointed, to examine into and adjust the accounts of the President and Directors of the Clubfoot and Harlow Creek Canal Company, for the twelve thousand dollars loaned them by the State.

And a message was sent to the House of Commons, asking their concurrence, and stating that Messrs. Burns, Spaight and Miller form the committee on the part of the Senate.

Received from the House of Commons a message proposing that so much of the Governor's communication accompanying the message as relates to a Penitentiary, be referred to the select joint committee on that subject; and that so much of the said communication as relates to the letter of the Hon. William Smith, also accompanying the message, be referred to the Library committee; which propositions were agreed to, and the House of Commons informed thereof by message.

The Senate entered on the orders of the day, and resolved itself into a committee of the Whole House, Mr. Franklin of Surry in the Chair, and proceeded to consider the resolution presented by Mr. Wellborn on the 24th November, and the resolution presented by Mr. Wilson on the 4th instant; and, after some time spent therein, Mr. Franklin, of Surry, reported that the committee had had the said resolutions under consideration, and made some progress therein; and not having time to go through the same, had directed him to ask leave to sit again. The question was then taken "shall the committee of the Whole House have leave to sit again on the said resolutions?" Ordered that the committee of the Whole House have leave to sit again on said resolutions on Thursday next.

Received from the House of Commons the resignation of Zachariah Eborn, of the county of Beaufort, as a Justice of the Peace; also the resig-

nation of Hardy Morgan, as Lieutenant Colonel of the first regiment of Montgomery militia, enforced in that House "read and accepted;" which were also read and accepted by the Senate.

Mr. M'Dowell presented the resignation of L. H. Alexander, as a justice of the peace for the county of Cabarrus; which was read and accepted, and sent to the House of Commons.

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

WEDNESDAY, DECEMBER 10, 1828.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of Susannah Mary Hauser, of Stokes county; which was read, when Mr. Shober reported a bill to secure to Susannah Mary Hauser, of Stokes county, such property as she may hereafter acquire; which was read the first time and passed.

Mr. Shober, from the same committee, to whom was referred the petition of Mary M'Eachern, together with the bill to carry the prayer of the petitioner into effect, reported the bill without amendment. Whereupon the bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire, was read the second and third times and passed, and was ordered to be engrossed.

Mr. Shober, from the same committee, made a report on the petition of sundry citizens of the counties of Nash, Edgecomb, Wayne and Johnston; which was read, and the resolution therein contained, as follows, to wit: "*Resolved*, that the prayer of the petitioner be not allowed." being read, on motion of Mr. _____, ordered that the report and the resolution be laid on the table.

Mr. Shober, from the same committee, made a report on the petition of Richard Jordan, of Pitt county; which was read, and the resolution therein contained, as follows, to wit: "*Resolved*, that the prayer of the petitioner be not allowed," being read, on motion of Mr. Joiner, ordered that the report and resolution be laid on the table.

The following bills were presented, to wit: By Mr. Spaight, a bill to amend an act, passed in the year of our Lord one thousand eight hundred and twenty one, entitled "an act to promote the administration of justice, by requiring the production of papers in certain cases;" by Mr. Love, a bill to alter and amend the act of 1819, entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians;" by Mr. Gray, a bill authorising the Justices of the County Courts of Pleas and Quarter Sessions of Randolph, Moore and Montgomery to appoint commissioners to run and establish the line between said counties; by Mr. Croom, a bill concerning the County Courts of Lenoir; and by Mr. Davis, a bill to authorise the Court of Pleas and Quarter Sessions of the county of Warren to dispose of a part of the Public Square in the town of Warrenton; which bills were read the first time and passed, and the three last mentioned bills were subsequently read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to compel the Major General to review each regiment in the county of Davidson separately; which was read the first time and passed.

The bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort, was read the third time. Mr. Wilson moved to amend the bill, by adding at the end of the 4th sec. an additional section, as follows, to wit: "And be it further enacted, that the company hereby established shall not engage in the business of banking, or business other than what exclusively belongs to manufacturing; and that said company shall not exist for a longer time than forty years;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The bill to repeal so much of an act, passed in the year 1810, as prevents any person from working seines and nets in Tar river above the mouth of Fishing creek, was read the second time. On motion of Mr. Boddie, ordered that the bill be laid on the table.

Received from the House of Commons a message, agreeing to ballot on this day, as heretofore proposed by the Senate, for a Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of Thomas Ruffin, and stating that Messrs. Swain and Webb of Person form the committee on their part to conduct the ballot; and a message was sent to the House of Commons, naming Messrs. Askew of Bertie and Marshall as superintendents of the ballot on the part of the Senate.

Mr. Ward, from the committee of Finance, made a detailed report of the examinations which are directed to be made by the act of the General Assembly, by the committee of Finance, of the books and accounts of the Treasury office, and of the Comptroller's department, so far as respects the state of the Treasury department; which was read and ordered to be sent to the House of Commons.

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

Whereas, it appears from the books of the Treasury that Thomas Brown has paid the full amount of the purchase money for a tract of land, sold by the commissioners appointed to sell the Cherokee lands, containing ninety-six acres; and that, according to the provisions of the act describing the manner in which the Secretary of State is to issue a grant to the said Thomas Brown, the said Thomas Brown cannot obtain a grant in consequence of having lost or mislaid the receipts for the second and third instalments: for remedy whereof,

Resolved, That upon the said Thomas Brown obtaining from the Public Treasurer a certificate that the second and third instalments have been paid, and filing the same in the office of the Secretary of State, together with the receipts for the first and fourth instalments, that the Secretary of State issue a grant to the said Thomas Brown, according to the acts of Assembly in such cases made and provided.

Which were read and agreed to, and ordered to be engrossed and sent to the House of Commons for concurrence.

Mr. Gray presented the petition of Lucinda Julin, of Randolph county, praying that such property as she may hereafter acquire may be secured to her. Ordered that the petition be referred to the committee of Propositions and Grievances.

On motion of Mr. M'Eachin,

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of paying to Gilbert Sellars, of Robeson county, the sum of dollars for work and labor done by him, in improving the navigation of Lumber river, out of any money remaining unappropriated in the hands of the commissioners of said river, appointed by the act of 1822, entitled "an act to facilitate the navigation of Lumber river;" and that the committee report by bill or otherwise.

Mr. Love, from the committee of Claims, made a report on the petition of Stephen Pearson, of Wake county; which was read, and the resolution therein contained, as follows, to wit: "*Resolved*, that the surviving commissioner appointed to superintend the sale of the property of the late Treasurer, be instructed and required to return to Stephen Pearson of Wake county, a bond to the value of 206 dollars, being a bond given by said Pearson for the purchase of a negro boy named Jim Jordan, at the sale of the personal property of the late Treasurer, on the 20th February last, upon the said Pearson returning said boy to the commissioner," was read the first time and passed.

Mr. Askew, of Bertie, from the committee to conduct the ballot for a Judge of the Superior Courts of Law and Equity, reported that Willie P. Mangum was duly elected; in which report the Senate concurred.

The engrossed bill more effectually to prescribe the duty of the County Trussee for Onslow county was read the third time. Mr. Ward moved to amend the bill, by adding at the end of the first section, the words following, to wit: "until such statement of all monies received and disbursements as shall be satisfactory to said Court;" which amendment was agreed to, and the bill, as amended, was read a third time and passed; and a message sent to the House of Commons, asking their concurrence in the amendment.

The following bills, to wit: a bill to secure to Susannah Mary Hauser, of Stokes county, such property as she may hereafter acquire; and the bill to repeal an act, passed in the year 1815, entitled "An act to incorporate Person Library Company," were read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Weilborn,

Resolved, That the several joint select committees which have been appointed on the public documents transmitted to the Legislature by the Hon. Nathaniel Macon, and on the other public documents, be consolidated; and that the committee thus consolidated, examine all the documents, as well in the Library as in the Governor's Office or elsewhere, and report in what manner the public will be best benefited by them.

Ordered that the resolution be engrossed and sent to the House of Commons for concurrence.

Received from the House of Commons a message, stating their agreement to the amendment proposed by the Senate to the engrossed bill to amend an act, passed in the year 1800, entitled "an act concerning wrecks;" and the said bill was ordered to be enrolled.

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

Whereas it appears from the books of the Treasury Office, that James Bryson, jr. has paid the full amount of his purchase of a tract of land of the State of North Carolina, sold by the commissioners appointed to sell the Cherokee lands; and that according to the provisions of the act describing the manner in which the Secretary of State is to issue a grant to the said James Bryson, jun. all of the receipts which have been given by the Public Treasurer for the first instalment have been lost or mislaid:

Be it therefore resolved, That upon the said James Bryson, jr. obtaining from the Public Treasurer a certificate, that the first instalment has been paid, and filing the same in the office of the Secretary of State, together with all the other receipts, that the Secretary of State issue a grant according to the acts of Assembly.

Which was read and agreed to, and ordered to be engrossed.

The engrossed bill to compel the Major General to review each regiment in the county of Davidson separately, was read the second time.

Mr. Smith, of Davidson, moved to amend the bill, by *striking* out the words "of two thirds," in the 12th and 13th lines of the bill; which amendment was agreed to. Mr. Sherard moved the indefinite postponement of the bill; and the question being taken, it was determined in the negative. Whereupon the bill as amended, was read the second time and passed; and being read the third time, Mr. Burgin moved to amend the bill, by *inserting* after the word "fourth," in the 6th line of the bill, the words "and fourth;" also by *inserting* in the 9th line of the bill, after the word "Davidson," the words "and Burke;" which amendments were agreed to, and the bill, as amended, was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Mr. Love, from the committee of Claims, made a report on the resolution referred to them relative to John Gambill, Sheriff of Ashe county; which was read, and the resolution accompanying the report was made the order of the day for to-morrow.

On motion of Mr. Hinton, Edward Ward, the Senator from the county of Onslow, had leave of absence from the services of the Senate from this day, to include Saturday next.

The Senate entered on the orders of the day, and proceeded to consider the bill to prevent frauds in the execution of mortgages and deeds in trust. On motion of Mr. Ruffin, ordered that the bill be committed to a committee of the Whole House, and be made the order of the day for Friday next.

The bill to amend an act, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government," passed in the year 1822, was read the second time. Mr. Ramsey moved to fill the blank in the 13th and 14th lines of the first section with the words "one hundred." Mr. Meares moved that the bill, together with the amendment, be indefinitely postponed; and the question being taken, it passed in the affirmative.

The bill to provide for the final settlement of executors and administrators, was read the second time. Mr. Deberry moved to fill the blank in the fifth line of the first section with the words "first day of April;" which amendment was agreed to. Mr. Matthews moved to amend the bill by *striking* out the word "seven," in the 6th line of the first section, and *inserting* the words "a majority of the;" which was agreed to. Mr. Mebane moved further to amend the bill, by *striking* out in the third line of the 2d section, the words "within the time aforesaid;" which amendment was agreed to. Mr. Wellborn moved to amend the bill by *striking* out, in the 4th section, after the word "in," in the 5th line, the words "the city of Raleigh," and *inserting* "in any one public paper in the State." On motion of Mr. Meares, ordered that the further consideration of the bill, together with the amendment, be postponed; and that the bill be committed to a committee of the Whole House, and be made the order of the day for to-morrow.

The engrossed bill for the taking of depositions, was read the second time. Mr. Alexander moved to amend the bill, by *inserting* in the 5th line of the first section after the word "record," the words

following, to wit: "except in criminal cases;" and the question being taken thereon, it passed in the affirmative; and the bill, as amended, was read the second time and passed, and was subsequently read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill for the better regulation of retailing spiritous liquors, was read the second time, together with the amendments proposed by the Judiciary committee. On motion of Mr. Mebane, ordered that the further consideration of the bill and amendments be postponed until Monday next; and that they be printed.

Mr. Boddie presented the following resignations, to wit: The resignation of Baldy Sanders, as Colonel Commandant of the Johnston regiment of militia; also the resignation of Dy Harrison, as Lieutenant Colonel of the Nash regiment of militia; which were read and accepted, and sent to the House of Commons.

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

THURSDAY, DECEMBER 11, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to secure to Susannah Mary Hauser, of Stokes county, such property as she may hereafter acquire; a bill concerning the County Courts of Lenoir; a bill to authorise the Court of Pleas and Quarter Sessions of the county of Warren to dispose of a part of the public square in the town of Warrenton; a bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire; a bill to repeal an act, passed in the year 1815, entitled "an act to incorporate the Person Library Company;" and a bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort; also the following engrossed resolutions, to wit: a resolution consolidating the joint select committees on public documents; a resolution in favor of James Bryson, jr. and a resolution in favor of Thomas Brown; in which they ask the concurrence of that House.

Received from the House of Commons, a message of the date of yesterday, proposing that the two Houses ballot immediately for a Public Printer for the ensuing year, and nominating for the appointment Lawrence & Lemay; which proposition was agreed to, and a message sent to the House of Commons, stating the agreement of the Senate, and naming Messrs. Hinton and Smith of Davidson to conduct the ballot on their part.

Received from the House of Commons a message of the date of yesterday, proposing to ballot at the meeting of the two Houses this morning for Counsellors of State; which proposition was not agreed to, and the House of Commons were informed thereof by message.

A message was received from the House of Commons, stating that Messrs. Boykin and Bethell attend the Senate to conduct the ballot for Public Printer.

On motion of Mr. Matthews, a message was sent to the House of

Commons, proposing to ballot on Saturday next for a Treasurer and Comptroller of this State; and a message was received from that House, agreeing to ballot as proposed by the Senate, and nominating William Robards as Treasurer, and James Grant for Comptroller.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill requiring the county trustees of the counties of Davidson and Rowan to pay the jurors of said counties, and for other purposes; a bill concerning the appointment of Coopers for the town of Wilmington, and for other purposes; a bill to amend the 9th section of an act, passed in the year 1806, chap. 693, entitled "An act for the more convenient administration of justice within this State;" a bill to alter the time of holding certain terms therein named of the Courts of Pleas and Quarter Sessions for the county of Iredell, and for the better regulation of the same; and a bill to establish White Oak Academy, in the county of Robeson, and to incorporate the trustees thereof; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

Mr. Hinton, from the committee to conduct the ballot for Public Printer for the ensuing year, reported that Lawrence & Lemay were duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they have indefinitely postponed the engrossed bill making provision for compensating jurors, so far as regards the counties of Lincoln, Rutherford and Anson.

Received from the House of Commons the communication of the Governor of the 9th instant, in relation to the expiration of his term of service, endorsed in that House, "read and concurred in, as proposed by the Senate;" and stating that Messrs. Graham, Spruill and Vail compose the committee on the part of that House.

The following bills were presented, to wit: By Mr. Gray, a bill to establish a Manufacturing Company in Randolph county; by Mr. Beasley, a bill to amend an act, passed 1823, ch. 1235, entitled an act to amend an act, passed in the year 1819, to create a fund for Internal Improvement, and to establish a board for the government thereof; and by Mr. M'Eachin, a bill for the encouragement of clearing out obstructions in the navigation of Lumber river; which were read the first time and passed; and the last mentioned bill, on motion of Mr. M'Eachin, referred to the committee on Internal Improvements.

The following petitions were presented, to wit: By Mr. Deberry, the petition of William Harris and James Allen, of Montgomery county, praying of the Legislature to release them from the payment of a certain fine, with interest, therein named, and upon the conditions therein stated; by Mr. Miller, the petition of Isaac Weston, of Duplin county, praying to be restored to the privileges of a

citizen; by Mr. Davidson, the petition of Andrew Walker, of Mecklenburg county, praying of the Legislature to restore him to credit; by Mr. Miller, the petition of James Moore, of Duplin county, stating the loss of his military land warrant, and praying such relief as the Legislature may think proper to grant; and by Mr. Gray, the petition of William Hogan, of the county of Randolph, praying to be remunerated for the loss he sustained in the purchase of a slave belonging to the estate of John Haywood, deceased. Ordered that the petitions be referred to the committee of Propositions and Grievances, except the last named petition, which was referred to the committee of Claims.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the bill to authorise the Treasurer of this State to purchase stock in the Cape-Fear Navigation Company, reported the bill without amendment, and the bill was made the order of the day for to-morrow.

Mr. Mebane, from the same committee, to whom was referred the bill in aid of the Clubfoot and Harlows Creek Canal Company, reported the bill without amendment, and the bill, on motion of Mr. Burns, was ordered to be committed to a committee of the whole House, and be made the order of the day for to-morrow.

Mr. Meares, from the committee on the Judiciary, to whom was referred the resolution relative to the expediency of amending the inspection laws of this State, made a report; which was read, when Mr. Meares reported a bill to amend the inspection laws of this State; which was read the first time and passed.

The bill giving compensation to patrollers, was read the third time. Mr. Mebane moved the indefinite postponement of the bill. On motion of Mr. Love, ordered that the bill be laid on the table.

On motion of Mr. Reinhardt, a message was sent to the House of Commons, proposing to ballot immediately for Colonel Commandant and Lieutenant Colonel of Cavalry attached to the 10th brigade of the militia of this State, and nominating for the appointment of Colonel Commandant John Zimmerman, and Henry Fullenwider for Lieutenant Colonel.

Mr. Alexander presented the memorial of William T. Prestwood, praying of the Legislature to grant him compensation for services rendered in projecting a certain map, by way of per diem allowance. Ordered that the memorial be referred to the committee of Claims.

Mr. Spaight gave notice, in conformity with the 23rd rule of the Rules of Order for the government of the Senate, requiring one day's notice at least of any intended amendment or alteration of the Rules, that he should on to-morrow, or some future day, move certain amendments to the Rules of Order for the government of the Senate; which he read in his place.

Received from the House of Commons the following resolution, to wit:

Whereas there exists no history of events that transpired in this State subsequent to the year 1776; and whereas it is due to the character of the State, and to the memory of our patriotic ancestors, that their sacrifices and achievements in the cause of liberty should be authentically transmitted to posterity: therefore

Resolved, That a joint select committee be appointed, with instructions to inquire into the propriety of adopting some measure to encourage the publication of such a work; and that they report by bill or otherwise.

The resolution endorsed in that House "read and concurred with, and Messrs. Fisher, Montgomery and Potter appointed a committee on the subject on the part of this House;" which was read and agreed to, and Messrs. Hunt, Wilson and Meares appointed of the committee on the part of the Senate, and the House of Commons informed thereof by message.

On motion of Mr. Hinton,

Resolved, That the committee of Internal Improvements be directed to inform this House upon what terms the Civil Engineer is employed; and whether the interest of the State requires that he should be any longer retained in its service.

On motion of Mr. Alexander,

Resolved, That the committee on Claims be instructed to inquire into the expediency of authorising the Secretary of State to issue a grant for seven acres of land, entered, surveyed for, and for which the entry money has been advanced by Isaiah Speares, of the county of Cabarrus; and that they report by bill or otherwise.

Mr. Smith, of Davidson, presented the resignation of David Cox, as a justice of the peace for the county of Davidson; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons the resignation of Alexander Elliot, as Colonel of the first regiment of Cumberland militia; also the resignation of John Clemmons, as a justice of the peace for the county of Davidson; which were read and accepted by the Senate.

The Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Love in the Chair, on the resolution submitted by Mr. Wellborn, as follows, to wit:

Resolved, That a select joint committee be appointed by the two Houses of this Legislature, to take into consideration the expediency of instructing our Senators and requesting our Representatives in the Congress of the United States to obtain for this State a proportionable part of the public funds for the purpose of internal improvement.

And on the resolution submitted by Mr. Wilson, as an amendment thereof, as follows, to wit:

Whereas, by the tenth article of the amendments to the Constitution of the United States, it is declared that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people:"

Be it therefore resolved, As the opinion of this Legislature, that the right by the Congress of the United States to carry on Internal Improvements in the several States, or to appropriate the funds of the General Government for that purpose, is not contained in the granted powers of the Constitution of the United States, and is at variance with the rights reserved to the States, and not sanctioned by sound policy.

And, after some time spent therein, Mr. Love reported that the committee of the whole House had had the resolutions submitted to them under consideration, and instructed him to report the same with an amendment, to wit: to strike out the whole of the resolutions submitted, except the word "Resolved," and insert the amendment as follows, to wit: "That in the opinion of this Legislature, Congress have a right to create a fund for Internal Improvement and Education, to be appropriated among the States in proportion to their federal representation, and to be applied to such particular objects as each State may specify;" and on the question "will the Senate agree to the amendment of the committee of the Whole?" it passed in the affirmative—yeas 29, noes 27: the yeas and nays being demanded by Mr. Wilson.

Those who voted in the affirmative, are Messrs. Alexander, Bailey, Beasley, Burgin, Burney, Davenport, Davidson, Deberry, Franklin of Iredell, Hardin, Love, M'Dowell, M'Eachin, M'Farland, M'Innis, M'Neill, Marshall, Meares, Mebane, Pugh, Ramsey, Reinhardt, Royal, Smith of Davidson, Smith of Person, Sherard, Shober, Walton, Wellborn.

Those who voted in the negative, are Messrs. Askew of Bertie, Bell, Boddie, Brodnax, Brown, Davis, Franklin of Surry, Gray, Harrell, Hinton, Hunt, Joiner, Leonard, M'Daniel, M'Dearmid, Matthews, Miller, Parker, Riddick, Ruffin, Salyear, Scott, Shuford, Spaight, Williams of Beaufort, Williams of Martin, Wilson.

Mr. Wellborn moved the postponement of the further consideration of the subject.

When the Senate adjourned until to-morrow, 10 o'clock.

FRIDAY, DECEMBER 12, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill authorising the justices of the Courts of Pleas and Quarter Sessions of Randolph, Moore and Montgomery to appoint commissioners to run and establish the line between said counties;" in which they ask the concurrence of that House.

The Senate proceeded to consider the unfinished business of yesterday, and resumed the consideration of the question depending at the adjournment yesterday, to wit: to postpone the further consideration of the subject; and the question being stated, ordered that the report of the committee of the Whole be laid on the table.

Received from the House of Commons, a message, agreeing to ballot for Colonel and Lieutenant Colonel of Cavalry attached to the 10th brigade of militia, and naming Messrs. Newland and Hampton to conduct the ballot on the part of that House; and a message was sent to the House of Commons, stating that Messrs. Burgin and Davis attend to conduct the ballot on the part of the Senate.

Received from the House of Commons a message, proposing that a joint select committee of two persons on the part of each House be appointed, to wait upon John Owen, Esquire, and learn from him at what time it will be convenient for him to take the oaths of office; and naming Messrs. Waddell and Bynum of the committee on the part of that House. Whereupon a message was sent to the House of Commons, stating the agreement of the Senate to the proposition, and stating that Messrs. Bailey and Brodnax are appointed of the committee on the part of the Senate.

Mr. Brodnax, from the committee appointed to wait on the Governor elect, reported that he was authorised to state, that the Governor elect would attend the two Houses at 12 o'clock this day, for the purpose of taking the oaths of office.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill to revive an act, passed in the year 1816, entitled "an act to appoint commissioners for the town of Jamestown, in the county of Guilford, and to incorporate it;" a bill supplemental to an act, passed in the year 1827, compelling the County Court of Gates to appoint a committee of Finance; a bill authorising the Court of Pleas and Quarter Sessions of the county of Warren to appoint a patrol for the town of Warrenton in certain cases; and a bill to alter the law of suffrage for the town of Oxford; in which they ask the concurrence of the Senate. Whereupon the said bills were read and passed the first time, and were subsequently read the second and third times and passed, and ordered to be enrolled, except the bill to alter the law of suffrage for the town of Oxford, which, on motion of Mr. Hunt, was laid on the table.

The bill to establish a manufacturing company in Randolph county, was read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: a bill to alter the time of holding certain terms therein named of the Courts of Pleas and Quarter Sessions for the county of Iredell, and for the better regulation of the same; a bill concerning the appointment of coopers for the town of Wilmington, and for other purposes; and the bill to establish White Oak Academy, in the county of Robeson, and to incorporate the trustees thereof, were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill requiring the county trustees of the counties of Davidson and Rowan respectively to pay the jurors of said counties, and for other purposes, being read the second time, Mr. Scott moved to amend the bill by striking out the word "Rowan" in the fifth line of the first section; which was agreed to, and the provisions of the bill were amended in conformity thereto, so as to apply to Davidson county only; and a message was sent to the House of Commons, asking their concurrence in the amendments.

The following bills were presented, to wit: by Mr. Davenport, a bill concerning coloured apprentices; by Mr. Miller, a bill to divorce Mary James from her husband Gabriel James; and by Mr. Sherard, a bill to reduce the tax on billiard tables; which bills were read the first time and passed.

Received from the House of Commons the resolution relative to the Clubfont and Harlow Creek Canal Company, endorsed in that House "read and concurred in, and Messrs. Fisher, Gary and Borden appointed the committee on the part of this House."

Received from the House of Commons the report of the committee of Finance, endorsed in that House "read and ordered to be returned to the Senate."

Received from the House of Commons the resolution consolidating the select joint committees on the public documents, endorsed in that House "read and agreed to."

Received from the House of Commons the report of the President and Directors of the Literary Fund, accompanied with a proposition that it be referred to the committee on Education; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof.

Mr. Williams, of Beaufort, from the committee on the Militia and Public Arms, to whom was referred the bill prescribing the manner in which field officers and general officers shall be recommended to the General Assembly, reported the bill without amendment, and it was made the order of the day for to-morrow.

Mr. M'Daniel presented the petition of William Huggins, of Jones county, praying of the Legislature to authorise the Public Treasurer to refund to him the amount paid into the Public Treasury, for thirty-eight insolvent polls for the year 1826, and for thirty-four in the year 1827. Ordered that the petition be referred to the committee of Claims.

On motion of Mr. Hinton,

Resolved, That the committee on Internal Improvements be directed to inquire into the expediency of making an appropriation for the purpose of improving the navigation of Neuse river, from Smithfield to Cobbs' mills; and that they report by bill or otherwise.

Mr. Davis, from the committee to conduct the ballot for Colonel and Lieutenant Colonel of Cavalry attached to the 10th brigade of North Carolina, reported that John Zimmerman was duly elected Colonel, and Henry Fullenwider Lieutenant Colonel of Cavalry attached to the 10th brigade of militia; in which report the Senate concurred.

Received from the House of Commons a proposition, that a select joint committee of two persons on the part of each House be appointed to conduct the Governor elect into the House of Commons at 12 o'clock this day, for the purpose of taking the oaths of office; and that the Senate attend accordingly; and naming Messrs. Bynum and Waddell of the committee on the part of that House; and a message was sent, agreeing to the proposition, and naming Messrs. Brodnax and Bailey of the committee on the part of the Senate.

Received from the House of Commons, the resignation of Lewis Reaves, as a justice of the peace for the county of Granville; which was read and accepted by the Senate.

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 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 John Owen, by John Louis Taylor, Chief Justice. Whereupon the Senate returned to their Chamber for the purpose of legislation.

The Senate entered on the orders of the day, and proceeded to consider the bill fixing the price hereafter to be paid for vacant land, and permitting the entry of certain swamp lands; and the bill being read, Mr. Mebane moved to strike out the 2d section of the bill; which amendment was agreed to. Mr. Davenport moved that the bill be indefinitely postponed, and the question being taken thereon, it passed in the affirmative, and the bill was indefinitely postponed.

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

SATURDAY, DECEMBER 15, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to establish a manufacturing company in Randolph county;" in which they ask the concurrence of that House.

Ordered that Mr. Spaight be excused from serving on the select joint committee, to whom was referred to settle and adjust the accounts of the Clubfoot and Harlow Creek Canal Company. Ordered that Mr. Meares be appointed of said committee, in place of Mr. Spaight; and the House of Commons were informed thereof by message.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the bill to appropriate thousand hundred dollars for improving the navigation of Cape Fear river below Wilmington, made a detailed report thereon; which was read, when Mr. Mebane reported the bill without amendment, and the bill was made the order of the day for Monday next. On motion of Mr. Meares, ordered that the report be printed.

Received from the House of Commons a message, stating that Messrs. Gary and Montgomery attend the Senate as a committee on the part of that House to superintend the balloting for Public Treasurer and Comptroller; and Messrs. Gray and Matthews were appointed the committee on the part of the Senate, and the House of Commons were informed thereof by message.

Received from the House a message, stating that they have passed the engrossed bill to appoint an additional place of public sale for the county of Rutherford; in which they ask the concurrence of the Senate; and the bill was read the first time and passed.

A message was received from the House of Commons, stating their concurrence in the amendment made by the Senate in the following engrossed bills, to wit: the bill more effectually to prescribe the duty of the county trustee of Onslow county; the bill for the taking of depositions; and the

bill to compel the Major General to review each regiment in the county of Davidson separately; and the said bills were ordered to be enrolled.

The bill giving compensation to patrollers, being read the third time, Mr. Love moved to amend the bill by striking out the remainder of the first section after the word "sum" in the 15th line, and inserting the words following, to wit: "Then and in that case they shall be exempt from attending all musters, as a remuneration for their services;" which amendment was agreed to, when, on motion of Mr. Mebane, the bill was indefinitely postponed.

The bill to divorce Mary James from her husband Gabriel James, was read the second time, and on the question "shall the bill pass its second reading?" it was determined in the negative; so the bill was rejected.

On motion of Mr. Love,

Resolved, That whereas John Leatherwood, at the sale of the Cherokee Lands by James Mebane and Jesse Franklin, Esquires, commissioners on the part of the State, became the purchaser of 167½ acres of land, described as section No. 3, in the district No. 14; but, owing to the circumstance of said commissioners not having signed a certificate after it had, together with a plot of said land, been duly made out, the said John Leatherwood cannot obtain a grant for the same: for remedy whereof,

Resolved, That on said John Leatherwood's producing receipts from the public Treasurer, shewing that said lands have been duly paid for, the Secretary of State shall issue a grant to the said John Leatherwood for the same, agreeably to the act of Assembly in such cases made and provided.

Ordered that the resolution be engrossed.

Mr. M'Farland presented a bill to provide for poor persons who are desirous of becoming freeholders in this State; which was read the first time and passed.

Received from the House of Commons a communication from the Adjutant General, accompanied with a Roster of field officers of the militia for the present year, endorsed in that House "read and ordered to be sent to the Senate, with a proposition to print the same;" which was read, and, on motion of Mr. Wilson, ordered to be laid on the table.

Mr. Croom, from the select committee to whom was referred the resolution relative to damages on protested bills of exchange, made a detailed report; which was read, when Mr. Croom reported a bill to regulate the damages on protested bills of exchange; which was read the first time and passed.

Mr. Matthews, from the committee to conduct the ballot for Public Treasurer and Comptroller, reported that William Robards was duly elected Treasurer, and James Grant Comptroller; in which report the Senate concurred.

The engrossed bill to appoint an additional place of public sale for the county of Rutherford, was read the second time. Mr. Shuford moved to amend the bill by inserting in the 14th line of the bill after the word "river" as follows, to wit: "and at Daniel Warlick's on the first Saturday in each and every month, and at William Davis's, on the main road from Lincolnton to Rutherford, on the third Saturday in each and every month;" which amendment was agreed to, and the bill, as amended, was read the second time and passed; and was subsequently read the third time and passed, and ordered to be sent to the House of Commons, asking their concurrence in the amendment.

The bill to regulate the emancipation of slaves, was read the third time.

Mr. Beasley moved to amend the bill by inserting in the 9th line of the 4th section after the word "county" the words following, to wit: "and to be applied by them to the support of the poor of said county;" which amendment was agreed to. Mr. Joiner moved the indefinite postponement of the bill, and on the question being taken, it was determined in the negative. Mr. Deberry moved to amend the bill by adding at the end of the 5th section the following proviso, to wit: "Provided, that any slave, who shall be over fifty years of age when emancipated, may be emancipated without being compelled to leave the State, if upon the petition it be proven he has performed meritorious services;" which amendment was agreed to. Mr. Joiner moved that the bill be laid upon the table; which was not agreed to. And the bill being read the third time as amended, the question on its passage was decided in the affirmative—yeas 45, noes 10; the yeas and nays being demanded by Mr. Joiner.

Those who voted in the affirmative, are Messrs. Alexander, Askew of Bertie, Askew of Hertford, Bailey, Beasley, Bell, Boddie, Brodnax, Burns, Brown, Croom, Davenport, Davis, Franklin of Iredell, Franklin of Surry, Hardin, Harrell, Hinton, Hunt, Love, M'Dearmid, M'Dowell, M'Eaelin, M'Farland, M'Innis, M'Neill, Matthews, Meares, Mebane, Miller, Pugh, Ramsey, Remhardt, Royal, Ruffin, Salyear, Scott, Smith of Person, Sherard, Shober, Shuford, Spaight, Walton, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Davidson, Deberry, Gray, Joiner, M'Daniel, Marshall, Parker, Riddick, Smith of Davidson, Williams of Beaufort.

Received from the House of Commons the following resignations, to wit: the resignation of John Teatham, as Colonel of the 2nd regiment of Haywood county militia, and the resignation of Neil Murphy, as a justice of the peace for the county of Robeson; which were read and accepted by the Senate.

And the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 15, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to regulate the emancipation of slaves," and the engrossed resolution in favor of John Leatherwood, of Haywood county; in which they ask the concurrence of that House.

On motion of Mr. Ruffin,

Resolved, That whereas, under the existing state of embarrassment and scarcity of a circulating medium, incalculable sacrifices of property are likely to be made under execution sales;

Be it therefore resolved, That the committee on the Judiciary be instructed to inquire whether, by the enactment of what is called a valuation law, or whether any other, or if any, what means can be adopted to avert such a calamity; and that they report by bill or otherwise.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled "a bill to prevent frauds in deeds of trust and mortgages;" also a resolution in favor of William Criswell, and a resolution in favor of the Mexican Dwarf, Becenta Floras; in which they ask the concurrence of the Senate. Whereupon the resolution in favor of William Criswell was read and agreed to, and ordered to be enrolled; and the resolution in favor of Becenta Floras, the Mexican Dwarf, was read the first time and passed; and the bill to prevent frauds in deeds of trusts and mortgages, was read the first time and passed, and, on motion of Mr. Ruffin, ordered to be committed to a committee of the whole

House to whom was committed a similar bill on the part of the Senate, and that it be made the order of the day for to-morrow.

On motion of Mr. Deberry,

Resolved, That the Secretary of State be, and is hereby authorised to issue a grant to Pleasant Callcott for one hundred acres of land in Randolph county, on his entry No. 150, made the 8th day of February, 1809; it appearing from the Treasurer's receipt No. 1263, that the purchase money was paid to the State for the same in due time.

Ordered that the said resolution be engrossed.

The following bills were presented, to wit: by Mr. Gray, a bill appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town; by Mr. McDowell, a bill to allow compensation to jurors of the original pannel in the county of Buncombe; and by Mr. Gray, a bill to validate all grants issued by the Secretary of State on surveys made and signed only by deputy surveyors previous to the year 1820. Whereupon the two first named bills were read the first, second and third times and passed, and ordered to be engrossed; and the last mentioned bill was read the first time and passed, and made the order of the day for to-morrow.

Mr. Meares presented a bill concerning the action of replevin; which was read the first time and passed, and, on motion of Mr. Meares, ordered to be referred to the committee on the Judiciary.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the resolution instructing them to inquire into the expediency of paying Gilbert Sellars, of Robeson county, a certain sum of money, reported that it is inexpedient to allow his claim; in which report the Senate concurred.

Mr. Riddick presented the petition of sundry citizens of Perquimons county, praying the appropriation of money to remove certain obstructions in Perquimons river. Ordered that the petition be referred to the committee on Internal Improvements.

Mr. Spaight presented the following resolution, to wit:

Resolved, That the order of conducting the business of the Senate shall be as follows, to wit: after the reading of the Journal, it shall be in order to present and dispose of petitions and resignations; then the reports of standing committees; thirdly, reports from select committees; fourthly, to receive bills and resolutions; fifthly, to dispose of private bills at their second and third reading, and messages and communications on the Speaker's table; sixthly, the orders of the day; and, after the orders of the day shall be disposed of, it shall be in order to receive petitions, bills, resolutions and resignations: Provided it shall always be in order to receive and act upon a message to ballot, or to receive a proposition to send a message to ballot.

The resolution being read, on motion of Mr. Spaight, ordered that it be laid on the table.

The Senate entered on the orders of the day, and the bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to land within this State," was read the second and third times and passed, and ordered to be engrossed.

The resolution in favor of John Gambill, Sheriff of Ashe county, was read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: a bill to determine how surveys of land shall be made, to enable surveyors to obtain grants from the State, and to confirm grants heretofore made by surveyors and deputy surveyors in certain cases; and the bill to amend an act passed in the year 1820, chapter 1045, entitled "an act to extend the jurisdiction of justices of the

peace," were read the second and third times and passed, and ordered to be enrolled.

The bill to alter and amend the act of 1819, entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians," was read the second time and passed.

The resolution in favor of Stephen Pearson, was read the second time, and the question on the passage thereof was determined in the negative; so the resolution was rejected.

The Senate resolved itself into a committee of the Whole House, on the bill in aid of the Clubfoot and Harlow Creek Canal Company, Mr. Shober in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair and Mr. Shober reported that the committee had, according to order, had the said bill under consideration, and directed him to report sundry amendments thereto. Whereupon the Senate proceeded to consider the amendments reported by the Chairman of the committee of the Whole House to the bill in aid of the Clubfoot and Harlow Creek Canal Company; and the said amendments being read, Mr. Sherard moved that the bill, together with the amendments, be indefinitely postponed; and the question being taken, it was determined in the negative—ayes 10, noes 49; the ayes and noes being demanded by Mr. Sherard.

Those who voted in the affirmative, are Messrs. Askew of Hertford, Burgin, M'Neill, Marshall, Matthews, Patterson, Salyear, Sherard, Shuford, Wilson.

Those who voted in the negative, are Messrs. Alexander, Askew of Bertie, Bailey, Bell, Boddie, Brodnax, Burney, Burus, Brown, Croom, Davenport, Davidson, Davis, Deberry, Franklin of Iredell, Franklin of Surry, Gray, Hardin, Harrell, Hinton, Hunt, Joiner, Leonard, Love, M'Daniel, M'Dearmid, M'Eachin, M'Farland, M'Innis, Meares, Mebane, Miller, Parker, Pugh, Ramsey, Reinhardt, Riddick, Royal, Ruffin, Scott, Smith of Davidson, Smith of Person, Shober, Spaight, Walton, Ward, Wellborn, Williams of Beaufort, Williams of Martin.

The question then recurred on agreeing to the amendments proposed by the committee of the Whole, and they were concurred in by the Senate; and the bill, as amended, was read the second time and passed.

Mr. Spaight presented to the Senate the transfer to the State of North-Carolina of one share held by him in the capital stock of the Clubfoot and Harlow Creek Canal Company; which was read and laid on the table.

The Senate continued on the orders of the day, and the bill to regulate costs in petitions for dower and partition, was read the second time. Mr. M'Dearmid moved to amend the bill by an additional section, as follows, to wit: "And be it further enacted, that it shall not be lawful for the Clerk of any County Court to tax in the bill of costs on any petition for dower a larger attorney's fee than four dollars;" which amendment was agreed to, and the bill, as amended, passed the second time, and was subsequently read the third time and passed, and ordered to be engrossed.

The bill to provide for the final settlements of executors and administrators, was read. On motion of Mr. Meares, ordered that the committee of the Whole House be discharged from the further consideration of this bill; and that it be referred to the committee on the Judiciary.

The bill to authorise the Treasurer of this State to purchase stock in the Cape Fear Navigation company, was read the second time, and, on motion of Mr. Brown, was indefinitely postponed.

The engrossed bill prescribing the manner in which field officers and general officers shall be recommended to the General Assembly, was read

the second time, and, on motion of Mr. Davidson, was indefinitely postponed.

The engrossed bill to amend the 9th section of an act, passed in the year 1806, chap. 693, entitled an act for the more convenient administration of justice in this State, was read the second time and passed; and, being subsequently read the third time, on motion of Mr. Hunt, ordered that the bill be laid on the table.

The following bills, to wit: a bill to amend an act, passed in the year of our Lord 1821, entitled "an act to promote the administration of justice by requiring the production of papers in certain cases;" and the bill to amend an act, passed in 1823, entitled "an act to amend and extend the provisions of an act, entitled 'an act to promote Agriculture and Family Domestic Manufactures in this State,'" were read the second and third times and passed, and ordered to be engrossed.

The bill concerning colored apprentices, was read the second time, and on the question shall the bill pass its second reading? it was determined in the negative; so the bill was rejected.

The bill to reduce the tax on billiard tables, being read the second time, Mr. Mebane moved to amend the bill by striking out the words "two hundred" and inserting "one thousand;" which was not agreed to; when, on motion of Mr. Deberry, ordered that the bill be indefinitely postponed.

And the further orders were postponed; and the Senate adjourned until to-morrow, 10 o'clock.

TUESDAY, DECEMBER 16, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, viz. A bill to regulate costs in petitions for dower and partitions; a bill appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town; a bill to amend an act, passed A. D. 1821, entitled "an act to promote the administration of justice in this State, by requiring the production of papers in certain cases;" a bill to amend an act, passed in 1823, entitled "an act to amend and extend the provisions of an act, entitled 'an act to promote agriculture and family domestic manufactures,'" a bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to land within this State;" and a bill to allow compensation to jurors of the original pannel in the county of Buncombe; also the engrossed resolution in favor of John Gambill, Sheriff of Ashe county; and the engrossed resolution in favor of Pleasant Callicott; in which they ask the concurrence of that House.

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, entitled "an act appointing commissioners to erect a building in the town of Lincolnton for the accommodation of jurors," passed in the year 1826; a bill regulating the mode of trial in the Superior, and appeal to the Supreme Court; a bill to amend an act, passed in the year 1827, ch. 72, entitled "an act to compel the County Court of Nash to appoint a committee of Finance;" a bill authorising Thomas Hancock, late sheriff of Randolph county, to collect the arrearages of taxes

due him for the year 1826; a bill in addition to the acts respecting divorce and alimony; a bill to incorporate the town of Clinton, in Sampson county, and to extend the limits thereof; and a bill to incorporate the French Broad Bridge Company; in which they ask the concurrence of the Senate; and the said bills were read the first time and passed, and the bill regulating the mode of trial in the Superior, and appeal to the Supreme Court, was, on motion of Mr. Miller, ordered to be referred to the committee on the Judiciary.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the engrossed bills, to wit: the bill requiring the county trustees of the counties of Davidson and Rowan respectively to pay the jurors of said counties, and for other purposes; and the bill to appoint an additional place of public sale for the county of Rutherford. Ordered that the said bills be enrolled.

Received from the House of Commons a certificate of allowance made by the County Court of Chowan in favor of Eleanor Truelove, endorsed in that House "read and countersigned by the Speaker of the House of Commons;" and on motion of Mr. Wilson, ordered that the certificate be countersigned by the Speaker of the Senate; which was accordingly done, and the certificate returned to the House of Commons.

The following bills were presented to wit: by Mr. Walton, a bill to alter the time of holding the Court of Pleas and Quarter Sessions for the county of Chowan; by Mr. Miller, a bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county;" and by Mr. Ramsey, a bill requiring the county trustee of Chatham county to pay the jurors of said county, and for other purposes; which bills were read the first time and passed.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of William Harris and James Allen, of the county of Montgomery; when Mr. Shober reported a resolution in favor of William Harris and James Allen, of Montgomery county; which was read the first time and passed.

Mr. Shober, from the same committee, to whom was referred a bill to secure to Rachel Blackwell, of Person county, such property as she may hereafter acquire, reported the bill without amendment; and the bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Hinton moved that the Senate reconsider the vote taken yesterday on the second reading of the resolution in favor of Stephen Pearson; and, on the question "will the Senate reconsider the said vote?" it passed in the affirmative. Whereupon the resolution was read the second time and passed.

The following petitions were presented, to wit: by Mr. Gray, the petition of certain citizens of Randolph county, praying to be relieved from the payment of certain costs in the prosecution and conviction of Jesse Upton; by Mr. Williams, of Martin, the petition of Silas Bond, of Martin county, praying to be restored to credit; and by Mr. Beasley, the petition of sundry citizens of Tyrrell county, praying to be granted the privilege of making a turnpike road. Ordered that the said petitions be referred to the committee of Propositions and Grievances.

On motion of Mr. M'Farland, the Senate took up the report of the Adjutant General; and, on motion of Mr. M'Farland, ordered that the report be printed as proposed by the House of Commons; and that House was informed thereof by message.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the resolution relative to Alanson Nash, made a report; which was read, when Mr. Mebane reported the following resolution, to wit:

Resolved, That the Public Treasurer pay to Alanson Nash the sum of two hundred and thirty-five dollars and sixty-one cents, for his services during the last session of this General Assembly.

Which was read the first time and passed.

Mr. Mebane, from the same committee, to whom was referred the resolution directing them to inquire into the expediency of making an appropriation for improving the navigation of Neuse river from Smithfield to Cobb's mills, made a detailed report; which was read, when Mr. Mebane reported a bill for the improvement of the navigation of Neuse river; which was read the first time and passed. On motion of Mr. Hinton, ordered that the report of the committee be printed.

Mr. Meares, from the select joint committee to whom was referred the accounts of the Clubfoot and Harlow Creek Canal Company, made a report; which was read and ordered to be sent to the House of Commons.

The bill to alter and amend the act of 1819, entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians," was read the third time and passed, and ordered to be engrossed.

The following bills, to wit: A bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county;" and the bill requiring the County Trustee of Chatham county to pay the jurors of said county, and for other purposes, were read the second and third times and passed, and ordered to be engrossed.

The bill to alter the time of holding the Court of Pleas and Quarter Sessions for the county of Chowan, was read the second time and passed.

The following engrossed bills, to wit: a bill authorising Thomas Hancock, late Sheriff of Randolph county, to collect the arrearages of taxes due him for the year 1826; a bill to amend an act, entitled "an act appointing commissioners to erect a building in the town of Lincolnton for the accommodation of jurors," passed in the year 1826; a bill to incorporate the town of Clinton, in Sampson county, and to extend the limits thereof; and a bill to incorporate the French Broad Bridge Company, were severally read the second and third times and passed, and ordered to be enrolled.

The Senate entered on the orders of the day, and resolved itself into a committee of the Whole House on the bill to prevent frauds in the execution of mortgages and deeds in trust; and also on the engrossed bill to prevent fraud in deeds of trust and mortgages, Mr. Miller in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Miller reported that the committee had, according to order, had the said bills under consideration, and had directed him to report the engrossed bill to prevent frauds in deeds of trust and mortgages, with an amendment, to wit: to strike out the whole of the bill except the words "a bill," and insert the amendment submitted; and that he was further instructed to

report the bill to prevent frauds in the execution of mortgages and deeds in trust, without amendment. The Senate proceeded to consider the amendment reported from the committee of the Whole House to the bill to prevent frauds in deeds of trust and mortgages; and the amendment being read, was concurred in by the Senate, and the bill, as amended, was read the second time and passed.

The engrossed resolution in favor of the Mexican Dwarf, Becenta Floras, was read the second time, and, on motion of Mr. Mebane, was indefinitely postponed—ayes 53, noes 20. The ayes and noes being demanded by Mr. Alexander.

Those who voted in the affirmative, are Messers. Alexander, Askew of Bertie, Boddie, Brodnax, Burney, Brown, Croom, Davis, Hunt, M^dDaniel, M^dDearmid, M^dEachin, M^dInnis, M^dNeill, Marshall, Matthews, Meares, Mebane, Miller, Parker, Patterson, Ramsey, Reinhardt, Royal, Ruffin, Salyear, Scott, Smith of Davidson, Smith of Person, Shuford, Spaight, Walton, Wilson.

Those who voted in the negative, are Messrs. Askew of Hertford, Beasley, Bell, Davenport, Davidson, Deberry, Franklin of Surry, Gray, Hardin, Hinton, Joiner, Love, Pugh, Riddick, Sherard, Shober, Ward, Wellborn, Williams of Martin, Williams of Beaufort.

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

WEDNESDAY, DECEMBER 17, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to secure to Rachel Blackwell, of Person county, such property as she may hereafter acquire; a bill requiring the County Trustee of Chatham county to pay the jurors of said county, and for other purposes; a bill to alter and amend the act of 1819; entitled “an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians;” and a bill to repeal an act, entitled “an act for the better regulation of the town of Kenansville, in the county of Duplin;” in which they ask the concurrence of that House.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill concerning the hands liable to work on the Buncombe road; a bill to require the Sheriff of Hyde county to sell the old public buildings of said county; and a bill respecting the Newbern Academy; in which they ask the concurrence of the Senate. Whereupon the said bills were read the first time and passed.

Received from the House of Commons a communication from the Governor, with a proposition that so much thereof as relates to the guardianship of James N. Forsythe, be referred to the committee of Finance; and such part as relates to the letter of the President of the Dismal Swamp Canal Company, to the committee on Internal Improvements. Whereupon a message was sent to the House of Commons, stating the agreement of the Senate to the proposition to refer so much of the message as relates to the guardianship of James N. Forsythe to the committee of Finance; and that the Senate do not agree to the proposition of the Commons, to refer that part which relates to the letter of the President of the Dismal Swamp Canal

Company, to the committee of Internal Improvement; and, on motion of Mr. Croom, a message was sent to the House of Commons, proposing the reference of this part of the message to a joint select committee.

The following bills were presented, to wit: by Mr. Hinton, a bill to legitimate and alter the names of Sidney S. Gay, Samuel C. Gay, Mary G. Gay and Fadius H. Gay; by Mr. Boddie, a bill to compel the Clerk of the Superior Court of Nash county to keep his office at the Court House in said county, or within the town of Nashville; by Mr. Shuford, a bill to repeal an act, passed in the year 1826, chap. 145, entitled "an act to amend the sale law in Rutherford county;" and by Mr. McNeill, a bill concerning the poor of Moore county; which bills were read the first time and passed.

Mr. Love, from the committee of Claims, made a report on the petition of William Hogan, of Randolph county, and asked leave to be discharged from the further consideration of the subject. Ordered that the committee of Claims be discharged from the further consideration of the petition of William Hogan.

Mr. Love, from the same committee, made a report on the petition of William Huggins, Sheriff of Jones county; which was read, when Mr. Love reported a resolution in favor of William Huggins, Sheriff of Jones county, as follows, to wit:

Resolved, That the Public Treasurer be directed to pay to William Huggins, Sheriff of Jones county, the sum of fourteen dollars and forty cents, being money paid by him into the Treasury for insolvent polls for the years 1826 and 1827.

Which was read the first time and passed.

Mr. Love, from the same committee, made a report on the resolution directing them to inquire into the expediency of the Secretary of State issuing a grant to Isaiah Spears, of the county of Cabarrus, for seven acres of land; which was read, when Mr. Love reported a resolution in favor of Isaiah Spears, of Cabarrus county; which was read and agreed to, and ordered to be engrossed.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of Lucinda Jalin, of Randolph county; which was read, when Mr. Shober reported a bill to secure to Lucinda Jalin, of Randolph county, such property as she may hereafter acquire; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Shober, from the same committee, made a report on the petition of Isaac Weston, of Duplin county; which was read, when Mr. Shober reported a bill to restore Isaac Weston, to credit, of Duplin county; which was read the first time and passed; and was subsequently read the second and third times and passed, and ordered to be engrossed.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the resolution relating to a survey between Lumber and Cape Fear rivers, made a report; which was read, and the resolution therein contained was concurred in, as follows, to wit:

Resolved, That the Board of Internal Improvements, if in their discretion they should deem it advisable, be authorised to cause a survey to be made from the near-

est and most convenient points between Lumber river and the Cape Fear, so as to ascertain the practicability of connecting these rivers by a navigable canal; and the probable expense thereof.

Ordered that the resolution be engrossed.

Mr. Mebane, from the same committee, to whom was referred the resolution relative to the terms on which the Civil Engineer is employed, and the expediency of continuing his services, made a report; which was read, and, on motion of Mr. Beasley, ordered to be laid on the table.

Mr. Mebane, from the select joint committee, to whom was referred the memorial of John D. Hawkins, Edward T. Brodnax and John R. Eaton, on behalf of the Stockholders of the Roanoke Navigation Company, made a report; which was read, when Mr. Mebane reported the following resolution, to wit:

Resolved by the General Assembly of North Carolina, That they will, and hereby do relinquish, to the Roanoke Navigation Company, all the right heretofore reserved to the State of North Carolina to take any more Shares of Stock in the Capital Stock of said company.

Which resolution was agreed to, and ordered to be engrossed.

On motion of Mr. Wellborn, ordered that the select joint committee, to whom was referred the resolution to inquire into the expediency of having a route for a road laid off from Fayetteville to Wilkesborough; and also the petition of sundry citizens of the counties of Wilkes and Ashe, praying assistance to keep open the stage road from Wilkesborough to the Tennessee line, be discharged from the further consideration thereof; and that the said resolution and petition be referred to the committee on Internal Improvements; and a message was sent to the House of Commons, asking their concurrence in the reference.

The following bills, to wit: a bill to repeal an act, passed in the year 1826, ch. 145, entitled "an act to amend the sale law in Rutherford county;" a bill to legitimate and alter the names of Sidney S. Gay, Samuel C. Gay, Mary G. Gay and Fadius H. Gay; a bill concerning the poor of Moore county; and a bill to compel the Clerk of the Superior Court of Nash county to keep his office at the Court House in said county, or within the town of Nashville, were read the second and third times and passed, and ordered to be engrossed.

The bill to alter the times of holding the Court of Pleas and Quarter Sessions for the county of Chowan, was read the third time and passed, and ordered to be engrossed.

The following engrossed bills, to wit: a bill respecting the Newbern Academy; a bill concerning the hands liable to work on the Buncombe Turnpike road; and the bill to require the Sheriff of Hyde county to sell the old public buildings of said county, were read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Spaight, the Senate proceeded to consider the resolutions laid on the table at his motion on the 15th instant, amendatory of the rules of order for the government of the Senate; and the resolutions being read, and the question taken on the adoption thereof, it was determined in the negative.

On motion of Mr. Hinton, the Senate proceeded to consider the bill to provide for the repairing of the State House and railing round the public Square; and the question before the Senate, when the bill was last under

consideration, being the motion of Mr. Wellborn, to fill the blank with the words "two hundred," being stated, Mr. Hinton moved that the Senate do now resolve itself into a committee of the Whole House, on the said bill; which was not agreed to. Whereupon Mr. Wellborn withdrew the motion to fill the blank with the words "two hundred." Mr. Hinton moved to fill the blank with "two thousand one hundred and fifty;" which was not agreed to. Mr. Hinton then moved to fill the blank with "two hundred and thirty;" which was agreed to, and the bill, as amended, was read the second time and passed.

Mr. Croom moved that the Senate reconsider the vote taken this day, on the third and last reading of the bill to restore Isaac Weston to credit, of Duplin county; and on the question will the Senate reconsider said vote, it passed in the affirmative. The bill being again before the Senate, on its third reading, and the question being taken on the passage thereof, it was determined in the negative; so the bill was rejected.

On motion of Mr. Burns, the Senate resolved itself into a committee of the Whole House on the bill in aid of the Clubfoot and Harlow Creek Canal Company; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Sbober reported that the committee had had the said bill under consideration, and instructed him to report an amendment thereto, to wit: to *strike* out the words "three thousand five hundred," in the enacting clause of the bill, and *insert* the words "six thousand;" and the question being taken on concurring in said amendment, it passed in the affirmative, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Marshall,

Resolved, That the Judiciary committee be instructed to inquire into the practicability of so amending the criminal law, as to make the breaking and entering out houses, and taking goods therefrom, felony; and that they report by bill or otherwise.

The engrossed bill to amend the 9th section of an act, passed in the year 1806, chapter 693, entitled "an act for the more convenient administration of justice within this State," was read the third time and passed, and ordered to be enrolled.

The bill to prevent frauds in deeds of trust and mortgages, was read the third time. Mr. Meares moved to amend the bill, by inserting in the 3d section after the word "thereof" in the 10th line, the words "and the property therein conveyed;" which amendment was agreed to. Mr. M'Dearmid moved to amend the bill by adding an additional section in the words following, to wit: "Be it further enacted, that whenever any mortgage shall be drawn, having any specified time when the same shall be closed, and the mortgagor shall fail to comply with the conditions therein contained, and to close the same, the said mortgage shall vest in the bargainor or mortgagee an absolute right and interest in the property specified in the mortgage, on its being made to appear to the satisfaction of any Court of record in this State that the mortgagor has failed to comply with the condition therein contained;" and the question being taken on agreeing to the amendment, it was decided in the negative. Mr. Bell moved to amend the bill, by striking out all the words of the bill from the word "and," in the 13th line of the 3d section, to the word "and," in the 17th line; which amendment was not agreed to, and the bill, as a-

mended, was read the third time, and the question on its passage was decided in the negative; so the bill was rejected, and the House of Commons were informed thereof by message.

The resolution in favor of Stephen Pearson, was read the third time, and the question on the passage thereof was decided in the negative.

Mr. Gray presented the resignation of Hugh Walker, as Lieutenant Colonel of the second regiment of militia of the county of Randolph; which was read and accepted, and sent to the House of Commons.

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

THURSDAY DECEMBER 18, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to secure to Lucinda Jolin, of Randolph county, such property as she may hereafter acquire; a bill to alter the names of Sidney S. Gay, Samuel C. Gay, Mary G. Gay and Fadius H. Gay, of Wake county, and to legitimate them; a bill to alter the time of holding the Court of Pleas and Quarter Sessions for the county of Chowan; a bill to repeal an act, passed in the year 1826, chapter 145, entitled "an act to amend the sale law in Rutherford county; a bill to compel the Clerk of the Superior Court of Nash county to keep his office at the Court House in said county, or within the town of Nashville; a bill concerning the poor of Moore county; and a bill in aid of the Clubfoot and Harlow Creek Canal Company; also the following engrossed resolutions, to wit: a resolution surrendering the right of the State of North Carolina to take shares in the Stock of the Roanoke Navigation Company; a resolution directing a survey between Lumber and Cape Fear rivers; and the resolution in favor of Isaiah Spears, of Cabarrus county; in which they ask the concurrence of that House.

On motion of Mr. Sherard,

Resolved, That the committee of Propositions and Grievances be instructed to inquire into the expediency of discharging Calvin R. Blackman, Sheriff of Wayne county, from the penalty and forfeiture incurred by him in consequence of not settling with the Comptroller for the last fiscal year, within the time limited by law; and that they report by bill or otherwise.

Mr. Hinton asked and obtained leave to withdraw the petition of Stephen Pearson, of Wake county, together with the accompanying documents.

Received from the House of Commons, a message, stating that they have passed the engrossed resolution in favor of John Black, Sheriff of Cumberland county; in which they ask the concurrence of the Senate; also a message, stating that the House of Commons have rejected the engrossed bill to secure to Rachel Blackwell, of Person county, such property as she may hereafter acquire.

The engrossed resolution in favor of John Black, Sheriff of Cumberland county, was read the first time and passed.

The following bills were presented, to wit: by Mr. Sherard, a bill to alter and amend an act, passed in the year 1777, entitled "an act to encourage the building of water mills in this State, and directing the duty of millers;" and by Mr. Reinhardt, a bill to amend the several acts of Assembly respecting the wardens of the poor; which bills were read the first time and passed, and the last named bill, on motion of Mr. Reinhardt, ordered to be referred to the committee on the Judiciary.

Mr. Love, from the committee of Claims, made a report on the resolution relative to Lewis Bond, Sheriff of Bertie; which was read, when, on motion of Mr. Love, ordered that the committee of Claims be discharged from the further consideration of the subject.

On motion of Mr. Davidson, the Senate considered the report of the committee of Propositions and Grievances, on the petition of John Millwee; and the report and accompanying resolution being read, Mr. Davidson moved to *strike out* the whole of the resolution after the word "resolved," and *insert* as follows, to wit: "That the Public Treasurer be instructed to pay annually to John Millwee, of Mecklenburg county, the sum of seventy-five dollars during his natural life, as a pensioner of the State; for which he shall be allowed in the settlement of his public accounts;" and the question being taken, the amendment was agreed to, and the resolution, as amended, was read the second time and passed.

The bill to provide for the repairing of the State House and railing round the Public Square, was read the third time and passed, and ordered to be engrossed.

The engrossed bill amendatory of the law respecting dower, was read the third time and passed, and ordered to be enrolled.

The Senate entered on the orders of the day, and, on motion of Mr. Meares, resolved itself into a committee of the Whole House on the bill to appropriate thousand hundred dollars for improving the navigation of Cape Fear river below Wilmington, Mr. Ruffin in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Ruffin reported that the committee of the Whole had, according to order, had the said bill under consideration, and instructed him to report the bill with amendments, to wit: to fill the blank in the 3d line of the bill with the word "eight," and the blanks in the 4th line with the word "nine" and the word "twenty;" and the question on concurring with the amendments of the committee of the Whole being stated, Mr. Williams, of Martin, moved the indefinite postponement of the bill, together with the amendments, and the question being taken, it was decided in the negative—ayes 22, noes 35: the ayes and noes being demanded by Mr. Williams, of Martin.

Those who voted in the affirmative, are Messers Askew of Bertie, Askew of Hertford, Bell, Davenport, Davis, Gray, Harrell, Joiner, Leonard, M'Neil, Marshall, Matthews, Parker, Patterson, Riddick, Ruffin, Salyear, Sherard, Spaight, Walton, Williams of Martin, Wilson.

Those who voted in the negative, are Messrs. Alexander, Bailey, Beasley, Boddie, Brodnax, Burney, Burns, Brown, Croom, Davidson, Deberry, Franklin of Surry, Hardin, Hinton, Hunt, Love, M'aniel, M'Dearmid, M'Dowell, M'Eachin, M'Farland, M'Innis, Meares, Mebane, Miller, Pugh, Ramsey, Royal, Scott, Smith of Person, Shober, Shuford, Ward, Wellborn, Williams of Beaufort.

The question then recurred on agreeing to the amendments proposed to the bill by the committee of the Whole, and the question being taken, it passed in the affirmative; and the bill, as amended, was read the second time and passed; and was subsequently read the third time and passed, and ordered to be engrossed.

The Senate continued on the orders of the day, and the bill for the better regulation of retailing spiritous liquors, together with the amendment proposed thereto by the Judiciary committee, being read, the question was, "will the Senate agree to the amendment proposed by the Judiciary committee?" Mr. M'Dearmid moved to amend the amendment by striking

out the 2d section thereof, being the 3d section of the bill, and the amendment was agreed to. The question then recurred on agreeing to the amendment proposed by the Judiciary committee as amended, and the question thereon was determined in the negative. Mr. Wellborn moved to amend the bill by striking out the *proviso*, at the end of the first section. Whereupon Mr. Brown moved that the bill, together with the proposed amendment, be indefinitely postponed, and the question being taken, it passed in the affirmative.

Received from the House of Commons the following resignations, to wit: the resignation of Abram Brower, as Colonel Commandant of the second regiment of the militia of Randolph county; the resignation of Seymour Summersett, as a Justice of the Peace for the county of Columbus; and the resignation of William Moore, as a Justice of the Peace for the county of Stokes; which were read and accepted by the Senate.

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

FRIDAY, DECEMBER 19, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to appropriate eight thousand nine hundred and twenty dollars for improving the navigation of Cape Fear river below Wilmington; and a bill to provide for the repairing of the State House and railing round the Public Square; in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the resolution relative to Calvin R. Blackman, Sheriff of Wayne county; which was read when Mr. Shober reported a resolution in favor of Calvin R. Blackman, Sheriff of Wayne county; which was read and agreed to, and ordered to be engrossed.

Mr. Shober, from the same committee, made a report on the petition of sundry citizens of Tyrrell county; which was read, and the resolution therein contained was concurred in by the Senate, as follows, to wit: "*Resolved*, that the prayer of the petitioners be not allowed."

Mr. Shober, from the same committee, made a report on the petition of sundry citizens of Randolph county; which was read, and the resolution therein contained was concurred in by the Senate, as follows, to wit: "*Resolved*, that the prayer of the petitioners be not allowed."

Mr. Shober presented the petition of Leonard Aust, of Stokes county, praying the remission of a forfeiture therein set forth. Ordered that the petition be referred to the committee of Propositions and Grievances.

A message was received from the House of Commons, stating that they have passed the engrossed bill more effectually to enforce the payment of taxes from free negroes and mulattoes; in which they ask the concurrence of the Senate; and the said bill was read the first time and passed.

Received from the House of Commons a message, proposing to ballot immediately for Major of Cavalry attached to the 8th brigade and 4th division, to supply the vacancy occasioned by the resignation of Nathan Wright, and nominating Allen Peoples for the appointment; which proposition was agreed to, and a message was sent, informing the House of commons thereof; and naming Messrs. Shuford and Smith of Person to conduct the ballot on the part of the Senate. Whereupon a message

was received from the House of Commons, naming Mr. Mendenhall and Mr. Gar. as superintendents of the ballot on their part.

Received from the House of Commons the following message, to wit: "The House of Commons have rejected the engrossed bill to secure to Lucinda Julin, of Randolph county, such property as she may hereafter acquire; and the engrossed resolution directing a survey between Lumber and Cape Fear rivers. The House of Commons agree with your proposition to refer so much of the Governor's message as relates to the Dismal Swamp Canal Company to a select joint committee. The House of Commons agree that the joint select committee, to whom was referred the resolution instructing them to inquire into the expediency of having a route for a road laid off from Fayetteville to Wilkesborough; and to whom was also referred the petition of sundry citizens of the counties of Wilkes and Ashe, praying assistance to keep open the stage road from Wilkesborough to the Tennessee line, be discharged from the further consideration of those subjects; and that they be referred to the committee on Internal Improvements."

Received from the House of Commons a communication from the Governor, transmitting the account of the Private Secretary of Governor Iredell, with the accompanying documents, in relation to the appropriation for the purchase of furniture for the Government House, &c. endorsed in that House "read and ordered to be sent to the Senate, and referred to the committee of Finance." The communication being read, the reference of the House of Commons was agreed to, and a message sent, informing that House thereof.

Mr. Smith, of Person, from the committee to conduct the ballot for Major of Cavalry attached to the 8th brigade and 4th division, reported that Allen Peoples was duly elected; in which report the Senate concurred.

The following bills were presented, to wit: by Mr. Askew, of Hertford, a bill to repeal an act, passed in the year of our Lord 1827, chapter 36, entitled "an act prescribing the manner in which staves, heading and shingles shall hereafter be counted;" and by Mr. M'Dearmid, a bill appointing commissioners to lay off and establish the dividing line between the first and second regiments of the militia of Cumberland county; which bills were read the first time and passed, and the last named bill was subsequently read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Boddie, it was

Resolved, whereas agreeably to an act, passed in the year 1784, chapter 226, and an act, passed in the year 1789, chapter 308, heirs and devisees have the right of selling the real estate which may have descended to the heirs, or devised to the devisees of any deceased person, before the estate of such deceased person is settled, or before sci. fa. is issued against the heirs or devisees, (although the heirs or devisees at the time may be insolvent,) to the great injury of honest creditors;

Therefore be it resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending said acts of 1784 and 1789, and report by bill or otherwise.

Mr. Mebane, from the committee on Internal Improvements, made a report on the resolution relative to the expediency of making a road from Lake Phelps to Cahoon's Lake; which was read, when Mr. Mebane reported a bill to authorise the Board of Internal Improvements to have a

road made from Ebenezer Pettigrew's Canal to Cahoon's Lake, in Tyrrell county; which was read the first time and passed.

The Senate entered on the orders of the day, and proceeded to consider the bill for the education of the poor children of the State of North Carolina; when, on motion of Mr. M'Farland, the Senate resolved itself into a committee of the Whole on said bill, Mr. Hinton in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hinton reported that the committee of the Whole House had instructed him to report the bill for the education of the poor children of the State of North Carolina, with an amendment, to wit: to strike out the first section of the bill. The Senate proceeded to consider the report of the committee of the Whole, and the question to concur in the proposed amendment being stated, on motion of Mr. Shober, the bill, together with the amendment of the committee of the Whole, was indefinitely postponed.

The Senate continued on the orders of the day, and considered the bill to amend the inspection laws of this State. The bill being read, Mr. Bell moved to amend the bill by *striking* out the whole of the bill after the word "contrary" in the 18th line, and inserting as follows, to wit: "shall forfeit and pay a penalty of five dollars per barrel, to be recovered by warrant before a justice of the peace by any person suing for the same in the proper county; one half to the use of the informer, and the other half to the use of the wardens of the poor of the county where the penalty is incurred;" which amendment was agreed to. Mr. Williams, of Martin, moved the indefinite postponement of the bill, and the question thereon being taken, it passed in the affirmative—ayes 28, noes 19. The ayes and noes being demanded by Mr. Bell.

Those who voted in the affirmative, are Messrs. Askew of Bertie, Askew of Hertford, Bailey, Beasley, Brodnax, Burgin, Croom, Davenport, Davis, Franklin of Surry, Gray, Harrell, Hinton, Joiner, M'Daniel, M'Farland, Meares, Miller, Pugh, Reinhardt, Rufin, Smith of Davidson, Spaight, Walton, Ward, Williams of Beaufort, Williams of Martin, Wilson.

Those who voted in the negative, are Messrs. Bell, Davidson, Deberry, Hardin, Love, M'Dearmid, M'Eachin, M'Innis, Matthews, Mebane, Patterson, Riddick, Royal, Scott, Smith of Person, Sherard, Shober, Shuford, Wellborn.

The resolution in favor of William Harris and James Allen, of Montgomery county, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill in addition to the acts respecting divorce and alimony, was read the second time. Mr. Mebane moved to amend the bill by striking out the words "and also" in the third line of the second section of the bill; which was agreed to. Mr. Askew of Bertie, moved to strike out the third section of the bill; which amendment was not agreed to. Mr. Wellborn moved to strike out the words "or spendthrift" in the second and third lines of the third section of the bill. The Speaker decided that the motion was not in order on the present reading of the bill: the Senate having previously determined not to strike out the section, was equivalent to retaining it in its present form. Mr. M'Dearmid moved to amend the bill by inserting at the end of the third section the following proviso, to wit: "*Provided*, nothing herein contained shall exempt any property, which he may then possess, from the payment of all just claims against him up to that period, when alimony shall be granted;" which amendment was agreed to, and the bill, as amended, was read the second

time and passed; and the bill being read the third time, Mr. Wellborn moved to amend the bill by striking out, in the second and third lines of the third section of the bill, the words "or spendthrift;" which amendment was not agreed to. Mr. Sherard moved to amend the bill, by inserting after the word "substance" in the third line of the third section the words "acquired by his wife;" which amendment was not agreed to. Mr. Alexander moved to amend the bill by striking out the word "or" in the second line of the third section, between the words "drunkard" and "spendthrift," and inserting the word "and;" which amendment was not agreed to; and the bill was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Mr. Mebane presented the resignation of Andrew Hughes, as a justice of the peace for the county of Orange; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons the following resignations, to wit: the resignation of Josiah Powell, as major of the militia of Columbus county; and the resignation of Wilson J. Hill, as a justice of the peace for the county of Rockingham; which were read and accepted by the Senate.

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

SATURDAY, DECEMBER 20, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill appointing commissioners to lay off and establish the dividing line between the first and second regiments of the militia of Cumberland county; also the engrossed resolution in favor of Calvin R. Blackman, Sheriff of Wayne county; and the engrossed resolution in favor of William Harris and James Allen, of Montgomery county; in which they ask the concurrence of that House.

The following bills were presented, to wit: by Mr. Bailey, a bill to amend an act, passed in the year 1821, entitled "an act to incorporate a company, entitled 'the Roanoke Inlet Company,' and for other purposes;" by Mr. Smith, of Person, a bill to authorise the County Court of Person to establish a poor house in said county; and by Mr. Meares, a bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover county in granting licenses to retail spiritous liquors; which bills were read the first time and passed, and the first named bill, on motion of Mr. Bailey, was referred to the committee on Internal Improvements.

The bill to authorise the County Court of Person to establish a poor house in said county, was read the second and third times and passed, and ordered to be engrossed.

The bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover county in granting licenses to retail spiritous liquors, was read the second time and passed, and being read the third time, Mr. Bell moved to amend the bill by inserting in the sixth line thereof, after the word "New Hanover," the word "Camden;" which was agreed to. Mr. Davenport moved to amend the bill by adding after the word "Camden," the word "Washington;" which was agreed to; and Mr. Spaight moved to amend the bill by adding, after the word "Washington" the word "Craven;" which amendment was also agreed to, and

the provisions of the bill, and the title thereof, were amended in conformity therewith; and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

Mr. Meares, from the Judiciary committee, to whom was referred the bill concerning the action of replevin, reported the bill without amendment, and the bill was made the order of the day for Monday next.

Mr. Meares, from the same committee, made a report on the resolution relative to the expediency of the enactment of a valuation law; which was read, when, on motion of Mr. Meares, ordered that the Judiciary committee be discharged from the further consideration of the subject.

The Senate entered on the orders of the day, and the resolution in favor of Alanson Nash, being read the second time, and the question taken on the passage thereof, it was determined in the negative; so the resolution was rejected.

The resolution in favor of William Huggins, Sheriff of Jones county, was read the second and third times and passed, and ordered to be engrossed.

The bill to alter and amend the act, passed in the year 1777, entitled "an act to encourage the building of water mills in this State, and directing the duty of millers," was read the second time, and, on motion of Mr. Mebane, was indefinitely postponed.

The bill to validate all grants issued by the Secretary of State on surveys, made and signed only by the deputy surveyors previous to the year 1820, was read the second time and passed.

The engrossed resolution in favor of John Black, Sheriff of Cumberland county, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill more effectually to enforce the payment of taxes from free negroes and mulattoes, was read the second time. Mr. Spaight moved to insert, after the word "person" in the sixth line of the first section, the following words: "with his or her consent;" which amendment was agreed to. Mr. Smith, of Person, moved the indefinite postponement of the bill; which was not agreed to, and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to regulate the damages on protested bills of exchange, being read the second time, Mr. Meares moved to amend the bill by striking out, in the first section of the bill, from the word "from" in the 20th line, to the word "demanded" in the 23d line, inclusive, and inserting the words "the date of the bill;" which was not agreed to. Mr. Meares moved to strike out, in the 2d section, from the word "aforesaid," in the 8th line, to the end of the section; which amendment was not agreed to. Mr. Bailey moved to amend the bill by inserting, at the end of the first section, the following proviso: "Provided, that the provisions of this act shall not extend to bills of exchange, which shall be protested for non payment;" which amendment was not agreed to; and the question being taken on the passage of the bill the second time, it was determined in the negative; so the bill was rejected.

The bill to provide for poor persons who are desirous of becoming freeholders in this State, being read the second time, Mr. M'Farland moved

that the Senate do now resolve itself into a committee of the Whole House on said bill; which motion was not agreed to. Whereupon the bill was read the second time, and, on motion of Mr. Scott, was indefinitely postponed—ayes 35, noes 22. The ayes and noes being demanded by Mr. M'Farland.

Those who voted in the affirmative, are Messrs. Alexander, Askew of Bertie, Bailey, Beasley, Bell, Boddie, Brown, Croom, Davenport, Davidson, Davis, Deberry, Gray, Hunt, Joiner, Leonard, M'Eachin, Marshall, Matthews, Mebane, Miller, Parker, Patterson, Pugh, Riddick, Ruffin, Salyear, Scott, Smith of Davidson, Spaight, Walton, Ward, Williams of Beaufort, Williams of Martin, Wilson.

Those who voted in the negative, are Messrs. Brodnax, Burgin, Burney, Burns, Franklin of Surry, Hardin, Hinton, Love, M'Daniel, M'Dearmid, M'Dowell, M'Farland, M'Neill, Meares, Ramsey, Reinhardt, Royal, Smith of Person, Sherard, Shober, Shuford, Wellborn.

The bill to repeal an act, passed in the year of our Lord, 1827, chapter 36, entitled "an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, was read the second time, and the question on its passage decided in the negative; so the bill was rejected.

Mr. M'Dearmid moved that the remaining orders of the day be postponed; which was agreed to, when, on motion of Mr. M'Dearmid, a message was sent to the House of Commons, proposing to ballot on Tuesday next for a Brigadier General of the 4th Brigade, to supply the vacancy occasioned by the death of General Person, of Moore county, and nominating for that appointment Maj. John A. Cameron.

Mr. Love presented a bill to regulate the payment of salaries to the officers of 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 for the relief of sundry persons engaged in surveying the Cherokee lands; in which they ask the concurrence of the Senate; which was read the first time and passed.

Received from the House of Commons the resignation of Lunsford W. Scott, as Major of the 2d regiment of the militia of Halifax county; which was read and accepted by the Senate.

And the Senate adjourned until Mouday morning, 10 o'clock.

MONDAY, DECEMBER 22, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following bills: a bill to authorise the County Court of Person to establish a poor house in said county; and a bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover, Camden, Washington and Craven counties, in granting licenses to retail spiritous liquors; and the engrossed resolution in favor of William Huggins, Sheriff of Jones county; in which they ask the concurrence of that House.

Mr. Royal presented a bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, as far as it is the dividing line between the counties of Sampson and Cumberland; which was read the first time and passed, and made the order of the day for tomorrow.

Mr. Shober, from the committee of Propositions and Grievances, made a detailed report on the petition of James Moore, of Duplin county; which was read, together with the resolution therein contained, to wit: "*Resol-*

ved, that the prayer of the petitioner be not allowed." On motion of Mr. Miller, ordered that the report and resolution be laid on the table.

The following bills were presented: by Mr. Askew, of Hertford, a bill to alter and amend an act, passed in the year 1771, chap. 121, declaring what fences shall be sufficient, and to provide a remedy for abuses; and by Mr. Shober, a bill explanatory of an act, entitled "an act relating to bonds given by Sheriffs and Clerks of the Superior Courts and Courts of Pleas and Quarter Sessions," passed in the year 1810; which bills were read the first time and passed; and the last named bill, on motion of Mr. Shober, referred to the committee on the Judiciary.

Mr. Mebane, from the committee on Internal Improvements, made a report on the petition of sundry citizens of Perquimons county; which was read, when Mr. Mebane reported a bill to improve the navigation of Perquimons river; which was read the first time and passed, and made the order of the day for to-morrow.

Mr. Mebane, from the same committee, to whom was referred a bill for the encouragement of clearing out obstructions in the navigation of Lumber river, reported the bill without amendment, and the bill was made the order of the day for to-morrow.

Mr. McNeill presented the resignation of William Jackson, as Colonel Commandant of the 44th regiment, 4th brigade, and 2d division of North-Carolina militia; which was read and accepted, and sent to the House of Commons.

On motion of Mr. Burgin, the Senate reconsidered the vote taken on the 20th instant on the second reading of the resolution in favor of Alanson Nash; and the resolution being again before the Senate, on its second reading, Mr. Mebane moved to amend the resolution, by striking out all the resolution after the word "resolved;" and inserting as follows: "That the Board of Internal Improvements for the ensuing year be instructed to allow the State Engineer, so much as is reasonable, for his services during the last session of the Legislature: provided that the said allowance shall not exceed the sum of one hundred and twenty-nine dollars;" which amendment was agreed to, and the resolution, as amended, was read the second time and passed; and being read the third time, and the question taken on the passage thereof it passed in the affirmative—ayes 33, noes 19. The ayes and noes being demanded by Mr. Davis.

Those who voted in the affirmative, are Messrs. Alexander, Bailey, Beasley, Brodnax, Burgin, Burney, Brown, Davidson, Deberry, Franklin of Iredell, Franklin of Surry, Hardin, Harrell, Hinton, Hunt, Leonard, Love, M'Daniel, M'Eachin, M'Innis, Mebane, Miller, Pugh, Reinhardt, Riddick, Royal, Ruffin, Scott, Smith of Person, Shober, Spaight, Williams of Beaufort, Williams of Martin.

Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Bell, Boddie, Davis, Gray, Joiner, M'Dowell, McNeill, Marshall, Matthews, Parker, Patterson, Ramsey, Salyear, Smith of Davidson, Shuford, Walton, Ward.

Mr. Ward, from the committee of Finance, made a report on the report of the surviving commissioner for the sale of the late Treasurer Haywood's property; which was read, when Mr. Ward reported a resolution confirming the purchase of a tract of land, made by the late James F. Taylor at the sale of Treasurer Haywood's property, and authorising the Governor to execute a conveyance for the same to the heirs at law of the said James F. Taylor; which was read, and, on motion of Mr. Shober, ordered to lie on the table.

Mr. Smith, of Person, presented the following resolution:

Resolved, That the Public Treasurer pay to John Barnett, late Sheriff of Person county, sixty dollars for insolvency for the years 1825, 1826, and 1827; and that the same be allowed him in the settlement of his public accounts.

Which was read the first time and passed, and, on motion of Mr. Smith of Person, ordered to be referred to the committee on Claims.

Received from the House of Commons a message, stating their agreement to the proposition of the Senate to ballot on Tuesday next for Brigadier General of the 4th brigade; and adding to the nomination for that appointment John B. Kelly.

Received from the House of Commons a message, stating the concurrence of that House in the amendments proposed by the Senate in the engrossed bill more effectually to enforce the payment of taxes from free negroes and mulattoes in certain cases; and also in the engrossed bill in addition to the acts respecting divorce and alimony. Ordered that the said bills be enrolled.

The bill to validate all grants issued by the Secretary of State on surveys made and signed only by deputy surveyors previous to the year 1820, was read the third time and passed, and ordered to be engrossed.

The Senate entered on the orders of the day, and the resolution in favor of John Millwee, of Mecklenburg county, being read the second time, Mr. Gray moved to amend the resolution by striking out "seventy-five," and inserting the word "fifty;" which amendment was not agreed to, and the resolution passed its second reading; and being subsequently read the third time, it passed, and was ordered to be engrossed.

The bill to authorise the Board of Internal Improvements to have a road made from Ebenezer Pettigrew's Canal to Caboon's Lake, in Tyrrell county, was read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act, passed in 1823, chapter 1235, entitled "an act to amend an act, passed in the year 1819, to create a fund for Internal Improvement, and to establish a Board for the government thereof," was read the second time. Mr. Burns moved to amend the bill, by *striking out* all the bill, after the word "same," in the fifth line of the bill, and inserting as follows: "that so much of the above recited act as authorises the creation of a board, and the employment of an Engineer, be, and the same is hereby repealed;" and the question being taken on the amendment, it was determined in the negative; and the question recurring on the passage of the bill the second time, it passed in the affirmative; and the bill was subsequently read the third time and passed, and ordered to be engrossed.

Mr. Bailey moved to postpone the further orders of the day; which was not agreed to.

The bill for the improvement of the navigation of Neuse river, being read the second time, on motion of Mr. Mebane, ordered that the bill be committed to a committee of the whole House, and be made the order of the day for to-morrow.

The bill concerning the action of replevin, being read, Mr. Spaight moved that the further consideration thereof be postponed; and that the bill be printed. Mr. Brown called for a division of the question, and the question being first taken on the postponement of the consideration of the

bill, it passed in the affirmative. The question was then taken on the printing of the bill, and it passed in the affirmative; and the bill was ordered to be printed.

The orders of the day having been disposed of, Mr. Bailey moved that the Senate reconsider the vote taken yesterday on the second reading of the bill to regulate damages on protested bills of exchange; and on the question will the Senate re-consider said vote? it passed in the affirmative. The bill being again before the Senate on its second reading, Mr. Croom moved to amend the bill by *striking* out in the 20th and 21st lines of the first section, the words "notice of such protest shall have been given," and *inserting* as follows: "said bill is made payable;" which amendment was agreed to. Mr. Bailey moved to amend the bill by *inserting* at the end of the 2nd section, the following proviso: "*Provided*, that on any bill protested for non-acceptance, the holder shall be entitled to receive damages at the rate of ten per centum; which amendment was not agreed to, and the bill, as amended, was read the second time and passed; and being read the third time, the question on its passage was determined in the affirmative—yeas 33, noes 25: the ayes and noes being demanded by Mr. Hunt.

Those who voted in the affirmative, are Messrs. Alexander, Askew of Bertie, Askew of Hertford, Beasley, Burns, Brown, Croom, Davenport, Deberry, Franklin of Surry, Hardin, Joiner, Leonard, M'Daniel, M'Farland, M'Innis, Matthews, Miller, Parker, Patterson, Pugh, Riddick, Royal, Ruffin, Salyer, Smith of Davidson, Sherard, Spaight, Walton, Ward, Wellborn, Williams of Martin, Wilson.

Those who voted in the negative, are Messrs. Bailey, Boddie, Brodnax, Burney, Davidson, Davis, Gray, Harrell, Hinton, Hunt, Love, M'Dearmid, M'Dowell, M'Eachin, M'Neill, Marshall, Meares, Mebane, Ramsey, Reinhardt, Scott, Smith of Person, Shober, Shuford, Williams of Beaufort.

Ordered that the said bill be engrossed.

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

TUESDAY, DECEMBER 23, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to authorise the Board for Internal Improvements to have a road made from Ebenezer Pettigrew's Canal to Cahoon's Lake, in Tyrel county; a bill to amend an act, passed in 1823, chapter 1235, entitled "an act to amend an act, passed in the year 1819, to create a fund for Internal Improvement, and to establish a board for the government thereof;" a bill to validate the grants issued by the Secretary of State on surveys made and signed only by deputy surveyors, previous to the year 1820; and a bill to regulate the damages on protested bills of exchange; also the following engrossed resolutions: a resolution in favor of John Millwee, of Mecklenburg county; and a resolution in favor of Alanson Nash; in which they ask the concurrence of that House.

A message was received from the House of Commons, proposing that the two Houses have an evening session this day, for the purpose of appointing field officers, and justices of the peace. The proposition was agreed to, 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: a bill to amend an act, entitled "an act to prohibit the trading with slaves, except in the manner therein pre-

scribed; a bill to declare the effect of a nolle prosequi upon an indictment; and a bill to amend the law with respect to the collection of debts from the estates of deceased persons; and the law in relation to the levying of executions issued by justices of the peace; which bills were read the first time and passed; and the last named bill was, on motion of Mr. Shober, referred to the committee on the Judiciary.

A message was sent to the House of Commons, stating that Messrs. M'Neill and M'Dearmid attend to conduct the ballot, heretofore agreed on, for Brigadier General of the 4th brigade.

The following bills were presented: by Mr. Shuford, a bill making it the duty of the officers of the second regiment of militia of Rutherford county to hold their regimental musters at the house of John Reynold; by Mr. M'Farland, a bill limiting the time within which executors of last wills and testaments shall be permitted to qualify; and by Mr. Wilson, a bill concerning the town of Farborough; which were read the first time and passed.

Received from the House of Commons, the petition of the justices of Rutherford county, with a proposition from that House that the petition be referred to a select joint committee, to consist of three persons from each House, and stating that Messrs. Graham, Blackledge and Potter form the committee on the part of that House. The proposition was agreed to by the Senate, and a message sent, informing the House of Commons thereof; and naming Messrs. Shuford, Williams of Beaufort, and Hunt, the committee on the part of the Senate.

On motion of Mr. Burgin,

Resolved, That the committee on Claims be instructed to inquire into the expediency of discontinuing the allowance made by the State for the education of Miss Udney M. Blakely, daughter of the late Captain Johnston Blakely; and that they report by bill or otherwise.

On motion of Mr. Wilson,

Resolved, That the committee of Propositions and Grievances be instructed to inquire into the expediency of exonerating Wyatt Moye, Sheriff of the county of Greene, from a fine by him incurred, in consequence of not making his return of the electoral vote of said county; and that they report by bill or otherwise.

A message was received from the House of Commons, stating that the name of Henry W. Ayre is added to the nomination for Brigadier General, to supply the vacancy occasioned by the death of General Person; and that Messrs. Eccles and Walker attend the Senate, as superintendents of the ballot on their part.

Received from the House of Commons the certificate of allowance made by the County Court of Cumberland, in favor of Ann Morrison, widow of Alexander Morrison, a revolutionary soldier; and also the certificate of allowance made by the same Court in favor of Lucy Shaw, the widow of Daniel Shaw, a militia soldier in the revolutionary war, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons." On motion of Mr. M'Dearmid, ordered that the certificates be countersigned by the Speaker of the Senate; which was accordingly done, and the certificates returned to the House of Commons.

Mr. Williams, of Beaufort, from the committee on the Militia and Public Arms, to whom was referred the engrossed bill to repeal in part the third section of an act, passed in the year 1806, entitled "an act to revise the Militia laws of this State relative to Infantry; and to repeal the 9th

and 10th sections of an act, passed in the year 1813, entitled 'an act to amend the Militia Laws of this State, reported the bill without amendment, and it was made the order of the day for to-morrow.

Mr. Meares, from the committee on the Judiciary, made a report on the resolution instructing them to inquire into the expediency of amending the acts of 1784 and 1789, and asked leave to be discharged from the further consideration of the subject. On motion of Mr. Boddie, ordered that the report and resolution be laid on the table.

Mr. Meares, from the same committee, reported the bill to amend the practice in Courts of Equity, without amendment, and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, to whom was referred the engrossed bill regulating the mode of trial in the Superior, and appeal to the Supreme Court, reported the bill without amendment, and the bill was made the order of the day for to-morrow.

Mr. Mebane, from the committee of Internal Improvements, to whom was referred the bill to amend an act, passed in the year 1821, entitled "an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes," reported the bill without amendment, and the bill was made the order of the day for to-morrow.

On motion of Mr. Joiner, the Senate proceeded to consider the report of the committee of Propositions and Grievances, on the petition of William Jordan; and the report and resolution therein contained being read, Mr. Joiner moved to amend the resolution, by *striking* out all the resolution except the word "resolved," and *inserting* as follows: "That the Treasurer pay to Richard Jordan, of Pitt county, in consideration of his services in the revolutionary war, the sum of seventy-five dollars per annum, for and during the life-time of said Jordan; and that he be allowed the same in the settlement of his accounts." And the question being taken on agreeing to the amendment, it was determined in the negative. The question then recurred on the adoption of the resolution contained in the report of the committee, and it passed in the affirmative.

Mr. Joiner asked and obtained leave to withdraw the petition and accompanying documents of Richard Jordan, of Pitt county.

On motion of Mr. Shober, the Senate proceeded to consider the report of the committee of the Whole House, laid on the table the 12th instant, on the resolutions submitted by Mr. Wellborn and Mr. Wilson, being an amendment in the following words: "That in the opinion of this Legislature Congress have a right to create a fund for Internal Improvements and Education, to be apportioned among the States in proportion to their Federal representation; and to be applied to such particular objects as each State may specify." Mr. Shober moved that the report be recommitted to a committee of the Whole House, and that the Senate do now resolve itself into a committee of the Whole House on said report. Mr. Wilson moved that the resolution be indefinitely postponed. The Speaker decided that the motion to commit to a committee of the Whole House had precedence of the motion to postpone indefinitely. The question then recurred on Mr. Shober's motion, that the resolution be committed to a committee of the Whole House, and that the Senate do now resolve itself into a committee of the Whole on said resolution; which was agreed to.

Whereupon the Senate resolved itself into a committee of the Whole House on said resolution, Mr. Davidson in the Chair; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Davidson reported that the committee had instructed him to report the resolution with an amendment, to strike out all the resolution except the word "resolved," and to insert as follows: "That it is the opinion of this Legislature that Congress does not possess the power of appropriating any portion of the funds of the General Government to making roads and canals through the different States of the Union;" and the question being stated on agreeing to the amendment proposed by the committee of the Whole, Mr. Hinton moved that the resolution, together with the amendment proposed by the committee of the Whole, be indefinitely postponed; and the question thereon passed in the affirmative—ayes 33, noes 27. The ayes and noes being demanded by Mr. Burns.

Those who voted in the affirmative, are Messrs. Askew of Hertford, Bell, Burney, Burns, Davenport, Davidson, Deberry, Franklin of Iredell, Hardin, Harrell, Hinton, Joiner, Leonard, Love, M'Daniel, M'Dowell, M'Eachin, M'Farland, M'Innis, Matthews, Mearés, Mebane, Patterson, Pugh, Ramsay, Royal, Salyear, Smith of Davidson, Shoher, Shuford, Walton, Wellborn, Williams of Beaufort.

Those who voted in the negative, are Messrs. Alexander, Askew of Bertie, Bailey, Beasley, Boddie, Brodnax, Burgin, Brown, Davis, Franklin of Surry, Gray, Hunt, M'Dearmid, M'Neill, Marshall, Miller, Parker, Reinhardt, Riddick, Ruffin, Scott, Smith of Person, Sherard, Spaight, Ward, Williams of Martin, Wilson.

Received from the House of Commons the following resignations: The resignation of Gideon Seawell, as Major of the 44th regiment, 4th brigade, and 2nd division of North Carolina militia; also the resignation of Calvin R. Blackman, as Major of the militia of Wayne county; and the resignation of William Walker, as a justice of the peace of Rockingham county; which were read and accepted by the Senate.

And the Senate adjourned until 3 o'clock, this afternoon.

TUESDAY AFTERNOON, DECEMBER 23, 1828.

On motion of Mr. Gray, the Senate proceeded to consider the resolution confirming the purchase of a tract of land made by the late James F. Taylor at the sale of Treasurer Haywood's property, and authorising the Governor to execute a conveyance for the same to the heirs at law of the said James F. Taylor; when, on motion of Mr. Gray the resolution and report were re-committed to the committee of Finance.

The engrossed bill to amend an act, passed in the year 1827, chapter 72, entitled an act to compel the County Courts of Nash to appoint a committee of Finance, was taken up on motion of Mr. Boddie, and being read the third time, and the question taken on the passage thereof, it was determined in the negative; so the bill was rejected.

The bill concerning the town of Tarborough, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Boddie, the Senate proceeded to consider the bill to repeal so much of an act, passed in the year 1810, as prevents any person from working seines and nets in Tar river above the mouth of Fishing Creek; and the bill was read the second time and passed, and being read the third time, the question on the passage thereof was determined in the negative.

The bill making it the duty of the officers of the second regiment of mi-

litia of Rutherford county to hold their regimental musters at the house of John Reynolds, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Matthews, ordered that William W. Boddie, the Senator from the county of Nash, have leave of absence from the services of the Senate from and after to-morrow, to include Saturday next.

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

WEDNESDAY, DECEMBER 24, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill making it the duty of the officers of the second regiment of the militia of Rutherford county to hold their regimental musters at the house of John Reynolds; and a bill concerning the town of Tarborough; in which they ask the concurrence of that House.

Mr. M'Neill, from the committee to conduct the ballot for a Brigadier General of the 4th brigade of militia, reported that no person in nomination had received a majority of votes.

On motion of Mr. M'Neill, a message was sent to the House of Commons, proposing to ballot again immediately for a Brigadier General of the 4th brigade; and stating that the name of John A. Cameron is withdrawn from, and the name of Colonel Thomas Boykin is added to the nomination.

A message was received from the House of Commons, stating that the name of Thomas Boykin is added to the nomination for Brigadier General of the 4th brigade; and the name of Henry W. Ayre is withdrawn.

The following bills were presented: by Mr. Askew of Bertie, a bill to repeal an act, passed in the year 1827, entitled "an act to prevent the obstruction of fish passing up the Roanoke river;" by Mr. Pugh, a bill concerning the payment of pilots in certain cases; and by Mr. Mebane, a bill in aid of the fund for Internal Improvements; which bills were read the first time and passed.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of Silas Bond, of the county of Martin, made a report; which was read, when Mr. Shober reported a bill to restore Silas Bond, of Martin county, to credit; which was read the first time and passed.

Mr. Shober, from the same committee, to whom was referred the petition of Andrew Walker, of Mecklenburg county, made a report; which was read, when Mr. Shober reported a bill to restore Andrew Walker, of Mecklenburg county, to credit; which was read the first time and passed.

On motion of Mr. Burgin,

Resolved, That the committee on Claims be instructed to inquire into the expediency of refunding to David Mashburn, of Burke county, the sum of five dollars and fifty cents, overpaid by him to the State on a grant of land in said county

Mr. Williams, of Martin, presented the petition of Alfred M. Slade, of the county of Martin, praying to be discharged from the payment of the sum of two hundred dollars, incurred by the Sheriff of said county, to whom said Slade was security. Ordered that the petition be referred to the committee of Propositions and Grievances.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: a bill directing the manner in which

wardens of the poor in the county of Cumberland shall hereafter be elected, and for other purposes; a bill requiring Registers and Clerks of the Superior and County Courts, and Clerks and Masters in Equity to keep their offices at the Court Houses; a bill to authorise James Bedford, of Burke county, to erect two gates across the road leading from Rutherfordton, up Cane creek to Morganton; a bill to authorise the trustees of the Academy in the town of Edenton to dispose of certain lots in said town; a bill requiring the Major General of the 4th division to review the regiments of Rowan county at the usual places of their regimental musters; a bill appointing Solomon Graves commissioner to superintend building a Court House in Surry county; a bill to repeal an act, passed in 1824, regulating the mode of electing wardens of the poor, and directing their duty, so far as the same relates to the county of Buncombe; a bill for the better regulation of the town of Asheville, in Buncombe county; a bill to alter the time of holding the County Courts of Ashe county; and a bill for the relief of Thomas Marshall, Sheriff of Carteret county, and Stephen Owens, Sheriff of Beaufort county; also the engrossed resolutions, to wit: a resolution in favor of Thomas Phillips; a resolution in favor of Isaac Baxter, Sheriff of Currituck county; and a resolution in favor of William P. Martin; in which they ask the concurrence of the Senate. Whereupon the said bills and resolutions were read the first time and passed.

A message was received from the House of Commons, agreeing to the proposition of the Senate to ballot again immediately for a Brigadier General of the 4th brigade, and stating that Messrs. Montgomery and Bethel attend the Senate accordingly; and a message was sent to the House of Commons, naming Messrs. M'Neill and Royal to conduct the ballot on the part of the Senate.

Mr. M'Neill, from the committee to conduct the ballot for Brigadier General of the 4th brigade, reported that Thomas Boykin was duly elected; in which report the Senate concurred.

Mr. Meares, from the Judiciary committee, to whom was referred a bill to provide for the final settlements of executors and administrators, reported the bill without amendment, and the bill was made the order of the day for to-morrow.

Received from the House of Commons a message, stating that they have passed the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county, with an amendment, to wit: to add the words "the second section of," after the word "that," in the third line of the bill, in which they ask the concurrence of the Senate; and the question being taken on the amendment, it passed in the affirmative.

The Senate entered on the orders of the day, and resolved itself into a committee of the Whole House on the bill to improve the navigation of Neuse river; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Spaight reported that the committee of the Whole House had instructed him to report the bill with sundry amendments, and the question being taken on agreeing to the amendments proposed by the committee of the Whole, it passed in the affirmative. The bill being read,

as amended, the second time, the question on the passage thereof was decided in the negative; so the bill was rejected.

The bill to regulate the payment of salaries to the officers of State, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill for the relief of sundry persons engaged in surveying the Cherokee lands, was read the second and third times and passed, and was ordered to be enrolled.

The bill to amend an act, passed in the year 1821, entitled "an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes," was read the second time. Mr. Brown moved to amend the bill, by striking out in the 3d section of the bill all the words after the word "act," in the 13th line, to the end of the section, as follows: "And that the said Governor further instruct our Senators and Representatives to solicit the aid of the General Government to effect the objects of the before recited act;" and the question on agreeing to the amendment was decided in the negative—ayes 22, noes 34. The ayes and noes being demanded by Mr. Alexander.

Those who voted in the affirmative, are Messrs. Beasley, Brown, Davis, Franklin of Surry, Gray, Harrell, Leonard, M'Dearmid, M'Neill, Marshall, Matthews, Parker, Patterson, Ruffin, Scott, Smith of Davidson, Smith of Person, Spaight, Ward, Williams of Beaufort, Williams of Martin, Wilson.

Those who voted in the negative, are Messrs. Alexander, Askew of Bertie, Askew of Hertford, Bailey, Bell, Brodnax, Burgin, Burney, Burns, Davenport, Davidson, Deberry, Franklin of Iredell, Hardin, Hinton, Love, M'Daniel, M'Dowell, M'Eachin, M'Farland, M'Innis, Meares, Mebane, Miller, Pugh, Ramsey, Riddick, Royal, Salyer, Sherard, Shober, Shuford, Walton, Wellborn.

The question then recurred on the passage of the bill the second time; and the question being taken, it passed in the affirmative, and the bill being read the third time, Mr. Askew, of Bertie, moved to amend the bill, by adding in the 14th line of the first section after the word "Holly," the words "John E. Wood;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and was ordered to be engrossed.

Mr. Ward moved that the further orders of the day be postponed; which was agreed to, when Mr. Ward moved that the Senate reconsider the vote taken this day on agreeing to the amendment proposed by the House of Commons to the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county;" and on the question, will the Senate reconsider said vote? it passed in the affirmative. The question then recurred on agreeing to the amendment proposed by the House of Commons, to add the words "the second section of" after the word "that," in the 3d line of the bill, and the question on agreeing thereto being taken, it was decided in the negative; and the House of Commons were informed thereof by message.

Received from the House of Commons, a message, stating that they have passed the engrossed bill in aid of the Clubfoot and Harlow Creek Canal Company, with an amendment to *strike* out from the word "dollars," in the 12th line of the bill, to the end of the section, and *insert* as follows: "And be it further enacted, that before the Treasurer shall pay the said sum, it shall be his duty to take bond and sufficient security, payable to the Governor, that the said sum of six thousand dollars shall be paid in

ten years, with interest from the date thereof;" and the question being taken on agreeing to the amendment, it was decided in the negative; and the House of Commons were informed thereof by message.

On motion of Mr. Davidson,

Resolved, That when this House shall adjourn on this day, it shall adjourn until Friday, ten o'clock.

On motion of Mr. Brown, the Senate proceeded to consider the engrossed resolution in favor of William P. Martin. Whereupon the said resolution was read the second and third times and passed, and was ordered to be enrolled.

And the Senate adjourned until Friday morning, 10 o'clock.

FRIDAY, DECEMBER 26, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to amend an act, passed in the year 1821, entitled "an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes;" and a bill to regulate the payment of salaries to the officers of State; in which they ask the concurrence of that House.

A message was received from the House of Commons, stating that they have passed the engrossed bill to erect that section of country commonly called the Cherokee purchase, into a separate county, with an amendment, to wit: to add an additional section, as follows: "And be it further enacted, that all lands within the county hereby created, which have been, or may be purchased from the State, but not granted, shall be deemed liable to taxation in the same manner as lands entered, but not granted, are by the laws of the State;" and the amendment being read, the question on agreeing thereto, passed in the affirmative, and the House of Commons were informed thereof by message.

A message was received from the House of Commons, stating that they have passed the engrossed bill to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus counties; in which they ask the concurrence of the Senate, and the bill was read the first time and passed.

The following bills were presented: by Mr. Meares, a bill to authorise the commissioners of navigation of the port of Wilmington to regulate quarantine in said port; and by Mr. Shober, a bill for the limitation of writs of error for matters of fact, and bills of review. The bills were read the first time and passed.

Mr. M'Dowell presented the petition of sundry citizens of Buncombe county, praying the appropriation of a sum of money to be expended on the Walnut Mountain road. Ordered that the petition be referred to the committee on Internal Improvement.

Mr. Meares, from the committee on the Judiciary, to whom was referred the bill explanatory of an act, entitled "An act relating to bonds given by Sheriffs, Clerks of the Superior Courts, and Courts of Pleas and Quarter Sessions," passed in the year 1810, reported the bill without amendment; and the bill was made the order of the day for to-morrow.

The following resignations were presented: by Mr. Burgin, the resignation of Joseph Neal, as Major of the third regiment of the militia of Burke; and by Mr. Burney, the resignation of James Blackman, as a justice of the peace for the county of Columbus; which were read and accepted, and sent to the House of Commons.

The bill to repeal an act, passed in the year 1827, entitled "an act to prevent the obstruction of fish passing up the Roanoke river," was read the second time, and the question on its passage was determined in the negative.

The bill to restore Andrew Walker, of Mecklenburg county, to credit, being read the second time, Mr. Miller moved to amend the bill, by inserting after the word "county," in the 5th line of the bill, the words "and Isaac Weston, of Duplin county;" which amendment was not agreed to. The question then recurred on the passage of the bill the second time, and it passed in the negative.

The bill to restore Silas Bond, of Martin county, to credit, was read the second time. Mr. Miller moved to amend the bill, by inserting after the word "county," in the 4th line of the bill, the words "and Isaac Weston, of the county of Duplin;" which amendment was not agreed to. The question then recurred on the passage of the bill the second time, and the question being taken, it passed in the affirmative—ayes 47, noes 4. The ayes and noes being demanded by Mr. Miller.

Those who voted in the affirmative, are Messrs Alexander, Bell, Burgin, Burney, Burns, Davenport, Davidson, Deberry, Franklin of Iredell, Franklin of Surry, Gray, Harrell, Hinton, Hunt, Joiner, Leonard, Love, M'Daniel, M'Dearmid, M'Dowell, M'Eachin, M'Farland, M'Innis, M'Neill, Marshall, Matthews, Meares, Mebane, Miller, Parker, Patterson, Ramsey, Reinhardt, Riddick, Royal, Ruffin, Scott, Smith of Person, Smith of Davidson, Sherard, Shober, Shuford, Walton, Wellborn, Williams of Beaufort, Williams of Martin, Wilson.

Those who voted in the negative, are Messrs. Askew of Hertford, Bailey, Spaight, Ward.

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

The engrossed bill for the relief of Thomas Marshall, Sheriff of Carteret county, and Stephen Owens, Sheriff of Beaufort county, being read the second time, Mr. Shober moved to amend the bill, by inserting in the 6th line of the bill, after the word "county," the words "and Wyatt Meye, Sheriff of Greene county;" which amendment was agreed to, and the provisions and title of the bill were amended to correspond therewith, and the bill, as amended, was read the second and third times and passed; and a message was sent to the House of Commons, asking their concurrence in the amendments.

The bill to authorise the commissioners of navigation of the port of Wilmington, to regulate quarantine in said port, was read the second and third times and passed, and ordered to be engrossed.

The following bills were presented: by Mr. Parker, a bill supplementary to an act, passed in 1826, chapter 133, for the better regulation of the town of Greensborough, in Guilford county;" and by Mr. Davenport, a bill to open a road from Lee's mills to the head of the New Lands, in Washington county; which bills were read the first time and passed, and the last named bill, on motion of Mr. Davenport, was ordered to be referred to the committee on Internal Improvements.

The bill supplementary to an act, passed in 1826, chapter 133, for the better regulation of the town of Greensborough, in Guilford county, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill for the better regulation of the town of Asheville, in Buncombe county, was read the second time, and, on motion of Mr. M'Dowell, ordered to be laid on the table.

The following engrossed bills, to wit: a bill to repeal an act, passed in the year 1824, regulating the mode of electing wardens of the poor, and directing their duties, so far as the same relates to the county of Buncombe; a bill appointing Solomon Graves commissioner to superintend building a Court House in Surry county; a bill to alter the times of holding the County Courts of Ashe county; a bill directing the manner in which wardens of the poor in the county of Cumberland shall hereafter be elected, and for other purposes; a bill to authorise James Bedford, of Burke county, to erect two gates across the road leading from Rutherfordton, up Cane creek, to Morganton; a bill to authorise the trustees of the Academy in the town of Edenton to dispose of certain lots in said town; and a bill requiring the Major General of the 4th division to review the regiments of Rowan county, at the usual places of their regimental musters, were read the second and third times, and were ordered to be enrolled.

Received from the House of Commons the following resignations: The resignation of Nicholas Lee, of the county of Johnston; the resignation of John Holliday, of the county of Greene; and the resignation of Thomas N. S. Hargis, of the county of Orange, justices of the peace in their respective counties; also the resignation of Daniel Rogerson, as Colonel Commandant of the first brigade, and fourth regiment of North Carolina militia; and the resignation of S. T. Sawyer, as Major of the militia of the county of Chowan; which were read and accepted by the Senate.

The Senate entered on the orders of the day, and the bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, as far as it is the dividing line between the counties of Sampson and Cumberland, was read the second and third times and passed, and ordered to be engrossed

The bill to alter and amend an act, passed in the year 1771, chapter 121 declaring what fences shall be sufficient, and to provide a remedy for abuses, being read the second time, on motion of Mr. Meares, the further consideration of the bill was postponed

The bill to improve the navigation of Perquimons river, was read the second time and passed, and being read the third time, the question on its passage was determined in the negative; so the bill was rejected.

The bill for the encouragement of clearing out obstructions in the navigation of Lumber river, being read the second time, Mr. M'Eachin moved to fill the blank with the words "two hundred;" which was agreed to. Mr. M'Eachin moved to fill the blank in the third section with the following words: "Archibald Gilchrist, Samuel Watson and Willis Pope;" which was agreed to, and the bill, as amended, was read the second time, and the question being taken on the passage thereof, it was determined in the negative; so the bill was rejected.

The engrossed bill regulating the mode of trial in the Superior, and appeal to the Supreme Court, was read the second time, and, on motion of Mr. Meares, was indefinitely postponed, and a message sent to the House of Commons, informing them thereof.

The engrossed bill to amend an act, entitled "an act to prohibit the trading with slaves, except in the manner therein prescribed," was read the second time. Mr. Meares moved to amend the bill, by inserting in the 7th line of the first section of the bill, after the word "any," the words "fire-

arms," which amendment was agreed to. Mr. Meares moved further to amend the bill, by inserting in the 9th line of the first section, after the word "slaves," the following words: "or by the order of the owner, or the person having the management of the same;" which amendment was agreed to. Mr. Meares moved to amend the bill by striking out the word "and," in the 15th line of the first section, and inserting the word "or;" which amendment was agreed to. Mr. Bailey moved to amend the bill, by striking out the word "free," in the 4th line of the first section; which amendment was agreed to. Mr. Brown moved to amend the bill, by striking out, in the 19th line of the first section, the words "or imprisonment;" which amendment was not agreed to. Mr. Ward moved to insert the word "lead," in the 7th line of the first section, after the word "powder;" which amendment was agreed to. Mr. Meares moved to amend the 2d section of the bill, by inserting the words "fire-arms," after the word "any," in the 4th line; which amendment was agreed to. Mr. Meares also moved to amend the bill by inserting in the 4th line of the 2d section, after the word "shot or lead," "except by the order of the owner, or manager of such slave;" which amendment was agreed to, and the bill, as amended, was read the second time and passed, and being read the third time, Mr. Williams, of Martin, moved to amend the bill, by adding an additional section, as follows: "And be it further enacted, that this act shall not take effect until after the first day of May next;" and the bill, as amended, was read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to repeal in part the 3d section of an act, passed in the year 1806, entitled "an act to revise the militia laws of this State relative to infantry," and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled "an act to amend the militia laws of this State," was read the second time. Mr. Ward moved that the bill be indefinitely postponed; which was not agreed to. The question then recurred on the passage of the bill the second time, and it passed in the affirmative.

The engrossed bill to declare the effect of a nolle prosequi upon an indictment, was read the second time, and the question on the passage thereof was determined in the negative.

On motion of Mr. Meares, the further orders of the day were postponed; when Mr. Davenport moved that the Senate reconsider the vote taken on to-day, on the second reading of the bill to declare the effect of a nolle prosequi on indictment, and, on the question, will the Senate reconsider said vote? it passed in the affirmative. The bill being again before the Senate on the second reading, some discussion was had thereon, and the question being taken on its passage the second time, it was determined in the negative; so the bill was rejected.

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

SATURDAY, DECEMBER 27, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to authorise the commissioners of navigation of the port of Wilmington to regulate quarantine in said port; a bill supplementary to an act, passed in the year 1826, chapter

133, for the better regulation of the town of Greensborough, in Guilford county; a bill to restore Silas Bond, of Martin county, to credit; and a bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, as far as it is the dividing line between the counties of Sampson and Cumberland; in which they ask the concurrence of that House.

A message was sent to the House of Commons, stating that the Senate do not concur in the recommendation of Caleb R. Phillips, as a justice of the peace for the county of Ashe.

On motion of Mr. Ruffin, a message was sent to the House of Commons, proposing to ballot, at the meeting of the two Houses on Tuesday next, for Counsellors of State.

On motion of Mr. Wellborn,

Resolved, That the Board of Internal Improvements be directed to call on the President and Directors of the Yadkin Navigation Company, to know how, and in what manner, the twenty-five thousand dollars, subscribed by the State, together with the sums subscribed by individuals; and the sum paid by individual stockholders; and how the monies have been disposed of; and what sums the company have now on hand; and what number of stockholders are insolvent, and what outstanding debts there are now due; and that the said Board report to the next General Assembly.

Ordered that the resolution be engrossed.

The following bills were presented: by Mr. Smith, of Davidson, a bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters; and by Mr. Love, a bill supplemental to the act erecting the county of Macon; which were read the first time and passed.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred to inquire into the expediency of opening a road from Fayetteville to Wilkesborough, made a report; which was read, when Mr. Mebane reported a bill to lay out and improve a road from Fayetteville to Wilkesborough; which was read the first time and passed.

Mr. Mebane, from the same committee, to whom was referred the bill to open a road from Lee's mills to the head of New Land, in Washington county, reported the bill without amendment, and the bill was made the order of the day for Monday next.

Mr. Love presented the petition of certain citizens of the State of Tennessee, relative to a mine recently discovered within the limits of the State of North Carolina, the minerals of which are stated to contain certain proportions of silver, antimony and lead. On motion of Mr. Love, ordered that the petition be referred to a select joint committee, consisting of three members of each House; and a message was sent to the House of Commons, asking their concurrence in the reference, and naming Messrs. Love, Hardin and Burgin, of the committee on the part of the Senate.

Mr. Ruffin moved that the Senate reconsider the vote taken yesterday, on the second reading of the bill to restore Andrew Walker, of Mecklenburg county, to credit, and the question, will the Senate reconsider said vote? passed in the affirmative; and the bill being again before the Senate on its second reading, after some discussion thereon, was read the second and third times and passed, and ordered to be engrossed.

A message was received from the House of Commons, stating that they have passed the following engrossed bills: a bill to repeal an act, passed

in 1827, chapter 36, entitled "an act prescribing the manner in which staves, heading and shingles shall hereafter be counted," so far as respects the county of Perquimons; a bill directing the time and place of selling land under execution in the counties of Halifax, Northampton and Hertford; a bill establishing separate election grounds in the county of Person; a bill to incorporate Zerubabel Chapter, No. 11, Edenton; a bill for the better regulation of the fisheries on Salmon creek, in Bertie county; and amendatory of an act, passed in 1822, concerning the same; and a bill for the better regulation of the town of Windsor; in which they ask the concurrence of the Senate, and the said bills were read the first time and passed.

Received from the House of Commons, a message, stating that Messrs. Wyche, Gary, Pierce, Nash and Spruill, are appointed of the select joint committee on their part, upon the subject of the memorial of the Dismal Swamp Canal Company; and a message was sent to that House, stating that Messrs. Bailey, Williams of Martin, Askew of Bertie, Walton and Riddick form the committee on that subject on the part of the Senate.

A message was received from the House of Commons, stating that the House of Commons *adhere* to their amendment in the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville," in Duplin county. On motion of Mr. Miller, a message was sent to the House of Commons, asking a *conference* on the disagreeing vote of the two Houses on the amendment proposed by the Senate to the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county;" and naming Messrs. Spaight, and Miller of the committee on the part of the Senate.

A message was received from the House of Commons, accompanied with the memorial of James Grant, Comptroller of Public Accounts, proposing to refer the memorial to a select joint committee; and naming Messrs. Montgomery, Fisher, John Walker and Mitchell, as the committee on the part of the House of Commons; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and naming Messrs. Matthews, Ruffin, Spaight and Hunt, as the committee on the part of the Senate.

Received from the House of Commons a message, stating that they *recede* from their amendment proposed to the engrossed bill in aid of the Clubfoot and Harlow Creek Canal Company.

On motion of Mr. Love, the Senate reconsidered the bill to improve the navigation of Perquimons river; and the bill being again before the Senate at its third reading, the question on the passage thereof was decided in the affirmative, and the bill was ordered to be engrossed.

On motion of Mr. Askew, of Bertie, the Senate reconsidered the vote taken on yesterday on the second reading of the bill for the encouragement of clearing out obstructions in the navigation of Lumber river; and the bill being again before the Senate at its second reading, the question on the passage thereof was decided in the negative; so the bill was rejected.

On motion of Mr. M'Farland,

Resolved, That the Judiciary committee be instructed to inquire if the law relative to persons owning land in this State, where the dividing line of counties pass through

the same is sufficiently plain in intent and meaning, to compel any person or persons owning land situated as aforesaid, to list and pay the tax for the same, in the county in which he resides; and that they report by bill or otherwise.

Mr. Ward, from the committee of Finance, to whom was recommitted the resolution, confirming the purchase of a tract of land made by the late James F. Taylor, at the sale of Treasurer Haywood's property, and authorising the Governor to execute a conveyance for the same to the heirs at law of the said James F. Taylor, made a detailed report, and recommended that the resolution be amended by striking out after the word "resolved," and inserting as follows: "That the purchase made by the late James F. Taylor, one of the commissioners on the part of the State, to conduct the sale of the estate of the late Treasurer Haywood, of a tract of land belonging to said estate, be, and the same is hereby declared to be null and void; and that the Treasurer is hereby required to cancel and give up the bonds of the said Taylor to his lawful representatives, upon their giving up the certificate of purchase;" and the question being taken on agreeing to the amendment proposed by the committee, it passed in the affirmative, and the resolution, as amended, was agreed to, and ordered to be engrossed.

Mr. Mebane, from the committee on Internal Improvement, made a report on the petition of sundry citizens of Buncombe county; which was read, when Mr. Mebane reported a bill to provide for the construction of a road from the Tennessee line over the Walnut Mountain, to the head of little Ivey, in Buncombe county; which was read the first time and passed.

Received from the House of Commons a communication from the Governor, transmitting a communication from the Governor of Virginia on the subject of an alleged nuisance to the Dismal Swamp Canal Company, by the erection of a bridge across Pasquotank river; and transmitting also, such information as has reached the Executive Department, under a resolution of the last General Assembly, relative to a Penitentiary and Lunatic Asylum, with a proposition from that House, that so much of the message as relates to the bridge across Pasquotank river, be referred to the joint select committee already raised on that subject; and so much as relates to a Penitentiary and Lunatic Asylum, be referred to the joint select committee on that subject. The proposition was agreed to, and the House of Commons informed thereof by message.

On motion of Mr. Spaight,

Resolved, That the committee on the Militia and Public Arms be instructed to inquire into the expediency of repealing all laws now in existence, requiring Captains and other subaltern officers to uniform themselves.

The following resignations were presented: by Mr. Royal, the resignation of Thomas Boykin, as Colonel Commandant of the 32d regiment of North Carolina Militia, and by Mr. Sherard, the resignation of S. Cogdell, as a Justice of the Peace of the county of Wayne; which were read and accepted, and sent to the House of Commons.

The Senate entered on the orders of the day, and resolved itself into a committee of the Whole House, Mr. Mebane in the Chair, on the bill to provide for the final settlement of executors and administrators; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Mebane reported that the committee had considered the bill, and made some progress therein, and had instructed him to ask leave to sit again.

Ordered that the committee of the Whole House have leave to sit again on said bill on Monday next.

The bill to amend the practice in Courts of equity, was read the second time and passed.

The engrossed bill requiring Registers and Clerks of the Superior and County Courts, and Clerks and Masters in Equity, to keep their offices at the Court Houses, was read a second time. Mr. Patterson moved to add the word "Northampton," after the word "Ouslow," in the proviso to the bill; which amendment was agreed to. Mr. Meares moved to strike out the words "and Clerks and Masters in Equity," in the 6th and 7th lines of the first section; which amendment was agreed to. Mr. Gray moved to amend the bill by striking out the word "Register," in the 4th line of the first section, when Mr. Meares moved the indefinite postponement of the bill and amendments, and the question being taken, it passed in the affirmative.

The bill limiting the time within which executors to last wills and testaments shall be permitted to qualify, was read a second time. Mr. Meares moved to amend the bill, by striking out the word "relinquishment," in the 10th line of the bill, and inserting "renunciation of record;" which amendment was agreed to, and the bill, as amended, was read the second time and passed.

The bill in aid of the fund for Internal Improvement, was read the second time and, on motion of Mr. Joiner, was indefinitely postponed—ayes 37. noes 17. The ayes and noes being demanded by Mr. Sherard.

Those who voted in the affirmative, are Messrs. Alexander, Askew of Bertie, Askew of Hertford, Bailey, Bell, Croom, Davidson, Franklin of Iredell, Gray, Hardin, Hunt, Joiner, M'Daniel, M'Dearmid, M'Dowell, M'Eachin, M'Farland, M'Neill, Marshall, Mathews, Miller, Parker, Patterson, Riddick, Royal, Ruffin, Salyear, Scott, Smith of Davidson, Sherard, Shuford, Spaight, Walton, Ward, Williams of Beaufort, Williams of Martin, Wilson.

Those who voted in the negative, are Messrs. Beasley, Brodnax, Burney, Burns, Brown, Davenport, Franklin of Surry, Harrell, Love, M'Innis, Meares, Mebane, Pugh, Ramsey, Smith of Person, Shober, Wellborn.

The bill concerning the payment of pilots in certain cases, was read the second time. Mr. Meares moved to amend the bill, by inserting in the 13th line after the word "detained," the words "by the negligence or omission of the Captain;" which was agreed to, and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

The bill explanatory of an act, entitled "An act relating to bonds given by Sheriffs, Clerks of the Superior Court, and Court of Pleas and Quarter Sessions," passed in the year 1810, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus counties, was read the second and third times and passed, and ordered to be enrolled.

The engrossed resolution in favor of Isaac Baxter, Sheriff of Currituck county was read the second and third times and passed, and ordered to be enrolled.

The engrossed resolution in favor of Thomas Phillips, was read the second and third times and passed, and ordered to be enrolled.

The orders of the day being disposed of, Mr. Williams, of Martin, pre-

sented a bill to amend an act, passed in 1784, concerning inspectors and unmerchtable commodities; which was read the first time and passed.

Mr. Croom presented the following resolutions:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law, as to render any slave or slaves, who may attempt to poison any white person, guilty of felony without benefit of clergy; and that said committee report by bill or otherwise.

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law, as to render any legacy or distributive share belonging to any person not residing in the State, subject to attachment and execution in the hands of the executor or administrator; and that said committee report by bill or otherwise.

And the resolutions being read, were agreed to by the Senate.

Mr. Croom presented a bill to compel the County Court of Lenoir to appoint a committee of Finance; which was read the first time and passed.

On motion of Mr. Sherard, Richard Davis, the Senator from the county of Warren, had leave of absence from and after yesterday, until Monday next.

And the Senate adjourned until Monday morning next, 10 o'clock.

MONDAY, DECEMBER 29, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill explanatory of an act relating to bonds given by Sheriffs, Clerks of the Superior Courts and Courts of Pleas and Quarter Sessions, passed A. D. 1810; a bill to restore Andrew Walker, of Mecklenburg county, to credit; a bill concerning the payment of pilots in certain cases; and a bill to improve the navigation of Perquimons river; also the engrossed resolution calling on the President and Directors of the Yadkin Navigation Company for certain information; and the engrossed resolution declaring the purchase made by James F. Taylor, of a tract of land, sold at the sale of the late Treasurer, null and void; in which they ask the concurrence of that House.

Mr. Love, from the committee of Claims, made a report on the resolution relative to David Masburn, of Burke county; which was read, when, on motion of Mr. Love ordered that the committee of Claims be discharged from the further consideration of the resolution.

Mr. Love, from the same committee, made a report on the petition of William T. Prestwood; which was read, and the resolution therein contained, was concurred in by the Senate, as follows: *Resolved*, that it is inexpedient to grant the prayer of the petitioner.

Mr. Ward, from the committee of Finance, made a detailed report on the report of William Robards, surviving commissioner appointed to superintend the sale of the property of the late Treasurer; which was read, when Mr. Ward reported a bill to ratify and confirm the sale of the land and negroes conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Robards, commissioners on behalf of the State; also a resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property; which was read the first time and passed.

The following bills were presented: by Mr. Mebane, a bill to amend the laws regulating the inspection of flour in the town of Fayetteville; by Mr. Pugh, a bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes; by Mr. Williams, of Beau-

fort, a bill to incorporate a Light Infantry company in the town of Washington; by Mr. Hardin, a bill to appoint commissioners on the road leading from Watauga, in Ashe county, to the head of John's river, in Burke county; by Mr. Meares, a bill to authorise the payment of the purchase money on entries of land made in the year 1826, in all cases where surveys have been made and returned to the office of the Secretary of State; and by Mr. Mebane, a bill to provide for the representation of the State in meetings of the stockholders of the Banks of this State; and the bills were read the first time and passed; and the last named bill, on motion of Mr. Williams of Martin, ordered to be laid on the table; and the bill to incorporate a company entitled the Mattamuskeet Lake Canal Company, and for other purposes, was, on motion of Mr. Pugh, referred to the committee on Internal Improvements.

Mr. Pugh presented the petition of Christopher O'Neal, of Hyde, stating his revolutionary services, and asking such assistance as the Legislature may think proper to grant him. Ordered that the petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Miller,

Resolved, That the committee on Claims be instructed to inquire into the expediency of allowing Bryan Kornegay and Henry Kornegay, of Duplin county, the sum of three hundred dollars, which they gave for the apprehension of one Joseph Sallis, who stood indicted in said county for the murder of Abram Kornegay.

The bill designating the place where the 1st regiment of the militia of Davidson county shall hereafter hold their musters, was read the second and third times and passed and ordered to be engrossed.

The following engrossed bills: a bill for the better regulation of the fisheries on Salmon creek, in Bertie county, and amendatory of an act, passed in the year 1822, concerning the same; a bill to incorporate Zerubabel Chapter, No. 11. Edenton; and a bill to establish separate election grounds in the county of Person, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to repeal an act, passed in 1827, chapter 56, entitled "an act prescribing the manner in which staves, heading and shingles shall hereafter be counted" so far as respects the county of Perquimons, was read the second time and passed; and being read the third time, was, on motion of Mr. Askew, of Hertford, amended, so as to make the provisions of the bill apply to the county of Hertford, and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill for the better regulation of the town of Windsor, was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating their concurrence in all the amendments made by the Senate in the engrossed bill to amend an act, entitled "an act to prohibit the trading with slaves, except in the manner therein prescribed;" and also their concurrence in the amendments proposed by the Senate in the engrossed bill for the relief of Thomas Marshall, Sheriff of Carteret county, and Stephen Owens, Sheriff of Beaufort county. Ordered that the said bills be enrolled.

Received from the House of Commons a message stating that they have passed the following engrossed bills: a bill to authorise the wardens of the poor in the counties of Chowan and Hertford, with the consent of the

County Courts, to purchase lands and erect buildings for the reception of the poor thereof, and for other purposes; a bill to amend an act, passed in the year 1786, entitled "an act to lay off the town of Serecta, on the north east branch of the Cape Fear river, and to appoint commissioners for the same;" a bill to amend the inspection laws of this State, passed in the years 1784 and 1796; a bill to revive an act, passed in the year 1805, chapter 36, entitled "an act to amend an act of Assembly now in force, for the regulating the town of Morganton;" a bill amendatory of an act, passed in A. D. 1826, chapter 37, entitled "an act for the better regulation of the Courts of Pleas and Quarter Sessions of Martin county;" and a bill to amend an act, entitled "an act to extend and improve the two roads leading from Wilkesborough to the Tennessee line," passed in A. D. 1822; also the engrossed resolution in favor of John Sloan, Sheriff of Mecklenburg county; and a resolution respecting the Governor of the State as Guardian ex officio of James Forsythe; in which they ask the concurrence of the Senate. Whereupon the bills were read the first time and passed, and the resolutions read and agreed to, and ordered to be enrolled.

The following engrossed bills: a bill to authorise the wardens of the poor in the counties of Chowan and Hertford, with the consent of the County Courts, to purchase lands, and erect buildings for the reception of the poor thereof, and for other purposes; a bill to amend an act, passed in the year 1786, entitled "an act to lay off the town of Serecta, on the north east branch of the Cape Fear river, and appointing commissioners for the same;" and a bill to amend an act, entitled "an act to extend and improve the two roads leading from Wilkesborough to the Tennessee line," passed A. D. 1822, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill amendatory of an act, passed in A. D. 1826, chap. 37, entitled "an act for the better regulation of the Courts of Pleas and Quarter Sessions of Martin county," was read the second time, and, on motion of Mr. Williams, of Martin, was indefinitely postponed.

Received from the House of Commons a message, stating that they have indefinitely postponed the engrossed bill to secure to Susannah Mary Hauser, of Stokes county such property as she may hereafter acquire; also the engrossed bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire.

A message was received from the House of Commons, agreeing to the proposition of the Senate, to ballot on Tuesday next for Counsellors of State; and stating also, that they *recede* from their recommendation of Caleb R. Phillips, as a justice of the peace for the county of Ashe.

Received from the House of Commons, a message, stating that they have passed the engrossed bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, as far as it is the boundary line between the counties of Sampson and Cumberland, with an amendment, to wit: to add at the end of the bill an additional section; which amendment was agreed to, and the House of Commons informed thereof by message.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to raise a committee of conference

on the disagreeing votes of the two Houses, on the amendment proposed to be made in the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county," and naming Messrs. Gillespie and Wright of the committee on their part.

A message was received from the House of Commons, concurring with the proposition of the Senate, to raise a select joint committee on the petition of sundry citizens of the State of Tennessee, on the subject of a silver mine, and naming Messrs. Swain, Fisher and Edmonston to join the committee appointed by the Senate.

Received from the House of Commons the resignation of Anderson Paschall, as a justice of the peace for the county of Granville; which was read and accepted by the Senate.

David Thomson, the Senator from the county of Johnston, appeared, produced his credentials, was qualified and took his seat.

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

TUESDAY, DECEMBER 30, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill: a bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters; in which they ask the concurrence of that House.

Mr. Shober, from the select joint committee on the subject of a Penitentiary and Lunatic Asylum, made a detailed report; which was read, when Mr. Shober reported a bill for the purpose of collecting information of matter, connected with the Penitentiary system and Lunatic Asylum, and for other purposes; which was read the first time and passed. On motion of Mr. Davidson, ordered that the report be printed, three copies for each member. Mr. Shober also reported from the same committee the following resolution:

Resolved, That the documents on the Penitentiary system, and on the subject of Lunatic Asylums, agreeably to the schedule appended to the report, submitted by the joint select committee on those subjects, be deposited in the library, in order to be preserved for the benefit of the State.

Which was read and agreed to, and ordered to be engrossed.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of Alfred M. Slade, of the county of Martin; which was read, when Mr. Shober reported a resolution in favor of Edward Griffin and his securities; which was read the first time and passed.

Mr. Shober, from the same committee, made a report on the petition of Leonard Aust, of the county of Stokes; which was read, when Mr. Shober reported a bill to authorise the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient; which was read the first time and passed.

Mr. Shober, from the same committee, to whom was referred the resolution relative to the expediency of discharging Wyatt Moye, Sheriff of the county of Greene, from a certain penalty, requested to be discharged from the further consideration of the subject; and it was so ordered by the Senate.

Mr. Williams, of Beaufort, from the committee on the Militia Laws and Public Arms, made a detailed report on the resolution relative to the appointment of a guard for the Arsenal and public buildings generally;

which was read, when Mr. Williams, of Beaufort, reported a bill to provide for the protection of the arsenal, and safe keeping of the public arms, and for other purposes; and the bill was read the first time and passed.

Mr. Meares, from the committee on the Judiciary, reported the bill to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace, without amendment, and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, made a report on the bill for the limitation of writs of error for matters of fact, and bills of review; which was read, when Mr. Meares reported the bill without amendment, and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, reported the bill to amend the several acts of Assembly, respecting the wardens of the poor, without amendment, and the bill was made the order of the day for to-morrow.

Mr. Meares, from the same committee, to whom was referred the resolution relative to legacies and distributive shares, belonging to persons not residing in the State, made a report thereon. On motion of Mr. Meares, ordered that the committee be discharged from the further consideration of the subject.

Mr. Meares, from the same committee, to whom was referred the resolution relative to the expediency of amending the law, as regards slaves who may attempt to poison, &c. made a report; which was read, when Mr. Meares reported a bill more effectually to punish persons who attempt to poison others; which was read the first time and passed.

Mr. Mebane presented the resignation of John J. Carrington, as Brigadier General of the 6th brigade and 3d division of North Carolina militia.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, reported the bill without amendment.

Mr. Mebane, from the same committee, made a report on the petition of sundry citizens of the counties of Wilkes and Ashe, and asked and obtained leave to be discharged from the further consideration of the subject.

On motion of Mr. Mebane, ordered that the committee on Internal Improvements be discharged from the consideration of any further business during the present session.

The following bills were presented: By Mr. M'Dowell, a bill to provide for the sale of lands, acquired by treaty from the Cherokee Indians, which have been surveyed and remain unsold; by Mr. Spaight, a bill to regulate the finances of Craven county; and by Mr. Croom, a bill to provide for the gradual diminution of the Capital Stock of the Banks of the State, by the purchase and extinguishment of shares; which bills were read the first time and passed, and the last mentioned bill, on motion of Mr. Croom, ordered to be laid on the table.

On motion of Mr. M'Eachin,

Resolved, That the west room on the lower floor of the State House, opposite the Comptroller's Office, be, and the same is hereby appropriated to the use of the Adjutant General, as an Office for the transacting business, and safe keeping the documents of that Office.

Ordered that the resolution be engrossed.

The following bills: a bill to compel the County Court of Lenoir to appoint a committee of Finance; a bill to incorporate the Light Infantry company in the town of Washington; and the bill to authorise the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient, were read the second and third times and passed, and ordered to be engrossed.

Mr. Alexander, from the committee to whom was referred that part of the Governor's message in relation to certain resolutions and reports of the Legislatures of Vermont, Ohio, Georgia and South Carolina, respecting the power of the General Government to appropriate funds for the purpose of aiding the colonization of free persons of color, made a report; which was read, when Mr. Alexander reported the following resolutions:

Resolved by the Senate and House of Commons of the State of North Carolina, That the Congress of the United States have no constitutional power to appropriate monies to aid the American Colonization Society, or for any other purpose for which that society was established, or which they may hereafter contemplate; and that this Legislature, as the *organ* of the *will* of the *people* of this State do solemnly protest against the exercise or any attempt to exercise such unconstitutional power by the Congress of the United States.

Be it further resolved, That copies of the report and resolution be forwarded to our Senators and Representatives in the Congress of the United States; and that our Senators be instructed, and our Representatives be requested, whenever the same may be required by circumstances affecting our interests, to present said resolution to both Houses of Congress, as the protest of the State of North Carolina against the right of Congress constitutionally to appropriate monies in aid of the American Colonization Society.

Resolved, That a copy of the report and resolution be forwarded to the Governor of each State in the Union.

The resolutions being read, on motion of Mr. Shober, ordered that the resolutions be laid on the table.

The bill to amend the practice in Courts of Equity, was read the third time. Mr. Wellborn moved to amend the bill, by adding at the end of the second section, the following proviso: "Provided, nevertheless, in case either party shall request said cause to be remanded to the Court below, it shall be the duty of said Supreme Court so to remand the cause;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The bill to amend the laws regulating the inspection of flour in the town of Fayetteville, was read the second time. Mr. Gray moved to amend the bill by adding additional sections, as follows: "Be it further enacted by the authority afore-said, that the justices of the Court of Pleas and Quarter Sessions of the county of Cumberland shall, at the first term of said Court which may be holden after the first day of _____ next, appoint one other inspector of flour in the town of Fayetteville, in the same manner, and under the same rules, regulations and restrictions, that inspectors of flour in the town of Fayetteville have heretofore been appointed. And be it further enacted that the inspector so appointed, shall not be confined, exclusively, to the inspection of flour at the public warehouse; but shall, when required so to do, inspect flour at the wharf, or any of the ware houses in Cambieton, or the town of Fayetteville;" which amendments were agreed to, and the bill as amended, was read the second time and passed. On motion of Mr. M'Dearmid, the further consideration of the bill was postponed.

The engrossed bill to repeal in part the third section of an act, passed in the year 1806, entitled an act to revise the Militia Laws of this State relative to Infantry; and to repeal the 9th and 10th sections of an act,

passed in the year 1813, entitled an act to amend the Militia Laws of this State, was read the third time. Mr. M'Eachin moved to amend the bill, by adding to the last section the following proviso: "Provided, however, that the above recited act shall not be so applied or construed as to affect or prevent the Colonels from drilling their officers on the day previous to general or regimental musters, in their respective regiments;" which amendment was agreed to, and the bill, as amended, was read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Hutchins G Burton; in which they ask the concurrence of the Senate. The resolution being read, was, on motion of Mr. Shober, ordered to be laid on the table.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of William Harris and James Allen, of Montgomery county, with an amendment, to add the words, "with interest," after the word "taxes," in the 15th line of the resolution; in which they ask the concurrence of the Senate. And the amendment being read, was agreed to, and a message sent to the House of Commons, informing them thereof.

The engrossed bill directing the time and place of selling land under execution in the counties of Halifax Northampton and Hertford, being read the second time, Mr. Williams, of Martin, moved to amend the bill, by inserting the word "Martin," in the 6th line of the first section, after the word "Hertford," and to make the provisions and title of the bill correspond thereto; which amendments were agreed to, and the bill, as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

The bill to alter and amend an act, passed in the year 1771, chap. 121, declaring what fences shall be sufficient, and to provide a remedy for abuses, was read the second time. Mr. Meares moved to amend the bill, by striking out "four hundred and forty" in the 13th and 14th lines of the bill, and inserting "fifty." On motion of Mr. Wellborn, the bill, together with the proposed amendment, was indefinitely postponed.

The bill limiting the time within which executors of last wills and testaments shall be permitted to qualify, being read the third time, Mr. M'Farland moved to amend the bill, by adding the following proviso at the end of the bill: "Provided this act shall not affect the right of minors to qualify as executors, as the law now directs;" which amendment was agreed to, when, on motion of Mr. Meares, the bill was indefinitely postponed.

The engrossed bill to revive an act, passed in the year 1805, chapter 36, entitled "an act to amend an act of Assembly now in force, for the regulating the town of Morganton," was read the second time and passed, and being read the third time, was, on motion of Mr. Burgin, ordered to be laid on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the laws regulating the sale of land and slaves, so far as respects the county of Montgomery, with sug-

dry amendments; in which they ask the concurrence of the Senate, and the question being taken on agreeing thereto, it passed in the negative, and the House of Commons were informed thereof by message.

The Senate entered on the orders of the day and proceeded to consider the bill to lay out and improve a road from Fayetteville to Wilkesboro'; and the bill being read the second time, *Mr. M'Dearmid* moved to amend the bill, by striking out the 6th section; which amendment was not agreed to. *Mr. M'Dearmid* moved the indefinite postponement of the bill; which question was decided in the negative—ayes 21, noes 33. The ayes and noes being demanded by *Mr. M'Dearmid*.

Those who voted in the affirmative, are Messrs. Askew of Hertford, Bell, Burgin, Davis, Joiner, Leonard, M'aniel, M'Dearmid, Matthews, Parker, Patterson, Ramsey, Ruffin, Salyear, Scott, Smith of Person, Sherard, Shuford, Walton, Williams of Martin.

Those who voted in the negative, are Messrs. Alexander, Bailey, Beasley, Boddie, Brodnax, Burney, Burns, Croon, Davenport, Davidson, Deberry, Franklin of Surry, Gray, Hardin, Love, M'Dowell, M'Eachin, M'Innis, M'Neill, Meares, Mebane, Miller, Pugh, Reinhardt, Riddick, Royal, Smith of Davidson, Shober, Spaight, Thomson, Ward, Wellborn, Williams of Beaufort.

Mr. M'Dearmid then moved to amend the title of the bill, by striking out the word "Fayetteville," and inserting "Nicholas Nall's, in Moore county;" which amendment was agreed to. *Mr. Smith*, of Davidson, moved to amend the bill, by striking out the words "the best way to the Shallow Ford on," and inserting the words "the nearest way to," in the 11th and 12th lines of the 1st section; which amendment was not agreed to, and the bill, as amended, was read the second time and passed.

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

WEDNESDAY, DECEMBER 31, 1828.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to authorise the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient; a bill to amend the practice in Courts of Equity; a bill to incorporate a Light Infantry company, in the town of Washington; and a bill to compel the County Court of Lenoir to appoint a committee of Finance; also the engrossed resolution appropriating the room opposite the Comptroller's room, to the Adjutant General; and the engrossed resolution in relation to documents concerning a Penitentiary and Lunatic Asylum; in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, made a report on the petition of Christopher O'Neal, of Hyde; which was read, and the resolution therein contained, was concurred in by the Senate, as follows: Resolved that the prayer of the petitioner be not allowed.

On motion of *Mr. Shober*, ordered that the committee of Propositions and Grievances be discharged from the consideration of any further business during the present session.

Mr. Williams, of Beaufort, from the committee on the Militia and Public Arms, made a report on the resolution to inquire into the expediency of repealing certain parts of the militia laws; which was read, when, on motion of *Mr. Williams* of Beaufort, ordered that the committee be discharged from the further consideration of the subject.

On motion of *Mr. Boddie*,

Resolved, That the committee of Claims be instructed to inquire into the expediency of authorising the Public Treasurer to refund to Archibald Lamon, late Sheriff of Nash county, the sum of twenty dollars, for insolvents for the year 1826.

Mr. Gray presented a bill to establish Sandy Creek Academy, in Randolph county, and to incorporate the trustees thereof; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hinton presented a bill directing in what manner the acts of Congress shall be distributed in future; which was read the first time and passed, and, on motion of Mr. Wellborn, ordered to be referred to the select joint committee on the Public Documents.

Mr. Love, from the committee of Claims, to whom was referred the resolution relative to John Barnett, Sheriff of Person county, reported the same without amendment, and the resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Love, from the same committee, to whom was referred the resolution relative to Miss Udney M. Blakely, made a report; which was read, and the resolution therein contained, as follows: "Resolved, that it is inexpedient at this time to discontinue said appropriation," being read, Mr. Burgin moved when the question is taken on concurring therewith, that it be taken by ayes and noes, and the motion was seconded. Mr. Shober moved that the consideration of the subject be postponed; which was not agreed to. The question then recurred on agreeing to the resolution, and it passed in the affirmative—ayes 35, noes 24.

Those who voted in the affirmative, are Messrs. Alexander, Askew of Bertie, Askew of Hertford, Bailey, Beasley, Bell, Brodnax, Burney, Burns, Brown, Davenport, Davidson, Deberry, Franklin of Iredell, Franklin of Surry, Gray, Hardin, Harrell, Hinton, Leonard, M'Dearmid, M'Eashin, M'Farland, Marshall, Meares, Mebane, Miller, Patterson, Pugh, Scott, Sherard, Spaight, Thomson, Ward, Williams of Beaufort.

Those who voted in the negative, are Messrs. Boddie, Burgin, Davis, Joiner, Love, M'Daniel, M'Dowell, M'Innis, M'Neil, Matthews, Parker, Ramsey, Reinhardt, Riddick, Royal, Ruffin, Salyer, Smith of Davidson, Smith of Person, Shober, Shuford, Walton, Wellborn, Williams of Martin.

Mr. Spaight, from the committee of Conference on the part of the Senate on the disagreeing votes of the two Houses, on the amendment proposed by the House of Commons to the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county," reported that they have met the committee on the part of the House of Commons, and they can come to no agreement. Whereupon, on motion of Mr. Miller, a message was sent to the House of Commons, stating that the Senate *adhere* to their disagreement to the amendment proposed by that House to said bill.

On motion of Mr. Sherard,

Resolved, That the Governor be, and he is hereby directed to ascertain from the guardian of Miss Udney M. Blakely the amount, if any, remaining in his hands, of the several sums appropriated by the State to her use, and yet unexpended on her education and support; and that he report the said balance to the next General Assembly.

Ordered that the resolution be engrossed.

Mr. Bell presented the following resolution:

Resolved, That no private bill be introduced into this House after the first day of January.

The resolution being read, Mr. Meares moved to amend the resolution, by striking out the word "first," and inserting the word "fifth." Mr.

Spaight moved the indefinite postponement of the resolution, together with the proposed amendment, and the question being taken, it passed in the affirmative—ayes 42, noes 18. The ayes and noes being demanded by Mr. Bell.

Those who voted in the affirmative, are Messrs. Alexander, Askew of Bertie, Askew of Hertford, Bailey, Beasley, Boddie, Brodnax, Burney, Burns, Davenport, Davidson, Deberry, Franklin of Iredell, Hardin, Harrell, Hinton, Hunt, Joiner, Leonard, Love, M'Dearmid, M'Neil, Matthews, Meares, Mebane, Miller, Parker, Patterson, Pugh, Reinhardt, Riddick, Royal, Ruffin, Scott, Sherard, Shober, Shuford, Spaight, Thomson, Ward, Williams of Beaufort, Williams of Martin.

Those who voted in the negative, are Messrs. Bell, Burgin, Brown, Davis, Franklin of Surry, Gray, M'Daniel, M'Dowell, M'Eaclin, M'Farland, M'Innis, Marshall, Ramsey, Salyear, Smith of Davidson, Smith of Person, Walton, Wellborn.

Mr. Mebane presented the following resolution:

Whereas, the law allows compensation to Members of the General Assembly, who may be sick during the Session, or may be delayed by sickness on their journey; but does not provide for such compensation to members who may be detained by sickness after the adjournment:

Resolved, That the Public Treasurer be directed to pay to Benjamin Brittain and Isham Matthews, three dollars per day, for fifteen days they were detained by illness at Raleigh, after the adjournment of the last session of the General Assembly.

And the resolution was read the first time and passed.

Mr. Davidson, from the committee on Public Roads, to whom was referred a resolution relative to the expediency of amending the laws as far as regards the manner in which public roads are worked, &c. made a detailed report; which was read, and the resolution therein contained was concurred in by the Senate, as follows: Resolved that it is inexpedient at this time to make any alteration of the laws on public roads.

Mr. Love, from the committee of Claims, made a report on the resolution relative to Bryan Kornegay and Henry Kornegay; which was read, and the resolution therein contained, as follows: "Resolved, that it is inexpedient to grant the prayer of the petitioners," being read, Mr. Miller moved to amend the resolution, by striking out the whole thereof, except the word "resolved," and inserting as follows: "that the Public Treasurer pay to Bryan Kornegay and Henry Kornegay, of Duplin county, the sum of three hundred dollars, which they paid for the apprehension of Joseph Sollis, for the murder of Abram Kornegay; and that he be allowed the same in the settlement of his public accounts." Mr. Askew, of Bertie, moved to amend the amendment, by adding thereto, as follows: "Resolved further, that the Public Treasurer pay to Lewis Bond, Sheriff of Bertie county, the sum of seventy-five dollars, which he paid for the apprehension of Moses Ward who broke jail, and was about to escape; and that the same be allowed him in the settlement of his public accounts." On motion of Mr. Wellborn, the resolution, together with the amendments, was postponed indefinitely.

Received from the House of Commons a message, stating that they have rejected the following engrossed bills: a bill concerning the payment of pilots, in certain cases; and a bill to improve the navigation of Perquimans river.

The bill to regulate the finances of Craven county, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, a message, transmitting the annual report of the Treasurer of the Trustees of the University, with a

proposition that it be printed; which was agreed to, and the House of Commons were informed thereof by message.

The bill to incorporate a company, entitled "the Mattamuskeet Lake Canal Company, and for other purposes," was read the second time. Mr. Mebane moved to amend the bill, by striking out from the commencement of the 4th section, to the word "aforesaid," inclusive, in the fifth line thereof, and insert as follows: "And be it further enacted, that the lands belonging to the State, which may be reclaimed by lowering the water in the lake, by means of the canal aforesaid, shall be sold under the direction of the Board for Internal Improvements, who, out of the proceeds thereof, shall reimburse the company aforesaid, for the expense of cutting said canal, together with per centum on the amount of said expenditure, and the balance, if any shall constitute in part the Literary Fund. Mr M'Dearmid called for a division of the question, and the question being first taken on striking out, it passed in the affirmative. The question was then taken on inserting the proposed amendment; which was agreed to, and the bill, as amended, was read the second time and passed.

Received from the House of Commons a message, stating their concurrence in the several amendments made by the Senate in the engrossed bill to repeal in part the 3d section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State, relative to infantry, and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the militia laws of this State; and the engrossed bill directing the time and place of selling land under execution, in the counties of Halifax, Northampton and Hertford; and the said bills were ordered to be enrolled.

Also a message, stating that the House of Commons *recede* from their amendment made in the engrossed bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery. Also a message, stating the concurrence of that House in the amendments made by the Senate, in the engrossed bill to repeal an act, passed in 1827, chapter 36, entitled "an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, so far as respects the county of Perquimons," and the said bills were ordered to be enrolled.

The Senate entered on the orders of the day, and the resolution in favor of Edward Griffin, and his securities, was read the second and third times and passed, and was ordered to be engrossed.

The Senate resolved itself into a committee of the Whole House, Mr. Mebane in the Chair, on the bill to provide for the final settlement of executors and administrators; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Mebane reported the bill with sundry amendments; which were read and agreed to by the Senate, and the bill, as amended, was read the second time and passed; and being subsequently read the third time, Mr. M'Farland moved to amend the bill, by inserting in the 9th line of the second section, after the word "notice," the words "in writing of the time and place at which such settlement shall be held;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property,

was read the second time. Mr. Marshall moved to amend the resolution, by striking out from the word "and," in the 11th line of the resolution, and inserting as follows: "the legal representatives of the late Col. Joseph Pickett, one hundred and fifty dollars, and the legal representatives of the late James F. Taylor, Esq. one hundred dollars, and that the Public Treasurer be allowed the same in the settlement of his public accounts;" which amendment was agreed to, and the resolution, as amended, was read the second and third times and passed, and was ordered to be engrossed.

The following bills, to wit: a bill to ratify and confirm the sale of the land and negroes, conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Robards, commissioners on behalf of the State; a bill to authorise the payment of the purchase money, on entries of land made in the year 1826, in all cases where surveys have been made and returned to the office of the Secretary of State; a bill to open a road from Lee's mills to the head of the New Land, in Washington county; and a bill to appoint commissioners on the road from Watauga, in Ashe county, to the head of John's river, in Burke county were read the second and third times and passed, and were ordered to be engrossed.

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

THURSDAY, JANUARY 1, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to ratify and confirm the sale of the land and negroes conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Robards, commissioners on behalf of the State; a bill to appoint commissioners on the road from Watauga, in Ashe county, to the head of John's river, in Burke county; a bill to establish Sandy Creek Academy, in Randolph county, and to incorporate the same; a bill to provide for the final settlements of executors and administrators; a bill to authorise the payment of the purchase money on entries of land made in the year 1826, in all cases where surveys have been made and returned to the office of the Secretary of State; a bill to open a road from Lee's mills to the head of the New Land, in Washington county; and a bill to regulate the finances of Craven county; also the following engrossed resolutions: a resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property; a resolution directing the Governor to make certain inquiries; a resolution in favor of Edward Griffin, and his securities; and a resolution in favor of John Barnett, Sheriff of Person county; in which they ask the concurrence of the Senate.

The following bills were presented: by Mr. Croom, a bill more effectually to suppress the practice of usury; by Mr. Walton, a bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned; and a bill to authorise and direct the Supreme Court to be held at the several places therein directed; which bills were read the first time and passed.

Mr. Croom moved that the bill to authorise and direct the Supreme Court to be held at the several places therein directed, be laid upon the table; which was not agreed to.

Mr. Love asked and obtained leave to withdraw the petition and accompanying documents of William T. Prestwood.

Mr. Love presented a resolution in favor of James Bryson, jr. which was read and agreed to, and ordered to be engrossed.

Mr. Wellborn, from the select joint committee on the Public Documents, to whom was referred the resolution and bill directing in what manner the acts of Congress shall be distributed in future, reported the bill with sundry amendments, and the bill was made the order of the day for tomorrow.

On motion of Mr. Davenport, a message was sent to the House of Commons, proposing to ballot immediately for a Brigadier General of the 13th Brigade, and 8th division, and nominating for the appointment Thomas Saunderson.

On motion of Mr. Gray, a message was sent to the House of Commons, proposing to ballot immediately for a Brigadier General of the 6th brigade and 3d division, and nominating for the appointment John Wood, of Randolph county.

Received from the House of Commons a message, stating that they have rejected the engrossed bill to restore Andrew Walker, of Mecklenburg county, to credit; also the engrossed bill to authorise the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient.

Received from the House of Commons a message, stating that they have passed the engrossed bills, to wit: a bill supplementary to the several acts now in force, for the relief of insolvent debtors; and further, to mitigate the severity of executions; a bill to amend and explain an act, passed A. D. 1784, for clearing out and improving the navigation of Trent river, in Jones county; a bill to compel the Clerks of the County and Superior Courts, and Register of the county of Chatham, to keep their respective offices at Pittsborough, in said county; a bill to incorporate the Grand Royal Arch Chapter of North Carolina; and a bill to prevent the hauling of seines in Tranter's creek; in which they ask the concurrence of the Senate, and the bills were read the first time and passed.

The bill to lay out and improve a road from Nicholas Nall's, in Moore county, to Wilkesborough, was read the third time. Mr. Smith, of Davidson, moved to amend the bill, by striking out from the word "near," in the 10th line of the first section, to the word "on," in the 13th line of the same section, and inserting as follows: "the forks of the road leading by the plantation of Nicholas Nall's, and that passing at Kennedy's bridge, come together in Moore county, by the Shallow Ford of the Yadkin, to Wilkesborough;" which amendment was agreed to. Mr. Ruffin moved that when the question on the passage of the bill is taken, it be taken by the ayes and noes, and the motion was seconded, and the bill being read the third time, as amended, the question on the passage thereof was decided in the affirmative—ayes 27, noes 26

Those who voted in the affirmative, are Messrs. Alexander, Bailey, Boddie, Brodnax, Burns, Brown, Davidson, Franklin of Iredell, Franklin of Surry, Gray, Hunt, Love, M'Dowell, M'Farland, M'Innis, M'Neill, Meares, Mebane, Miller, Reinhardt, Royal, Smith of Davidson, Shober, Spaight, Thomson, Wellborn, Williams of Beaufort.

Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Beasley, Bell, Davis, Deberry, Harrell, Joiner, Leonard, M'Daniel, M'Dearmid, M'Eachin, Marshall, Mathews, Parker, Patterson, Ruffin, Salyear, Scott, Smith of Person, Sherard, Shuford, Walton, Ward, Williams of Martin, Wilson.

Ordered that the said bill be engrossed.

The bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, was read the third time. Mr. Shober moved to amend the bill, by adding to the last section, the following proviso: "*Provided however* that when the said company shall be reimbursed with cost and interest, the said canal shall revert to the State;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and was ordered to be engrossed.

The bill to amend the law regulating the inspection of flour in the town of Fayetteville, was read the third time. Mr. Gray moved to amend the bill, by striking out the last section. Mr. M'Dearmid moved to amend the amendment, by striking out the whole bill, after the enacting clause, and inserting the amendment by him submitted; which amendment to the amendment was agreed to. Mr. Mebane moved further to amend the bill, by inserting in the last section, after the word "required," the words "under the same penalty;" which amendment was agreed to; and the bill, as amended, was read the third time, and was ordered to be engrossed.

Mr. Meares, from the Judiciary committee, to whom was referred the resolution relative to the expediency of amending the criminal law, made a report; which was read, when Mr. Meares reported a bill to settle and declare what buildings and out houses are, and shall be deemed to be parcel of the dwelling house; which was read the first time and passed:

The Senate entered on the orders of the day, and the bill to provide for the construction of a road from the Tennessee line, over the Walnut Mountain, to the head of Little Ivy in Buncombe county, was read the second time and passed; and being read the third time, the question on the passage thereof was determined in the negative—ayes 23. noes 24. The ayes and noes being demanded by Mr. Davis.

Those who voted in the affirmative, are Messrs. Beasley, Boddie, Brodnax, Burgin, Brown, Davenport, Davidson, Deberry, Franklin of Surry, Gray, Hinton, Love, M'Dowell, Meares, Pugh, Reinhardt, Scott, Smith of Davidson, Smith of Person, Shober, Shuford, Wellborn, Williams of Beaufort.

Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Bell, Davis, Franklin of Iredell, Harrell, Joiner, Leonard, M'Daniel, M'Dearmid, M'Innis, M'Neill, Marshall, Mathews, Parker, Ramsey, Kiddick, Royal, Ruffin, Salyear, Sherard, Walton, Williams of Martin, Wilson.

So the bill was rejected.

The bill to amend the inspection laws of this State, passed in the years 1784 and 1796, was read the second time. Mr. Burns moved the indefinite postponement of the bill. Mr. Mathews moved that the bill be laid on the table; which was not agreed to. The question recurring on the indefinite postponement of the bill, it passed in the affirmative.

The bill to amend an act, passed in 1784, chapter 221, concerning inspectors and unmerchantable commodities, was read the second and third times and passed, and was ordered to be engrossed.

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

FRIDAY, JANUARY 2, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to lay out and improve a road from Nicholas Nall's, in Moore county, to Wilkesborough; a bill to

amend the laws regulating the inspection of flour in the town of Fayetteville; a bill to amend an act, passed in 1784, chapter 221, concerning inspectors and unmerchantable commodities; and a bill to incorporate a company entitled the Mattamuskeet Lake Canal Company, and for other purposes; also the engrossed resolution in favor of James Bryson, jr. in which they ask the concurrence of that House.

A message was received from the House of Commons, stating that they have rejected the engrossed bill to open a road from Lee's mills to the head of New Land, in Washington county.

Also a message, stating that they again *althere* to their amendment to the engrossed bill to repeal an act, entitled "an act for the better regulation of the town of Kenansville, in Duplin county." And a further message was received, stating that the House of Commons have passed the following engrossed bills: a bill to amend an act, entitled an act to amend the acts respecting lands sold for taxes, passed in the year 1819, chapter 1006, of the revised laws; and a bill to incorporate the Fayetteville Manufacturing Company; in which they ask the concurrence of the Senate; and the bills were read the first time and passed.

Mr. Hinton presented a letter from Josiah Crudup, offering for acceptance by the Legislature certain books and documents, therein mentioned. Ordered that the said letter be referred to a select committee. The committee consists of Messrs. Hinton, Alexander, Miller, Ruffin and Brown.

Mr. Love, from the committee of Claims, made a report on the resolution relative to Archibald Lamon, late Sheriff of Nash county; which was read, when Mr. Love reported a resolution in favor of Archibald Lamon, late Sheriff of Nash county; which was read the first time and passed.

On motion of Mr. Love, ordered that the committee of Claims be discharged from the consideration of any further business during the present Session.

Mr. Meares, from the Judiciary committee, made a report on the resolution to inquire into the subject of taxing lands in certain cases, and asked and obtained leave to be discharged from the further consideration of the subject.

On motion of Mr. Meares, ordered that the committee on the Judiciary be discharged from the consideration of any further business during the present Session.

A message was sent to the House of Commons, stating that the Senate have amended the recommendation for justices of the peace for the county of Hertford, by striking out the names of John G. Wilson and Elisha H. Sharpe, and propose to insert the name of Kinsey Jordan; in which they ask the concurrence of that House.

A message was received from the House of Commons, stating that they have passed the engrossed bill to establish a manufacturing company in Randolph county, with an amendment, to add the proviso herewith submitted to the end of the bill; which amendment was agreed to, and the House of Commons informed thereof by message.

The bill to prevent the hauling of seines in Tranter's creek, was read the second time, and, on motion of Mr. Williams, of Beaufort, was indefinitely postponed.

On motion of Mr. Sherard, the Senate reconsidered the vote taken yes-

terday on the third reading of the bill to provide for the construction of a road from the Tennessee line, over the Walnut Mountain, to the head of Little Ivey, in Buncombe county; and the bill being before the Senate at its third reading, Mr. M'Eachin moved to amend the bill, by adding an additional section, as follows: "And be it further enacted, that the sum of two hundred dollars be, and the same is hereby appropriated to aid the hands working on Lumber river, in Robeson county, to be equally divided between the overseers and their successors in office, for the purchase of flats, cross cut saws, and other useful implements, to clear out obstructions in said river. And be it further enacted, that Archibald Gilchrist, Samuel Watson and Dr. Willis Pope, be commissioners, with the same power and authority as the commissioners in the above recited act." Which amendment was agreed to. Mr. Thomson moved further to amend the bill, by adding an additional section, as follows: "And be it further enacted, that the sum of one thousand dollars each for the counties of Johnston, Wayne, Lenoir and Craven, be, and the same is hereby appropriated out of the fund set apart for Internal Improvements, to be expended on the Neuse river, between Smithfield, in the county of Johnston, and Fort Barwell, in Craven county; and that Bythyn Bryan, of Johnston county, Nicholas Washington, of Wayne county, James Croom, of Lenoir county, and William P. Biddle, of Craven county, be, and they are hereby appointed commissioners to superintend the work, so as to make the best possible distribution of the funds so appropriated;" which amendment was not agreed to, and the bill, as amended, was read the third time, and the question on the passage thereof was determined in the negative—ayes 23, noes 26. The ayes and noes being demanded by Mr. Thomson.

Those who voted in the affirmative, are Messrs. Alexander, Beasley, Boddie, Burgin, Brown, Davidson, Deberry, Franklin of Surry, Gray, Hinton, Love, M'Dowell, M'Eachin, M'Farland, M'Neill, Meares, Mebane, Reinhardt, Scott, Shober, Shuford, Wellborn, Williams of Beaufort.

Those who voted in the negative, are Messrs. Askew of Hertford, Bell, Davis, Franklin of Iredell, Joiner, M'Daniel, M'Dearmid, M'Innis, Marshall, Mathews, Miller, Parker, Patterson, Pugh, Ramsey, Riddick, Royal, Ruffin, Salyear, Smith of Person, Sherard, Spaight, Thomson, Walton, Ward, Williams of Martin.

The bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned, was read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills: a bill to compel the Clerks of the County and Superior Courts, and Register of the county of Chatham, to keep their respective offices at Pittsborough, in said county; a bill to amend and explain an act, passed A. D. 1784, for clearing out and improving the navigation of Trent river, in Jones county; a bill to incorporate the Grand Royal Arch Chapter of North Carolina; and a bill to incorporate the Fayetteville Manufacturing Company, were read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons, the resignation of James Somerville, as a justice of the peace for the county of Warren; which was read and accepted by the Senate.

The Senate entered on the orders of the day, and the bill supplementary to the act creating the county of Macon, was read the second time. Mr. Love moved to amend the bill, by inserting in the 6th line of the second section, after the word "officers," the words "with the exception

of entry takers;" 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 bill more effectually to punish persons, who attempt to poison others, being read the second time, Mr. Burns moved the indefinite postponement of the bill; which was not agreed to. The question then recurred on the passage of the bill the second time, and it passed in the affirmative, and the bill was read the third time and passed, and ordered to be engrossed.

The bill to amend the several acts of Assembly, respecting the wardens of the poor, was read the second time, and, on motion of Mr. Meares, ordered to be indefinitely postponed.

The engrossed bill to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace, was read the second and third times and passed, and ordered to be enrolled.

The bill to provide for the protection of the arsenal, and safe keeping of the public arms, and for other purposes, was read the second time. Mr. Shober moved to amend the bill, by striking out the words "below stairs," in the 6th line of the bill; which was agreed to. Mr. McEachin moved to fill the blank in the 8th line of the bill with "237 dollars and 50 cents;" which was not agreed to. Mr. Alexander moved to fill the blank with "200 dollars;" which was agreed to, and the bill, as amended, passed the second time; and being read the third time, Mr. Burns moved to insert in the 6th line of the bill, after the word "arsenal," the words "with the lowest bidder, so as not to exceed the sum of two hundred dollars;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and was ordered to be engrossed.

The bill for the limitation of writs of error, for matters of fact, and bills of review, was read the second time and passed.

The resolution in favor of Benjamin Brittain and Isham Mathews, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Miller, the farther orders of the day were postponed; when, on motion of Mr. Miller, ordered that Gabriel Sherard, the Senator from the county of Wayne, have leave of absence from and after to-morrow for the remainder of the Session.

Mr. Sherard presented the resignation of Thomas Person, as a justice of the peace for the county of Wayne.

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

SATURDAY, JANUARY 3, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned; a bill to provide for the protection of the arsenal, and safe keeping of the public arms, and for other purposes; a bill supplementary to the act erecting the county of Macon; and a bill more effectually to punish persons who may attempt to poison others; also the engrossed resolution in favor of Benjamin Brittain and Isham Mathews; in which they ask the concurrence of that House.

A message was received from the House of Commons, stating that the name of Colonel Charles Lutterloh, of Chatham county, is added to the nomination for Brigadier General of the 3d division and the 6th brigade.

A message was received from the House of Commons, stating that they have passed the following engrossed bill: a bill to incorporate the Edgcomb manufacturing company; in which they ask the concurrence of the Senate, and the bill was read the first time and passed.

A message was received from the House of Commons, stating that they have passed the engrossed bill to amend an act, passed in the year 1821, entitled "an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes," with an amendment herewith submitted; and the question on agreeing to the amendment passed in the affirmative, and the House of Commons were informed thereof by message.

The bill for the limitation of writs of error, for matters of fact, and bills of review, was read the third time and passed, and was ordered to be engrossed.

Mr. Reinhardt presented a bill concerning the wardens of the poor of the county of Lincoln; which was read the first time and passed.

The Senate entered on the orders of the day, and the bill to provide for the sale of lands acquired by treaty from the Cherokee Indians, which have been surveyed, and remain unsold, was read the second time. Mr. M'Dowell moved to amend the bill, by striking out all the bill after the first section, and inserting the amendment by him submitted; which amendment was agreed to, and the question on the passage of the bill, as amended, the second time, was decided in the negative; so the bill was rejected.

The bill directing the manner in which the acts of Congress shall be distributed in future, was read the second time, and the amendment proposed by the select joint committee, to strike out the whole bill, except the words a bill, and insert the amendment submitted, being read, the question on agreeing thereto passed in the affirmative, and the bill, as amended, was read the second time and passed.

The bill for the purpose of collecting information of matter connected with the Penitentiary System and Lunatic Asylum, and with other purposes, was read the second and third times and passed, and was ordered to be engrossed.

The bill to settle and declare what buildings and out houses are, and shall be deemed to be parcel of the dwelling house, was read the second and third times and passed, and was ordered to be engrossed.

The engrossed bill to amend an act, entitled an act to amend the acts respecting lands sold for taxes, passed in the year 1819, chapter 1006 of the revised laws, was read the second and third times and passed, and was ordered to be enrolled.

The resolution in favor of Archibald Lamon, late Sheriff of Nash county, was read the second time, amended on motion of Mr. Boddie, and passed, and was read the third time and passed, and was ordered to be engrossed.

The bill more effectually to suppress the practice of usury, was read the second time. Mr. Meares moved the indefinite postponement of the bill, and the question thereon being taken, it passed in the affirmative—ayes 34, noes 21. The ayes and noes being demanded by Mr. Joiner.

Those who voted in the affirmative, are Messrs. Askew of Hertford, Bailey, Beasley, Bell, Boddie, Brodnax, Burgin, Burney, Brown, Davidson, Davis, Gray, Hardin, Harrell, Hinton, Leonard, M'Daniel, M'Dearmid, M'Eachin, M'Innis, Matthews, Meares, Patterson, Pugh, Reinhardt, Royal, Ruffin, Scott, Shober, Spaight, Thomson, Ward, Wilson.

Those who voted in the negative, are Messrs. Alexander, Croom, Deberry, Franklin of Surry, Joiner, Love, M'Dowell, M'Farland, M'Neill, Marshall, Mebane, Miller, Parker, Ramsey, Riddick, Smith of Davidson, Smith of Person, Shuford, Walton, Wellborn, Williams of Martin.

The bill to authorise and direct the Supreme Court to be held in the several places therein mentioned, was taken up; when, on motion of Mr. Meares, the Senate resolved itself into a committee of the Whole House on said bill, Mr. Alexander in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Alexander reported that the committee of the Whole had had the bill to authorise and direct the Supreme Court to be held in the several places therein mentioned under consideration, and had instructed him to report the bill without amendment; and the bill being read the second time, Mr. Marshall moved to amend the bill, by striking out the word "Anson," in the fifth line of the second section; which was agreed to, and the bill, as amended, was read the second time, and the question on its passage was decided in the affirmative—ayes 31, noes 23. The yeas and noes being demanded by Mr. Askew, of Bertie.

Those who voted in the affirmative, are Messrs. Alexander, Brodnax, Burgin, Brown, Davidson, Davis, Deberry, Franklin of Iredell, Franklin of Surry, Gray, Hardin, Joiner, Love, M'Dearmid, M'Dowell, M'Neill, Marshall, Meares, Mebane, Miller, Ramsey, Reinhardt, Ruffin, Scott, Smith of Davidson, Smith of Person, Shober, Shuford, Ward, Wellborn, Wilson.

Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Bailey, Beasley, Bell, Boddie, Burns, Croom, Davenport, Hinton, Hunt, Leonard, M'Daniel, M'Eachin, M'Farland, M'Innis, Matthews, Parker, Patterson, Pugh, Riddick, Royal, Salyear, Spaight, Thomson, Walton, Williams of Beaufort, Williams of Martin.

And the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, JANUARY 5, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill for the limitation of writs of error, for matters of fact, and bills of review; a bill for the purpose of collecting information of matter connected with the Penitentiary System, and Lunatic Asylum, and with other purposes; and a bill to settle and declare what buildings and out houses are, and shall be deemed to be parcel of the dwelling house; also the engrossed resolution in favor of Archibald Lamon, late Sheriff of Nash county; in which they ask the concurrence of that House.

On motion of Mr. Matthews, ordered that Samuel Salyear, the Senator from the county of Currituck, have leave of absence from and after this day, for the balance of the Session.

On motion of Mr. Shober, ordered that Archibald M'Eachin, the Senator from the county of Robeson, have leave of absence from and after to-morrow, for the balance of the Session.

Mr. M'Farland presented the following resolution:

Resolved by the Senate and House of Commons, That this Legislature adjourn on Thursday next sine die.

Mr. Boddie moved that the resolution be laid on the table; which motion was not agreed to. The question then recurred on the adoption of

the resolution, and it passed in the affirmative—ayes 37, noes 16. The ayes and noes being demanded by Mr. M'Farland.

Those who voted in the affirmative, are Messrs. Askew of Bertie, Askew of Hertford, Beasley, Bell, Brodnax, Burgin, Burus, Brown, Davidson, Davis, Deberry, Franklin of Iredell, Franklin of Surry, Gray, Hardin, Harrell, Hunt, Joiner, M'Daniel, M'Dowell, M'Eachin, M'Farland, M'Innis, M'Neill, Marshall, Patterson, Pugh, Ramsey, Reinhardt, Riddick, Royal, Smith of Person, Shober, Shuford, Spaight, Walton, Ward.

Those who voted in the negative, are Messrs. Alexander, Bailey, Boddie, Burney, Davenport, Leonard, Love, M'Dearmid, Mathews, Miller, Parker, Ruffin, Scott, Smith of Davidson, Wellborn, Williams.

Ordered that the resolution be engrossed, and a message was sent to the House of Commons, asking their concurrence.

A message was received from the House of Commons, stating that they have passed the following engrossed bills: a bill to amend an act, passed A. D. 1827, entitled "an act for the better regulation of the town of Kenansville, in Duplin county;" a bill supplemental to an act, passed the present General Assembly, entitled "an act to authorise the County Court of Person to establish a poor house in said county;" a bill to provide for the removal of an obstruction to the passage of masted vessels from the Dismal Swamp Canal to Albemarle Sound; a bill to incorporate the Chatham Iron Manufacturing Company; a bill to incorporate the Richmond Rockingham Manufacturing Company; and a bill to incorporate Horney's Gold Mine, in the county of Guilford; also the engrossed resolution respecting the Public Printer; in which they ask the concurrence of the Senate; and the said bills and resolution were read the first time and passed, except the bill to incorporate Horney's Gold Mine, in the county of Guilford; the question on the passage of which bill was decided in the negative, and the House of Commons were informed thereof by message.

The following bills were presented: by Mr. Williams, of Martin, a bill to improve the navigation of Tranter's creek, from Myer's Mill, in Beaufort county, to its head waters; by Mr. Miller, a bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Duplin, and for other purposes; and by Mr. Wellborn, a bill to change the time of holding the Supreme Court of this State; which were read the first time and passed.

A message was received from the House of Commons, stating that they have postponed indefinitely the engrossed bill to lay out and improve a road from Nicholas Nall's, in Moore county, to Wilkesborough.

Also a message of the date of the third instant, proposing to ballot immediately for five trustees of the University, and nominating for the appointment Hugh Waddell, John Giles, John L. Bailey, Hardy B. Croom, William S. Moon, David Outlaw, John M. Morehead and Cadwallader Jones; which proposition was agreed to, and a message sent to the House of Commons, informing them thereof, and naming Messrs. Scott and Alexander to conduct the ballot on the part of the Senate; also a message, stating that the House of Commons concur in the amendments proposed by the Senate to the recommendation of justices of the peace for the county of Hertford.

On motion of Mr. Hinton, a message was sent to the House of Commons, proposing to ballot at the meeting of the two Houses to morrow for Counsellors of State, and nominating for that appointment George W. Jeffries, Isaac T. Avery, William B. Lockhart, Gideon Alston, Archibald M'-

Bride, George L. Davidson, Nathaniel B. Whitfield, Thomas Kenan, Alfred Jones and Alexander Gray.

Mr. M'Dearmid presented the following resolution:

Resolved, That the Comptroller of this State draw his warrant on the Treasurer for the annual amount of twenty pounds, since the year 1821, it being the amount of pension allowed Mrs. Lucy Shaw, the widow of Daniel Shaw, a late pensioner of this State; and that the Treasurer be allowed for the same in the settlement of his public accounts.

Which was read, and, on motion of Mr. M'Dearmid, referred to a select committee. The committee consists of Messrs. M'Dearmid, Wellborn, Askew of Hertford, M'Innis and Walton.

Mr. Gray, from the committee on Agriculture and Domestic Manufactories, to whom was referred certain resolutions, instructing them to inquire into the best means of promoting objects so essential, and whether any measures can be adopted for the encouragement of the growing of wool, made a detailed report; which was read, and, on motion of Mr. Gray, ordered that the committee be discharged from the further consideration of the subject.

Mr. Davidson, from the select committee on so much of the Governor's message, as relates to certain communications from the States of Vermont, Ohio, South Carolina and Georgia, made a detailed report; which was read, when Mr. Davidson reported a resolution concerning certain communications from Vermont, Ohio, South Carolina and Georgia; which being read, on motion of Mr. Davidson, ordered that the resolution be laid on the table.

Received from the House of Commons a message, naming Messrs. Ruffin and Montgomery, as superintendents of the ballot on their part for trustees of the University.

The following bills, to wit: the bill concerning the wardens of the poor of the county of Lincoln; and the bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Duplin, were read the second and third times, and ordered to be engrossed.

The following engrossed bills and resolution were read the second and third times and passed, to wit: a bill supplemental to an act, passed this present General Assembly, entitled "an act to authorise the County Court of Person to establish a poor house in said county;" a bill to incorporate the Chatham Iron Manufacturing Company; a bill to incorporate the Richmond Rockingham Manufacturing Company; and the bill to incorporate the Edgecomb Manufacturing Company; and the resolution respecting the Public Printer. Ordered that the said bills and resolution be enrolled.

The bill to provide for the removal of an obstruction to the passage of masted vessels from the Dismal Swamp Canal to Albemarle Sound, was read the second time. Mr. Mebane moved to amend the bill, by adding an additional section, as follows: "And be it further enacted, that the Governor of this State be requested to transmit a copy of this act to the President of the Dismal Swamp Canal Company, and a copy to each of the Sheriffs of Pasquotank and Camden counties, as soon as can conveniently be done after the ratification hereof;" which amendment was agreed to. Mr. Bell moved further to amend the bill, by striking out in the 28th line of the first section of the bill, the word "two," and inserting the word

"four;" which was not agreed to, and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Mebane, from the select joint committee, to whom was referred so much of the Governor's message and accompanying papers, as relates to the Cherokee lands, made a detailed report; which was read, when *Mr. Mebane* reported a bill to carry into effect a contract entered into by *R. M. Saunders*, commissioner on the part of the State, with certain Indians of the Cherokee tribe in said contract named, and for other purposes; which was read the first time and passed.

On motion of *Mr. Croom*,

Resolved, That the Board of Internal Improvement be, and they are hereby required to collect such evidence, as it may be practicable to obtain, concerning the obstruction of the navigation of the Cape Fear river, below the town of Wilmington, during the revolutionary war, by the sinking of vessels therein, for the purpose of preventing the enemy from ascending said river; and also to obtain from the Civil Engineer of the State, a statement of the probable effect on the said navigation of the sinking of said vessels.

2. That it shall be the duty of said Board, when such evidence and statement shall have been obtained, to submit them to the Governor of the State, whose duty it shall be to cause copies of the same to be forwarded to our Senators in Congress.

Ordered that the resolution be engrossed.

Mr. Scott, from the committee to conduct the ballot for Trustees of the University, reported that *John M. Morehead*, *Hugh Waddell*, *John Giles*, *John L. Bailey* and *William S. Mhoon* were duly elected; in which report the Senate concurred.

The bill to authorise and direct the Supreme Court to be held in the several places therein mentioned, was read the third time. *Mr. Davidson* moved to amend the bill, by striking out the word "Statesville," in the 6th line of the first section, and inserting "Salisbury;" which was not agreed to. *Mr. Askew*, of Bertie, moved to amend the bill, by adding an additional section, as follows: "And be it further enacted, that one session of the Supreme Court of this State, shall be held at Windsor, in the county of Bertie, for the counties of Currituck, Camden, Pasquotank, Perquimons, Chowan, Gates, Hertford, Northampton, Halifax, Bertie, Martin, Pitt, Washington, Tyrrell, Hyde and Beaufort, under the same rules, regulations and restrictions, as are already prescribed for its sittings in Raleigh and Statesville; and it shall be the duty of the Sheriff of Bertie to attend on the Supreme Court during its session in Bertie county, for which attendance he shall be allowed the sum of one dollar per day; and the Session of the Supreme Court at Windsor shall commence on the first Monday of April in each and every year, and continue in session for the space of six weeks, if the business shall so long require it." *Mr. Davenport* moved to amend the amendment, by striking out the word "Windsor," and inserting the word "Plymouth;" which amendment was not agreed to. The question then recurred on the amendment proposed by *Mr. Askew*, of Bertie, which was not agreed to. *Mr. Parker* moved to amend the bill by striking out the word "Guilford," in the first section, and inserting it in the second section; which was agreed to. *Mr. Gray* moved to amend the bill, by striking out the words "Randolph and Rockingham," in the first section, and inserting them in the second; which amendment was also agreed to, and the bill as amended, was read the third time, and the question on the passage thereof was decided in the

affirmative—ayes 31, noes 26. The ayes and noes being demanded by *Mr. Mathews*.

Those who voted in the affirmative, are Messrs. Alexander, Beasley, Brodnax, Burgin, Davidson, Deberry, Franklin of Iredell, Franklin of Surry, Gray, Hardin, Joiner, Love, *M'Dearmid*, *M'Dowell*, *M'Neill*, *Marshall*, *Meares*, *Mebane*, *Miller*, *Parker*, *Ramsey*, *Reinhardt*, *Ruffin*, *Scott*, *Smith of Davidson*, *Smith of Person*, *Shober*, *Shuford*, *Ward*, *Wellborn*, *Wilson*.

Those who voted in the negative, are Messrs. Askew of Bertie, Askew of Hertford, Bailey, Bell, Boddie, Burns, Croom, Davenport, Davis, Harrell, Hinton, Leonard, *M'Daniel*, *M'Eachin*, *M'Farland*, *M'Louis*, *Mathews*, *Patterson*, *Pugh*, *Riddick*, *Royal*, *Spaight*, *Thomson*, *Walton*, *Williams of Beaufort*, *Williams of Martin*.

Ordered that the bill be engrossed.

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

TUESDAY, JANUARY 6, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill concerning the wardens of the poor of the county of Lincoln; a bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Duplin, and for other purposes; and a bill to authorise and direct the Supreme Court to be held in the several places therein mentioned; also the engrossed resolution instructing the Board of Internal Improvements, &c.; in which they ask the concurrence of that House.

A message was sent to the House of Commons, naming Messrs. *Smith*, *of Davidson*, and *Patterson* to conduct the ballot on the part of the Senate for Counsellors of State.

On motion of *Mr. Meares*, a message was sent to the House of Commons, proposing to ballot immediately for a Board of Internal Improvement for the ensuing year, and nominating for that appointment, Messrs. *Marsden Campbell*, *Cadwallader Jones*, *James Mebane*, *Otway Burns* and *Andrew Joyner*.

On motion of *Mr. M'Dowell*, ordered that *John Hardin*, the Senator from the county of Ashe, have leave of absence from and after this day, for the balance of the Session.

A message was received from the House of Commons, agreeing to ballot, as proposed by the Senate, this day for Counsellors of State, and naming Messrs. *Pearce* and *Newland* to conduct the ballot on their part, and adding to the nomination the name of *William Dickson*.

Also a message, stating that they have rejected the engrossed bill to settle and declare what buildings and out houses are, and shall be deemed to be parcel of the dwelling house.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: 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 the year 1826, chapter 36;" a bill to authorise Ashe County Court to keep in repair the road by *Jefferson*, by the imposition of tolls on said road; a bill in relation to justices' executions; a bill requiring all guardian bonds to be made payable to the Governor; a bill to prescribe the mode by which bastard children shall hereafter be legitimated; a bill to appoint commissioners on the road leading from *Morganton* to *Avery's Turnpike* road, in *Burke* county; a bill to

amend the Militia Laws of this State, so far as regards the companies of Cavalry; a bill regulating the inspection of fish for the town of Murfreesborough, in the county of Hertford; a bill to regulate the fees of Clerks and Sheriffs; a bill authorising the Court of Equity to grant administration in certain cases; a bill to regulate the granting of badges by the commissioners of Wilmington, and to restrain slaves to whom badges may have been, or may hereafter be granted, from working in improper places, and for other purposes; a bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of Roanoke river; a bill to establish Rocky Mount Academy, in the county of Nash, and to incorporate the trustees thereof; a bill to amend an act, passed in the year 1825, entitled "an act to amend the several acts of Assembly passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's Ford, in the county of Wilkes, and for other purposes;" and also to amend an act, passed in 1826, entitled "an act to amend the several acts of the General Assembly now in force, relative to the public roads in the county of Wilkes;" and a bill empowering the County Courts to regulate the fees of jailors; which bills were read the first time and passed except the bill to regulate the fees of Clerks and Sheriffs, the question on the passage of which was decided in the negative, and the House of Commons were informed thereof by message.

On motion of Mr. McDowell, the name of Alfred Jones was withdrawn from the nomination for Counsellors of State.

A message was received from the House of Commons, stating that they have passed the engrossed bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort, with an amendment, to wit: to add at the end of the bill a proviso; which amendment was agreed to, and a message sent, informing the House of Commons thereof.

Also a message, stating that they have passed the engrossed bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned, with an amendment. Also stating that they have passed the engrossed bill to validate the grants issued by the Secretary of State on surveys made and signed only by deputy surveyors, previous to the year 1820, with an amendment; also the engrossed bill to authorize the payment of the purchase money on entries of land made in the year 1826, in all cases where surveys have been made and returned to the office of the Secretary of State, with sundry amendments; also that they have passed the engrossed bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover, Camden, Washington and Craven counties in granting licenses to retail spiritous liquors, with an amendment; also the engrossed bill to alter and amend the act of 1819 entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians." with an amendment; in which several amendments they ask the concurrence of the Senate; and the amendments proposed by the House of Commons in said bills, were read and agreed to by the Senate, and the House of Commons were informed thereof by message.

On motion of Mr. Meares, the Senate took up the bill concerning the action of replevin; the bill being at its second reading, and the bill being read, Mr. Meares moved to amend the bill by adding at the end of the first

section, the following proviso: "*Provided*, that the plaintiff, his or her agent or attorney, in such action of replevin, shall make oath before the Clerk issuing such writs, that he or she has been in the lawful possession of such slave within two years next preceding the issuing of said writ, and that he or she has been deprived of such possession without his or her permission or consent;" 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 bill to change the time of holding the Supreme Court of this State, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. M'Innis, the name of James J. M'Kay was added to the nomination for a Board of Internal Improvement, and the House of Commons were informed thereof by message.

Mr. Meares moved that the 11th rule of the rules of order for the government of the Senate, requiring that all bills of a public nature when ready for the second hearing shall be noted to be read at least one day previous thereto, be suspended for the balance of the Session; which motion was not agreed to.

The engrossed bill to regulate the granting of badges by the commissioners of Wilmington, and to restrain slaves to whom badges may have been, or may hereafter be granted, from working in improper places, and for other purposes, was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Alexander, the Senate considered the bill to revive an act, passed in the year 1805, chapter 36, entitled "an act to amend an act of Assembly now in force, for the regulating the town of Morganton;" and the bill being read the third time, Mr. Burgin moved the indefinite postponement thereof; which was not agreed to. The question then recurred on the passage of the bill the third time, and it passed in the affirmative. Ordered that the bill be enrolled.

Mr. M'Dearmid, from the select committee to whom was referred the resolution in favor of Mrs. Lucy Shaw, together with the communication from the Comptroller relative thereto, made a report, which was read, when Mr. M'Dearmid reported a resolution in favor of Mrs. Lucy Shaw; which was read the first time and passed.

Mr. Patterson, from the committee to conduct the ballot for Counsellors of State, reported that William B. Lockhart, George W. Jeffries, Archibald M'Bride, Alexander Gray, Thomas Kenan, Nathan B. Whitfield and Gideon Alston were duly elected; in which report the Senate concurred.

The Senate entered on the orders of the day, and the bill to improve the navigation of Franter's creek, from Myer's mill, in Beaufort county, to its head waters, was read the second time. Mr. Williams, of Martin, moved to amend the bill, by striking out the word "Washington," in the 5th line of the first section, and inserting "Beaufort," and the question being taken, it passed in the affirmative, and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill supplementary to the several acts now in force, for the relief of insolvent debtors; and further, to mitigate the severity of executions, being read the second time, Mr. Williams, of Martin, moved to

amend the bill, by inserting in the 15th line of the first section, after the word "standing," the words "before the first day of December in each and every year hereafter;" which amendment was agreed to. Mr. Gray moved to add an additional section, in the following words: "And be it further enacted, that if the provision intended for the family support, should not be on hand, that it shall be furnished at the expense of the county, where such debtor resides;" which amendment was not agreed to. Mr. Shober moved to strike out the last section of the bill; which amendment was agreed to; when, on motion of Mr. Meares, the bill was indefinitely postponed, and the House of Commons were informed thereof by message.

The bill directing in what manner the acts of Congress shall be distributed in future, was read the third time. Mr. Hinton moved sundry amendments to the bill; which were agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The bill to carry into effect the contract entered into by R. M. Saunders, commissioner on the part of the State, with certain Indians of the Cherokee tribe in said contracts named, and for other purposes, was read the second time, amended on motion of Mr. Mebane, and passed.

The orders of the day being disposed of, the engrossed bill regulating the inspection of fish for the town of Murfreesborough, in the county of Hertford, was read the second time. Mr. Mathews moved to amend the bill, by making its provisions extend to the town of Halifax, in the county of Halifax; which was agreed to. Mr. Askew, of Hertford, moved further to amend the bill, by striking out the words "twelve and a half," and inserting "six and a quarter," in the 4th line of the last section; which amendment was also agreed to, and the bill, as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Mr. Wellborn moved that the Senate reconsider the vote taken this day on the first reading of the bill to regulate the fees of Clerks and Sheriffs; and on the question, will the Senate reconsider the said vote? it was decided in the negative.

Received from the House of Commons the following resignations: the resignation of William C. Cole, as Major of the militia of Stokes county; the resignation of B. W. Murfree, as Major of the 27th regiment of North Carolina militia; and the resignation of Nathaniel Gordon, as a justice of the peace for the county of Wilkes; which were read and accepted by the Senate.

And the Senate adjourned until 3 o'clock, this afternoon.

TUESDAY EVENING, 3 O'CLOCK, JANUARY 6.

The following engrossed bills were read the second and third times and passed, to wit: a bill to amend an act, passed in the year 1825, entitled "an act to amend the several acts of Assembly passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holiman's Ford, in the county of Wilkes, and for other purposes;" and also to amend an act, passed in the year 1826, entitled "an act to amend the several acts of the General Assembly now in force relative to the public roads in the county of Wilkes;" a bill to es-

establish Rocky Mount Academy, in the county of Nash, and to incorporate the trustees thereof; a bill to appoint commissioners on the road leading from Morganton, to Avery's turnpike road, in Burke county; a bill to amend the militia laws of this State, so far as regards the companies of Cavalry; and a bill authorising the Court of Equity to grant administration in certain cases. Ordered that the bills be enrolled.

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 Turnpike road, passed A. D. 1826, chapter 36," was read the second time. Mr. Love moved to amend the bill, by inserting the words "John Dobson," after the word "Hall," in the 4th line of the first section; which was agreed to, and the bill, as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Shober, ordered that Bedford Brown, the Senator from the county of Caswell, have leave of absence from the services of the Senate, from and after this day, for the remainder of the Session.

The engrossed bill empowering the County Courts to regulate the fees of Jailors, was read the second time. Mr. Alexander moved to amend the bill, by inserting at the end of the first section, the following proviso: "Provided that the same do not exceed the sum or sums heretofore allowed by law;" which was agreed to, and the bill, as amended, was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The resolution in favor of Mrs. Lucy Shaw, was read the second time. Mr. Meares moved to amend the resolution, by striking out the whole thereof, except the word "resolved," and inserting as follows: "That the Comptroller be directed not to issue his warrant in favor of Lucy Shaw, under the authority of the certificate heretofore countersigned by the Speakers of the two Houses of this General Assembly;" which amendment was agreed to. Mr. M'Dearmid moved that the resolution be laid on the table; which was not agreed to, and the resolution, as amended, was read the second and third times and passed, and ordered to be engrossed.

The following engrossed bills, to wit: a bill to prescribe the mode by which bastard children shall hereafter be legitimated; and the bill requiring all guardian bonds to be made payable to the Governor, were read the second time, and the question on the passage thereof was decided in the negative. So the bills were rejected, and the House of Commons were informed thereof by message.

The engrossed resolution concerning the Comptroller's Statements, was read the second time. Mr. M'Dearmid moved to strike out the word "six" in the 4th line of the resolution, and insert "one;" which was not agreed to. The question then recurred on the passage of the resolution the second time, and it was decided in the negative.

The engrossed bill in relation to justices' executions, was read the second time. Mr. Meares moved to amend the bill by striking out from the word "notwithstanding" to the end of the bill; which amendment was agreed to, and the bill, as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill to provide for the representation of the State in meetings of the stockholders of the Banks of this State, was read the second time and passed.

The engrossed resolution in favor of Hutchins G. Burton, was taken up and read. Mr Gray moved to amend it by striking out the whole thereof except the word "resolved," and inserting "that the Comptroller be directed to charge to the debit of Hutchins G. Burton the sum of \$1014 66, it being a balance reported to be due from said Burton, by a board appointed by the last General Assembly to liquidate and settle certain accounts with him; and that the said H. G. Burton be allowed a further time of twelve months to produce vouchers or other sets off against the same, if any he has, or shall be able to obtain;" which amendment was not agreed to, and the question on agreeing to the resolution passed in the affirmative—ayes 43, noes 8. The ayes and noes being demanded by Mr. Smith of Davidson.

Those who voted in the affirmative, are Messrs. Alexander, Askew of Hertford, Bailey, Beasley, Bell, Boddie, Brodnax, Burgin, Burney, Burns, Davenport, Davidson, Davis, Deberry, Franklin of Surry, Harrell, Hinton, Hunt, Love, M'Daniel, M'Dearmid, M'Dowell, M'Innis, Marshall, Mathews, Meares, Mebane, Miller, Patterson, Reinhardt, Riddick, Royal, Ruffin, Scott, Sbober, Shuford, Spaight, Thomson, Walton, Ward, Williams of Beaufort, Williams of Martin, Wilson.

Those who voted in the negative, are Messrs. Franklin of Iredell, Gray, Joiner, Parker, Ramsey, Smith of Davidson, Smith of Person, Wellborn.

Ordered that the resolution be enrolled.

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

WEDNESDAY, JANUARY 7 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills: a bill directing the manner in which acts of Congress and other public documents shall be distributed in future, and for other purposes; a bill to incorporate a company to improve the navigation of Tranter's Creek, from Myers' Mill, in Beaufort county, to its head waters; a bill concerning the action of replevin; and a bill to change the time of holding the Supreme Court of the State; also the engrossed resolution relative to Mrs. Lucy Shaw; in which they ask the concurrence of that House.

A message was received from the House of Commons, proposing to ballot immediately for a Brigadier General of the 6th brigade and 3d division, and naming Messrs. Smith of Chatham and Hancock to conduct the ballot on their part; which proposition was agreed to by the Senate, and a message sent to the House of Commons, stating the agreement of the Senate, and naming Messrs. Harrell and Beasley to conduct the ballot on their part.

Received from the House of Commons a message, proposing to ballot, as heretofore agreed on, for a Brigadier General of the 13th brigade, and stating that Messrs. Nelson and Wilkinson attend to conduct the ballot on their part; and a message was sent to the House of Commons, naming Messrs. Davenport and Leonard to conduct the ballot on the part of the Senate, and adding to the nomination the name of Richard Bainer.

A message was sent to the House of Commons, stating that the Senate have amended the recommendation for justices of the peace for the county of Martin, by adding the name of James Mabray; in which they ask the concurrence of that House.

Mr. Beasley, from the committee to conduct the ballot for Brigadier General of the 6th Brigade and 3d division, reported that Charles Lutterloh was duly elected; in which report the Senate concurred.

A message was received from the House of Commons, concurring in the amendment proposed by the Senate in the engrossed bill to provide for the removal of an obstruction to the passage of masted vessels from the Dismal Swamp Canal to Albemarle Sound. Ordered that the bill be enrolled.

On motion of Mr. Wellborn,

Resolved, That the Secretary of State be authorised and requested to procure annually the necessary quantity of candles for the use of the General Assembly, and its officers, upon the best terms that the same can be obtained; and that his drafts, for that purpose, on the Treasury, be paid in like manner as is provided in respect to procuring stationary.

Ordered that the resolution be engrossed.

Mr. Wellborn presented the following resolution:

Whereas the books containing the accounts of the sales of the Cherokee lands by the commissioners on behalf of the State, and now in file in the Treasury office, are in a mutilated state, and likely to become unintelligible:

Be it resolved, That the Public Treasurer be authorised to have them copied into a well bound book; and as soon as it shall be done, that it shall be examined by the Secretary of State; and the original to be filed in the office of the Secretary of State, for safe keeping; and the copy so made out shall be certified by the Secretary of State, and filed in the Treasurer's office; and that the sum of fifty dollars be appropriated for having the same so copied, which is to be paid by the Public Treasurer; and he shall be allowed the same in the settlement of his public accounts.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the act, passed in 1819, to appoint commissioners for the town of Chapel Hill, in Orange county; in which they ask the concurrence of the Senate; and the bill was read the first, second and third times and passed, and ordered to be enrolled.

Mr. Love, from the select committee to whom was referred the petition of Asa Delazier and others, of the State of Tennessee, made a report; which was read, when, on motion of Mr. Love, ordered that the committee be discharged from the further consideration of the subject.

Mr. Leonard, from the committee to conduct the ballot for Brigadier General of the 18th brigade, reported that no person in nomination was elected.

Mr. Reinhardt presented a bill to repeal an act, passed A. D. 1826, ch. 139, entitled "an act to repeal an act of the General Assembly passed 1820, entitled 'an act to order the payment of fees to certain officers therein named,'" so far as it affects the county of Lincoln; which was read the first, second and third times and passed, and ordered to be engrossed.

The bill to provide for the gradual diminution of the Capital Stock of the Banks of the State, by the purchase and extinguishment of shares, was read the second and third times and passed, and ordered to be engrossed.

Mr. Meares presented a resolution in favor of Alexander L. Harvey, Sheriff of Bladen; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Burney presented a bill explanatory of an act, passed in the year 1821, entitled "an act to annex part of Bladen to Columbus county;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Alexander presented a bill directing a prosecution against the State Bank, and regulating the proceedings therein, and to restore and preserve the character of the circulating medium; which was read the first time, and the question on the passage thereof the first time was decided in the negative—ayes 28, noes 29. The ayes and noes being called for by Mr. Burns

Those who voted in the affirmative, are Messrs. Alexander, Askew of Bertie, Askew of Hertford, Beasley, Bell, Burgin, Croom, Davenport, Franklin of Iredell, Franklin of Surry, Harrell, Leonard, M'Farland, M'Innis, M'Neill, Marshall, Matthews, Parker, Patterson, Ramsey, Reinhardt, Riddick, Royal, Scott, Smith of Davidson, Shuford, Walton, Williams of Martin.

Those who voted in the negative, are Messrs. Bailey, Boddie, Brodnax, Burney, Burns, Davidson, Davis, Deberry, Gray, Hinton, Hunt, Joiner, Love, M'aniel, M'Dearmid, M'Dowell, Meares, Mebane, Miller, Pugh, Ruffin, Smith of Person, Shober, Spaight, Thomson, Ward, Wellborn, Williams of Beaufort, Wilson.

So the bill was rejected.

Received from the House of Commons a message, proposing that another balloting take place immediately for a Brigadier General of the 13th brigade and 8th division; which proposition was agreed to, and a message sent, naming Messrs. Davenport and Bell superintendents of the ballot on the part of the Senate; and a message was received from that house, stating that Messrs. Latham of Beaufort, and Montgomery attend the Senate to conduct the ballot on their part.

The bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county on the north side of Roanoke River, was read the second time and passed, and, on motion of Mr. Wellborn, ordered to be laid on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of Duplin county, and for other purposes, with sundry amendments; also a message, stating that they have passed the engrossed bill concerning the wardens of the poor of the county of Lincoln, with an amendment; in which they ask the concurrence of the Senate; and the said several amendments were read and agreed to by the Senate, and the House of Commons were informed thereof by message.

The engrossed bill to amend an act, passed A. D. 1827, entitled "an act for the better regulation of the town of Kenansville in Duplin county," was read the second time. Mr. Miller moved to amend the bill by striking out the whole of the bill after the enacting clause, and inserting as follows: "That an act, entitled and act for the better regulation of Kenansville, in the county of Duplin, passed in the year 1827, be, and the same is hereby repealed;" which amendment was agreed to, and the title of the bill was amended to correspond therewith, and a message sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Shober, the Senate reconsidered the vote taken yesterday on the 3d reading of the bill to revive an act, passed in 1805 ch. 36, entitled "an act to amend an act of Assembly now in force for the regulating of the town of Morganton;" and the bill being before the Senate on its third and last reading, the question on the passage thereof was decided in the negative; so the bill was rejected, and the House of Commons were informed thereof by message.

Mr. Meares presented the following resolution:

Resolved, That the Treasurer be, and he is hereby directed to pay to the Secretary of the Governor, the sum of dollars, to be laid out in the purchase of furniture for the Government house, under the direction of his excellency; and that he be allowed the same in settlement of his public accounts.

Which was read, and, on motion Mr. Meares, referred to a select committee. The committee consists of Messrs. Meares, Spaight, Bailey, Hunt and Shober.

On motion of Mr. Boddie, ordered that the following report of the committee of Finance be spread on the Journals:

The Committee of Finance, to whom was referred the report of the Governor, Public Treasurer and Secretary, appointed by a resolution of the last General Assembly to examine the accounts relating to the expenditures for the reception of General Lafayette in the year 1825, have had the same under consideration, and beg leave respectfully to report,

That so far as the committee have been able to ascertain, "the balance of \$1014 66." stated in that report to be "due from the late Governor Burton, and properly chargeable to him," is correct, according to the vouchers filed.

Principles of sound policy, and the best interests of the State, certainly require that a strict accountability and responsibility should be imposed on every officer of the State, from the highest to the lowest. But in that particular transaction, the confusion and bustle, resulting from such a vast concourse of persons, might possibly have prevented the obtaining proper vouchers; or it might have occasioned the loss of some that were obtained.

An accident disabled the Adjutant General, (who was to have had the controul of the expenditures,) and compelled the Governor suddenly to entrust it to other hands. This would necessarily produce some irregularities, and increase the difficulty of obtaining and preserving proper vouchers.

These circumstances, though not amounting to a complete justification of the late Governor Burton; yet, in the opinion of this committee, they furnish grounds to doubt, whether, in strict justice, he ought to be considered a defaulter to that amount. While this doubt exists, it would not comport with the dignity or interest of the State to require payment of the late Governor Hutchins G. Burton. The accompanying resolution is therefore respectfully submitted.

By order of the committee.

JAMES WYCHE, *Chairman.*

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

THURSDAY, JANUARY 8, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill: a bill to repeal an act, passed A. D 1826, chap. 139, entitled an act to repeal an act of the General Assembly, passed 1820, entitled an act to order the payment of fees to certain officers therein named, so far as it affects the county of Lincoln; a bill to provide for the gradual diminution of the Capital Stock of the Banks of the State, by the purchase and extinguishment of shares; a bill explanatory of an act, passed in 1821, entitled an act to annex part of Bladen to Columbus county; also the engrossed resolution for procuring candles; and the resolution in favor of Alexander L. Harvey, Sheriff of Bladen; in which they ask the concurrence of that house.

Mr. Davenport, from the committee to conduct the ballot for Brigadier General of the 13th brigade and 8th division, made a report; which, on motion of Mr. Mebane, was ordered to lie on the table.

Mr. Wilson presented a bill to appreciate the notes of the several Banks in this State; which was read the first time and passed.

The bill to provide for the representation of the State in meetings of the stockholders of the Banks of this State, was read the third time and passed, and ordered to be engrossed.

Mr. M'Innis presented a bill concerning heading and staves; which was read the first time, and the question on the passage thereof, at the first reading, was decided in the negative; so the bill was rejected.

On motion of Mr. Riddick,

Resolved, That the Public Treasurer pay to each of the Door-keepers of the two Houses, twenty five dollars, their usual extra allowance, and that they be compelled to pay out of the same, the hands necessarily employed by them for bringing wood and water to the State House, during the present session; and that the rule requiring resolutions to be read three times be dispensed with, so far as regards this resolution.

Ordered that the resolution be engrossed.

On motion of Mr. Alexander,

Resolved, That a credit of one, two, three and four years, be extended to John Holloway for paying the debts contracted by Susan Schaub and David Royster, to which he was security, provided he execute his four several bonds, carrying interest with good and sufficient security for the same, to be approved by the Public Treasurer; and that the rule be dispensed with so far as regards reading the same three times.

On motion of Mr. Davidson,

Resolved, Whereas several old accounts stand open on the Comptroller's books which ought to be balanced, one of which is against the United States; and it being desirable that those accounts should be settled; but the examination thereof requires more time than is convenient for a committee of the Legislature:

Be it therefore resolved, That the Public Treasurer, Secretary and Comptroller be, and they are hereby appointed a committee to examine into all the old standing accounts on the Comptroller's books, and make report to the next Legislature.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, to wit: a bill for revising, digesting and amending the laws relating to executors and administrators; a bill to repeal so far as relates to the counties of Iredell and Anson, an act entitled "an act directing the County Courts to pay fees to certain officers therein named, in certain cases" passed in the year 1820; a bill for the relief of insolvent debtors under State prosecutions; a bill repealing the several acts establishing and regulating the County Courts of Burke county; a bill to cede to the United States an island of marsh, for the purpose of erecting thereon a light house; a bill to incorporate the Swanano and Laurel Turnpike company; a resolution in favor of Gabriel Holmes, Sheriff of New Hanover county; a resolution instructing the Public Treasurer; a resolution appointing a Librarian; a resolution in favor of David Sands; and a resolution in favor of John M'Rae; in which they ask the concurrence of the Senate, and the said bills were read the first time and passed; and also the following resolutions: a resolution in favor of David Sands; a resolution appointing a Librarian; and a resolution in favor of Gabriel Holmes, Sheriff of New Hanover county, were read the first time and passed.

The resolution instructing the Public Treasurer was read and agreed to, and ordered to be enrolled; and the resolution in favor of John M'Rae, being read, the question on agreeing there to was decided in the negative; so the resolution was rejected.

A message was received from the House of Commons, stating that they have indefinitely postponed the engrossed bill to provide for the final settlement of executors and administrators.

Also a message, stating that they have rejected the engrossed bill to amend an act, passed in 1784, chapter 221, concerning inspectors and unmerchantable commodities.

Received from the House of Commons a message, stating that they have passed the engrossed bill to authorise the Board for Internal Improvement to have a road made from Ebenezer Pettigrew's Canal to Cahoon's Lake, in Tyrrell county, with an amendment, to add a proviso to the end of the bill; which amendment was agreed to, with the exception of the word "Senate," in the 5th line of the proviso, which, on motion of Mr. Spaight, was stricken out, and the word "State" inserted, and the House of Commons were informed thereof by message, and their concurrence asked in said amendment.

A message was received from the House of Commons, stating that they have passed the engrossed bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, with sundry amendments, in which the concurrence of the Senate is asked; and the question being taken on agreeing to the amendments, it passed in the affirmative, and the House of Commons were informed thereof by message.

A message was received from the House of Commons, stating their concurrence in the several amendments made by the Senate to the engrossed bill, viz: a bill regulating the inspection of fish for the town of Murfreesborough, in the county of Hertford; a bill empowering the County Courts to regulate the fees of Jailors; 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 Turnpike road," passed 1826, chapter 26. Ordered that the said bills be enrolled.

Received from the House of Commons a further message, stating that they have passed the engrossed bill supplemental to the act erecting the county of Macon, with sundry amendments; which were read and concurred in by the Senate.

A message was also received from that House, stating that they do not agree to the amendment proposed by the Senate to the engrossed bill in relation to justices' executions; which being read, on motion of Mr. Ruffin, the Senate receded from their amendment, and the House of Commons were informed thereof by message. Also a message, stating that they have passed the engrossed bill to incorporate a company to improve the navigation of Tranter's creek, from Myers' mill, in Beaufort county, to its head waters, with an amendment; which was read and agreed to by the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons the resignation of Jesse Whitley, as a justice of the peace for the county of Johnston; which was read and accepted by the Senate.

On motion of Mr. Shober, ordered that Hardy B. Croom, the Senator from the county of Lenoir, have leave of absence, from and after to-morrow, for the remainder of the session.

On motion of Mr. Spaight, ordered that Edward Ward, the Senator from the county of Onslow, have leave of absence, from and after to-morrow, for the balance of the Session.

On motion of Mr. Franklin, of Surry, ordered that Otway Burns, the Senator from the county of Carteret, have leave of absence, from and after to-morrow, for the remainder of the Session.

On motion of Mr. M'Dearmid, ordered that Hardy Royal, the Senator from the county of Sampson, have leave of absence for the balance of the Session, from and after to morrow.

The Senate entered on the orders of the day, and, on motion of Mr. Williams, of Martin, resolved itself into a committee of the Whole House, Mr. Bailey in the Chair, on the engrossed bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of Roanoke river; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Bailey reported the bill without amendment, and the bill being read the third time, Mr. Mebane moved to amend the bill in the 43d line of the 2nd section, by striking out the words "all at once or;" which amendment was agreed to. Mr. Shoher moved to amend the bill by adding an additional section, as follows: "Be it further enacted, that if it should appear at any time hereafter, that the said Indians have parted with their claim or contracted for the same, so that in fact the benefit of the sale would go to some stranger; then the benefit of the sale, shall, agreeably to the provisions of this act, enure to the State;" which amendment was agreed to; and the bill, as amended, was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

The bill to carry into effect the contract entered into by R. M. Saunders, commissioner on the part of the State, with certain Indians of the Cherokee tribe, was read the third time. Mr. Mathews moved the indefinite postponement of the bill. Mr. Spaight moved that the bill be laid on the table; which motion was agreed to.

Received from the House of Commons a proposition to appoint a select joint committee of three persons on the part of each House, immediately, to confer on the subject of the finances of the State, and naming Messrs. Fisher, Eccles and Potter of the committee on their part; which proposition was agreed to, and a message sent to the House of Commons, stating the agreement of the Senate, and naming of the committee on the part of the Senate Messrs. Spaight, Davidson and Thomson.

A message was received from the House of Commons, agreeing to ballot immediately for a Board of Internal Improvement for the ensuing year, and adding the name of David L. Swain to the nomination, and naming Messrs. Alexander and Shipp to conduct the ballot on their part; and a message was sent to the House of Commons, naming Messrs. Miller and Wilson to conduct the ballot on the part of the Senate.

And the Senate adjourned until 3 o'clock, this afternoon.

THURSDAY EVENING, 3 O'CLOCK.

Mr. Miller, from the committee to conduct the ballot for a Board of Internal Improvement, reported that Cadwallader Jones was duly elected, and that no other person received a majority of votes; in which report the Senate concurred.

On motion of Mr. Miller, a message was sent to the House of Commons, proposing to ballot again immediately for two members of the Board of Internal Improvement, stating that the names of James Mebane and Otway Burns are withdrawn, and naming Messrs. Miller and Wilson to conduct the ballot on the part of the Senate. Whereupon a message was

received from the House of Commons, naming Messrs. Waddell and Shipp to superintend the ballot on their part.

The resolution appointing a Librarian, was read the second time. Mr. Alexander moved to strike out the words "one hundred," and insert "seventy five," in the 5th line of the resolution; which amendment was not agreed to, and the resolution was read the second and third times and passed, and ordered to be enrolled.

The resolution relative to the books containing the accounts of the sales of the Cherokee lands, &c. was read the second time, amended on motion of Mr. Mebane, and passed; and being read the third time, was also amended on motion of Mr. Joiner, and passed, and was ordered to be engrossed.

The following engrossed bills were read the second and third times and passed, to wit: a bill to repeal, so far as it relates to the counties of Iredell and Anson, an act, entitled an act directing the County Courts to pay fees to certain officers therein named in certain cases, passed in the year 1820; a bill for revising, digesting and amending the laws relating to executors and administrators; a bill repealing the several acts establishing and regulating the special County Courts of Burke county; a bill to cede to the United States an island of marsh, for the purpose of erecting thereon a light house; and a bill for the relief of sundry purchasers of Cherokee lands. Ordered that the said bills be enrolled.

The following engrossed resolutions, viz. the resolution in favor of Gabriel Holmes, sheriff of New Hanover county; and the resolution in favor of David Sands, were read the second and third times and passed, and ordered to be enrolled.

The bill to incorporate the Swanano and Laurel Turapike Company, was read the second time. Mr. Burgin moved to amend the bill by striking out the word "Asheville," and inserting "Morganton." Mr. Alexander moved the indefinite postponement of the bill, together with the amendment; and the question being taken, it passed in the affirmative.

The engrossed bill for the relief of insolvent debtors under State prosecutions, was read the second time and passed; and being read the third time, was, on motion of Mr. Meares, indefinitely postponed, and the House of Commons were informed thereof by message.

Mr. Wilson, from the committee to conduct the ballot for two members of the Board of Internal Improvement, reported that Marsden Campbell and Andrew Joiner were duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the law regulating the inspection of flour in the town of Fayetteville, with an amendment; in which they ask the concurrence of the Senate; and the question being taken on agreeing thereto, it passed in the affirmative, and the House of Commons were informed thereof by message.

A message was received from the House of Commons, stating their agreement to the amendment proposed by the Senate in the recommendation for justices of the peace for the county of Martin. Also a message, stating that they have laid on their table without day, the engrossed bill (with the amendment proposed thereto by the Senate) to amend an act,

passed in 1827, entitled an act for the better regulation of the town of Kenansville, in Duplin county. Also a message, stating that the House of Commons have postponed indefinitely the following engrossed bills, to wit: a bill more effectually to punish persons who attempt to poison others; and a bill to provide for the gradual diminution of the capital stock of the Banks of the State, by the purchase and extinguishment of shares; and that they have rejected the engrossed resolution in favor of Alanson Nash.

Mr. Alexander moved that the Senate do now consider the report of the committee on the resolutions of the States of Ohio, Vermont, Georgia and South Carolina, respecting colonization; and the question on agreeing thereto was decided in the negative.

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

FRIDAY, JANUARY 9, 1829.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill: a bill to provide for the representation of the State in meetings of the stockholders of the Banks of this State; also the engrossed resolution in favor of the door keepers; the resolution in favor of John Holloway; the resolution concerning accounts in the Comptroller's books; and the resolution relative to the books containing the accounts of sales of the Cherokee lands; in which they ask the concurrence of that House.

Mr. Wellborn presented a bill authorising the issuing of fifty thousand dollars in Treasury notes; which was read the first time and passed.

Mr. Meares, from the select committee to whom was referred the resolution relative to furniture for the Government house, reported the resolution with an amendment, to wit: to fill the blank in the resolution with the sum of five hundred dollars; and the question being taken on filling the blank as proposed by the committee, it passed in the affirmative—ayes 35, noes 16. The ayes and noes being demanded by Mr. Wellborn.

Those who voted in the affirmative, are Messrs. Alexander, Askew of Hertford, Bailey, Beasley, Bell, Brodnax, Burney, Burns, Davenport, Davidson, Deberry, Franklin of Iredell, Franklin of Surry, Gray, Harrell, Hunt, Joiner, Leonard, Love, M'Dearmid, M'Innis, Marshall, Meares, Mebane, Miller, Pugh, Reinhardt, Kiddick, Scott, Smith of Davidson, Shober, Spaight, Thomson, Walton, Williams of Beaufort.

Those who voted in the negative, are Messrs. Askew of Bertie, Boddie, Burgin, Davis, M'Neill, Mathews, Parker, Patterson, Ramsey, Ruffin, Smith of Person, Shuford, Ward, Wellborn, Williams of Martin, Wilson.

And the resolution, as amended, was read the second and third times and passed, and ordered to be engrossed, and sent to the House of Commons.

On motion of Mr. Mebane, the Senate considered the bill to carry into effect a contract entered into by Romulus M. Saunders, commissioner on the part of the State, with certain Indians of the Cherokee Tribe, in said contract named, and for other purposes. The question before the Senate, was on the motion of Mr. Mathews, indefinitely to postpone the further consideration of the bill, and the question thereon was decided in the negative—ayes 16, noes 35. The ayes and noes being demanded by Mr. Mathews.

Those who voted in the affirmative, are Messrs. Askew of Bertie, Askew of Hertford, Bell, Boddie, Davis, Gray, M'Neill, Marshall, Mathews, Patterson, Ramsey, Kiddick, Smith of Person, Walton, Ward, Wilson.

Those who voted in the negative, are Messrs. Alexander, Bailey, Beasley, Brodnax,

Burgin, Burney, Burns, Davidson, Deberry, Franklin of Iredell, Franklin of Surry, Hinton, Jömer, Leonard, Love, M'Daniel, M'Dowell, M'Farland, M'Innis, Meares, Mebane, Miller, Parker, Pugh, Reinhardt, Ruffin, Scott, Smith of Davidson, Shober, Shuford, Spaight, Thomson, Wellborn, Williams of Beaufort, Williams of Martin.

The question then recurred on the passage of the bill the third time, and the bill was read, and amended, on motion of Mr. Gray, and subsequently, on the motion of Mr. Mebane, and passed the third time, and was ordered to be engrossed, and sent to the House of Commons.

Received from the House of Commons a message, stating their concurrence in the several amendments made by the Senate to the engrossed bill concerning the lands formerly occupied by the Tuscarora Tribe of Indians, lying in Bertie county on the north side of Roanoke river. Ordered that the bill be enrolled.

Received from the House of Commons a message, proposing that the Clerks of the two Houses be directed to make up the estimates of allowances to the members and officers, to include Saturday next; which proposition was agreed to, and the House of Commons were informed thereof by message.

Also a message, stating that the House of Commons, have passed the engrossed resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property, with an amendment; which was read and agreed to, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, stating that they have passed the engrossed bill to change the time of holding the Supreme Court of this State, with an amendment; which was read and agreed to, and the House of Commons were informed thereof by message.

Also a message, stating that the House of Commons have passed the engrossed bill directing the manner in which the acts of Congress and other public documents shall be distributed in future, and for other purposes, with sundry amendments; in which they ask the concurrence of the Senate, and the amendments were read and agreed to, and the House of Commons informed thereof by message; also a message stating that the House of Commons have passed the engrossed bill for the limitation of writs of error for matters of fact, and bills of review, with sundry amendments; which were read and agreed to by the Senate, and the House of Commons were informed thereof by message. Also a message, stating that the House of Commons have passed the engrossed bill to regulate the damages on protested bills of exchange, with an amendment; which was read and agreed to by the Senate, and the House of Commons were informed thereof by message. A further message was received, stating that the House of Commons have passed the engrossed bill to repeal an act, passed A. D. 1826, chapter 139, entitled an act to repeal an act of the General Assembly, passed 1820, entitled "an act to order the payment of fees to certain officers therein named, so far as it affects the county of Lincoln," with sundry amendments, which were read and agreed to, and the House of Commons were informed thereof by message.

Mr. Hinton presented a resolution relative to books presented by the Rev. Josiah Crudup to the State; which was read and agreed to, and ordered to be engrossed.

Received from the House of Commons a message, stating that they

have passed the following engrossed bills: a bill to regulate the fisheries of Tar and Pamptico rivers; and the bill to exonerate the justices of Rutherford county from the payment of a certain judgment recovered against them in Wake Superior Court; in which they ask the concurrence of the Senate; and the bills were read the first time and passed; also the following engrossed resolutions: a resolution concerning a debt due the estate of the late John Haywood, deceased; and the engrossed resolution to repeal the resolution appropriating the room opposite the Comptroller's office, to the adjutant General; which were read and agreed to, and ordered to be enrolled; also the engrossed resolution in favor of William H. Haywood, jr. which was read the first time and passed.

On motion of Mr. Shober, the Senate considered the engrossed bill to authorize Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road, and the bill was read the third time, and amended, on motion of Mr. Wellborn, and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons a message, proposing to ballot immediately for Brigadier General of the 13th brigade, and adding the name of William A. Bozman to the nomination; which was agreed to.

Received from the House of Commons a message, proposing that the two Houses adjourn to-morrow morning at 7 o'clock; which proposition was agreed to, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, stating their concurrence in the amendment made by the Senate to the amendment made by the House of Commons to the engrossed bill to authorize the Board of Internal Improvements to have a road made from Ebenezer Petugrew's Canal to Cahoon's Lake, in Tyrrell county.

Also a message, stating that they have rejected the engrossed bill for the purpose of collecting information of matter connected with the Penitentiary System and Lunatic Asylums, and with other purposes.

Received from the House of Commons the report of the committee of Finance on Governor Owen's message relative to the expenditure of three hundred and fifty dollars, paid to the Secretary of the late Governor Iredell pursuant to a resolution of the last General Assembly, to be laid out in the purchase of furniture for the government house and to clear out the well, endorsed in that house "read and concurred in, and ordered to be sent to the Senate;" which was read and likewise concurred in by the Senate.

On motion of Mr. Spaight, ordered that David Thomson, the Senator from the county of Johnston, have leave of absence, from and after to-day, for the remainder of the session.

The Senate entered on the orders of the day, and the bill to appreciate the notes of the several Banks in this State, was read the second time. Mr. Ruffin moved to amend the bill by inserting, after the word "note," in the 7th line of the bill, the words "provided he be the bona fide owner thereof;" which amendment was agreed to. Mr. Ruffin moved further to amend the bill by inserting, at the end of the first section, the following words: "that no company, corporation or body politic shall be entitled to

recover the damages aforesaid; and provided also, that no broker, money dealer or other person residing without the limits of this State, shall be entitled to recover said damages;" which amendment was agreed to. Mr. Williams, of Martin, moved to amend the bill by striking out the whole of the bill after the enacting clause. Mr. Meares moved the indefinite postponement of the bill, together with the proposed amendment, and the question being taken thereon, it was decided in the negative—ayes 19, noes 25. The ayes and noes being demanded by Mr. Davis.

Those who voted in the affirmative, are Messrs. Bailey, Brodnax, Burney, Davidson, Deberry, Franklin of Surry, Gray, Hunt, M'Farland, Meares, Mebane, Pugh, Reinhardt, Scott, Shoher, Spaight, Wellborn, Williams of Beaufort, Williams of Martin.

Those who voted in the negative, are Messrs. Alexander, Askew of Bertie, Askew of Hertford, Bell, Boddie, Burgin, Davis, Harrell, Hinton, Joiner, Love, M'Dearmid, Marshall, Matthews, Parker, Patterson, Ramsey, Riddick, Ruffin, Smith of Davidson, Smith of Person, Shuford, Thomson, Walton, Wilson.

And the Senate adjourned until 3 o'clock, this afternoon.

FRIDAY EVENING, 3 O'CLOCK, JANUARY 9, 1829.

The Senate resumed the consideration of the bill to appreciate the notes of the several Banks in this State; and the question before the Senate was on the motion of Mr. Williams of Martin, to strike out the whole of the bill after the enacting clause; and the question being stated, on motion of Mr. Mebane, ordered that the bill be laid on the table.

The bill authorising the issuing of fifty thousand dollars in Treasury notes, was read the second time. Mr. Spaight moved the indefinite postponement of the bill. On motion of Mr. Wilson, ordered that the bill be laid on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill to provide for the representation of the State in meetings of the stockholders of the Banks of this State, with sundry amendments; in which they ask the concurrence of the Senate; and the amendments being read, were agreed to by the Senate, and the House of Commons were informed thereof by message.

Received from the House of Commons a message, stating that they have passed the engrossed bill to regulate the sale of lands, and to protect from execution a certain portion of the freehold of the citizens of North Carolina; in which they ask the concurrence of the Senate; and the bill was read the first time and passed.

Received a further message, stating that the House of Commons have passed the engrossed resolution instructing the Public Treasurer, and asking the concurrence of the Senate; and the resolution was read and agreed to, and ordered to be enrolled.

The engrossed resolution in favor of William H. Haywood, jr. was read the second time and passed, and being read the third time, and the question being put "shall the resolution pass the third time?" there were 18 voted in the affirmative, and 18 in the negative. The Senate being equally divided, the Speaker voted in the affirmative, and the resolution passed its third and last reading, and was ordered to be enrolled.

The engrossed bill to regulate the fisheries of Tar and Pamlico rivers, was read the second time, and the question on its passage was decided in the negative; so the bill was rejected, and the House of Commons were informed thereof by message.

The engrossed bill to exonerate the justices of Rutherford county from

the payment of a certain judgment recovered against them in Wake Superior Court, was read the second time. Mr. ——— moved the indefinite postponement of the bill, and the question thereon was decided in the negative. The question then recurred on the passage of the bill the second time, and it passed in the affirmative; and the bill was read the third time and passed and ordered to be enrolled.

The engrossed bill to regulate the sale of lands, and to protect from execution a certain portion of the freehold of the citizens of North Carolina, was read the second time, and, on motion of Mr. Meares, was indefinitely postponed, and the House of Commons were informed thereof by message.

Mr. Ruffin moved that the Senate reconsider the vote taken this day on the second reading of the engrossed bill to regulate the fisheries of Tar and Pamptico rivers; and on the question "will the Senate reconsider said vote?" it passed in the affirmative; and the bill being again before the Senate on its second reading, some discussion was had thereon, and the question being taken on its passage the second time, it was decided in the negative; so the bill was again rejected.

Received from the House of Commons a message, stating their concurrence in the several amendments made by the Senate to the engrossed bill to authorise Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road; also their concurrence in the amendment proposed by the Senate to the amendment proposed by the House of Commons to the engrossed bill to repeal an act, passed in 1826, chap. 139, entitled "an act to repeal an act of the General Assembly, passed 1820, entitled 'an act to order the payment of fees to certain officers therein named.'" Ordered that said bills be enrolled.

And the Senate adjourned until to-morrow morning, 6 o'clock.

SATURDAY, JANUARY 10, 1829.

A message was received from the House of Commons, stating that they have indefinitely postponed the engrossed bill to carry into effect a contract entered into by Romulus M Saunders, commissioner on the part of the State, with certain Indians of the Cherokee tribe in said contract named, and for other purposes.

On motion of Mr. Mebane, ordered that a message be sent to the House of Commons, notifying them that the Senate, having completed all the legislative business before them, are ready to adjourn without day. And a message was received from the House of Commons, stating they have acted on all the business before that House, and are also ready to adjourn *sine die*.

Whereupon Mr. Mathews presented the following resolution:

Resolved, That the thanks of the Senate are due, and are hereby given to the Honorable Jesse Speight, Speaker of the Senate, for the able, dignified and impartial manner in which he has discharged the arduous duties of the Chair the present session.

And the question on the resolution being put by the Clerk, it was unanimously adopted.

When the Speaker, after delivering an appropriate address, adjourned the Senate without day.

JESSE SPEIGHT, S. S.

By order.

J. W. CLARK, C. S.

JOURNAL OF THE HOUSE OF COMMONS.



At a General Assembly, 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 twenty eight, and fifty-third 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 House of Commons appeared, produced their credentials, were qualified agreeably to law, and took their seats, to wit:

<i>Anson</i> , William A. Morris, John Smith.	<i>Johnston</i> , Hillory Wilder, Josiah O. Watson.
<i>Ashe</i> , Anderson Mitchell, James Calloway.	<i>Jones</i> , Owen B. Cox, Emanuel Jarman.
<i>Beaufort</i> , Thomas Latham, Thomas W. Blackledge.	<i>Jredell</i> , Richard Allison, Joseph M. Bogle.
<i>Bertie</i> , Joseph Watford, William S. Mhoon.	<i>Lenoir</i> , George Whitfield.
<i>Bladen</i> , <i>Mehellen</i> <i>Waddell</i>	<i>Lincoln</i> , Bartlet Shipp, Andrew H. Loretz.
<i>Brunswick</i> , Thomas B. Smith, William L. Hall	<i>Martin</i> , Jesse Cooper, David Latham.
<i>Buncombe</i> , John Clayton, David L. Swain.	<i>Mecklenburg</i> , Joseph Blackwood.
<i>Burke</i> , David Newland, Mark Brittain.	<i>Montgomery</i> , Reuben Kendall, James M. Lilly.
<i>Cabarrus</i> , William M'Leau, John C. Barnhardt.	<i>Moore</i> , Josiah Tyson, William Wadsworth.
<i>Camden</i> , Thomas Dozier, Wilson B. Webster.	<i>Nash</i> , Frederick Battle, Gideon Bass.
<i>Carteret</i> , I. S. W. Hellen.	<i>New Hanover</i> , John Kerr, Wm. S. Larkins.
<i>Caswell</i> , James H. Ruffin.	<i>Northampton</i> , R. B. Gary, Jos. M. S. Rogers.
<i>Chatham</i> , Nathl. G. Smith, Joseph J. Brooks.	<i>Onslow</i> , Edward Williams, Frederick Foy.
<i>Chowan</i> , Josiah M'Keil, William Byrum.	<i>Orange</i> , Hugh Waddell, John Stockard.
<i>Columbus</i> , Caleb Stephens, Luke R. Simmons.	<i>Pasquotank</i> , John Pool, William Gregory.
<i>Craven</i> , Charles J. Nelson, John M. Bryan.	<i>Perquimans</i> , Thos. Wilson, Daniel Rogers.
<i>Cumberland</i> , Alexander M'Neill, Joseph Hodges.	<i>Person</i> , Thomas Webb, Elijah Hester.
<i>Currituck</i> , Enoch Ball, Benjamin T. Simmons.	<i>Pitt</i> , Marshall Dickinson, Alfred Moye.
<i>Davidson</i> , Thomas Hampton, Absalom Williams.	<i>Randolph</i> , Thomas Hancock, Hugh Walker.
<i>Dublin</i> , William Wright, Joseph Gillespie.	<i>Richmond</i> , Neill Nicholson, Nathan Gibson.
<i>Edgecomb</i> , Benjamin Sharpe, Benjamin Wilkinson.	<i>Robeson</i> , Warren Alford, Malcom Purcell.
<i>Franklin</i> , Richard Ward, Wm. J. Branch.	<i>Rockingham</i> , Thomas Settle, Wm. Bethell.
<i>Gates</i> , William W. Stedman, Lemuel Riddick.	<i>Rowan</i> , John Clement.
<i>Granville</i> , James Wyche, Robert Potter.	<i>Rutherford</i> , James Graham, James Webb.
<i>Greene</i> , James Harper, Joseph Ellis.	<i>Sampson</i> , Thos. Boykin, David Underwood.
<i>Guilford</i> , Francis L. Simpson, George C. Mendenhall.	<i>Stokes</i> , Gabriel T. Moore.
<i>Halifax</i> , Rice B. Pearce, George E. Spruill.	<i>Surry</i> , Mordecai Fleming, Alfred C. Moore.
<i>Haywood</i> , Benjamin S. Brittain, Ninian Edmonston.	<i>Tyrrell</i> , Daniel N. Bateman, Fred. Davenport.
<i>Hertford</i> , B. J. Montgomery, J. H. Wheeler.	<i>Wake</i> , Samuel Whitaker, Wesley Jones.
<i>Hyde</i> , Wallace Styron, John B. Jasper.	<i>Warren</i> , William G. Jones, Ransom Walker.
	<i>Washington</i> , Abner N. Vail, Thos. Sanders.
	<i>Wayne</i> , James Rhodes, John W. Sasser.
	<i>Wilkes</i> , John Saintclair, Nathaniel Gordon.
	<i>Town of Halifax</i> , Jesse A. Bynum.
	<i>Edenton</i> ,
	<i>Newbern</i> , William Gaston.
	<i>Wilmington</i> ,
	<i>Fayetteville</i> ,
	<i>Hillsborough</i> , Frederick Nash.
	<i>Salisbury</i> ,

A quorum of the whole number of members being present, Mr. Gary moved that Mr. Settle, one of the Members from the county of Rockingham, be appointed Speaker. The question to concur with the motion, was determined unanimously in the affirmative. Whereupon the Speaker was

conducted to the Chair by Mr. Gary, from whence he made his acknowledgments to the House.

On motion of Mr. Gary, Pleasant Henderson was appointed Clerk, and Charles Manly Clerk Assistant.

Mr. Newland moved that John Lumsden be appointed Principal, and Richard Roberts, Assistant Doorkeeper.

Mr. Bethell moved that the Principal Doorkeeper be elected by ballot, and the names of Mr. Garrell and Mr. Aldred were added to the nomination. Mr. Gary called for a division of the question, and the motion being sustained by the Speaker, the question, "shall Richard Robards be appointed Assistant Doorkeeper?" was determined in the affirmative.

The House then proceeded to the election of Principal Doorkeeper, and appointed a committee, consisting of Mr. Gary and Mr. Bethell, to superintend the balloting.

Mr. Gary, from the committee of superintendence, reported that they had performed the duty assigned to them, and that on examining the ballots, a majority of the whole number was found to be in favor of John Lumsden, who was duly elected. The question to concur with the report, was determined in the affirmative.

On motion of Mr. Bynum,

Resolved, That a committee of four Members be appointed to draft rules and regulations to govern the deliberations of this House; and that in the interim, the rules of order of the last Session be observed.

Resolved, That a message be sent to the Senate, proposing to raise a select committee to prepare and report joint rules for the government of the intercourse between the two Houses during the present session; and that Mr. Bynum, Mr. Wadell, Mr. Mendenhall and Mr. Montgomery form this committee.

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

TUESDAY, NOVEMBER 18, 1828.

John D. Eccles, the Member representing the town of Fayetteville, appeared, produced his credentials, was qualified and took his seat.

Mr. Potter presented a bill to reduce and fix the salaries and fees of certain public officers therein named. The said bill being read for its first reading, Mr. Gaston made a question of order, and objected to the passage of the bill, on the ground that it was irregular to pass a bill before the organization of *both* Houses of the Assembly. The Speaker decided that it was in order to pass the said bill. From this decision, Mr. Gaston appealed. The question was then taken, "is the decision of the Speaker correct?" and determined in the negative. On motion, ordered that the said bill lie on the table.

A message from the Senate by their Clerk Assistant, informing of the organization of that House; having appointed Jesse Speight, Speaker; James W. Clark, Principal Clerk; Samuel F. Patterson, Clerk Assistant; Robert Ray, Principal Doorkeeper, and Thomas B. Wheeler, Assistant, and of their readiness to proceed to the despatch of public business.

On motion, ordered that a message be sent to the Senate, informing of the organization of this House, and of its readiness to join in the despatch of public business, having appointed Thomas Settle, Speaker; Pleasant Henderson, Principal Clerk; Charles Manly, Clerk Assistant; John Lumsden, Principal, and Richard Roberts, Assistant Doorkeepers.

On motion of Mr. Ruffin, ordered that a writ of election issue to the Sheriff of Caswell county, commanding him to hold an election at the several places established by law for holding elections in said county, on the 24th instant, November, then and there to elect some person duly qualified to represent said county in this House, in the room and stead of Charles D. Donoho, deceased.

On motion of Mr. Wheeler, ordered that a message be sent to the Senate, proposing to appoint a select joint committee for the purpose of waiting on his Excellency the Governor, and to inform him of the readiness of the two Houses to receive any communication that he may be pleased to make Mr. Wheeler and Mr. Graham form the committee on the part of this House.

On motion of Mr. Newland, ordered that a message be sent to the Senate, proposing to ballot immediately for three Engrossing Clerks, and informing that William J. Cowan, Thomas G. Stone, Thomas Dews, Benjamin W. Milner, Richard D. Fortune, Edward Drake, Nathaniel J. Palmer and John G. Wilson are in nomination for the appointments.

A message from the Senate, consenting to ballot immediately for three Engrossing Clerks, and informing that the name of Henry Wilkes is added to the nomination; and that Messrs. Askew, of Bertie, and Beasley, form the committee on their part to conduct the balloting.

On motion, ordered that a message be sent to the Senate, informing that Mr. Stedman and Mr. Simpson attend the Senate as a committee on the part of this House to superintend the balloting for three Engrossing Clerks.

A message from the Senate, informing of the assent of that House to the proposition to appoint a select joint committee to wait on his Excellency the Governor, and inform him of the readiness of the two Houses to receive such communications as he may think proper to make, and informing that Mr. Gray and Mr. Matthews form the committee on their part.

Mr. Wheeler, from the select joint committee appointed to wait on his Excellency the Governor, to inform him of the organization of the two Houses, and of their readiness to receive such communication as he may think proper to make, reported that the committee, according to order, had performed the duty assigned to them, and that the Governor would make a communication at half after 12 o'clock this day in writing.

A message from the Senate, proposing to appoint a select joint committee to inquire into the expediency of altering or amending the joint rules for the government of the intercourse between the two Houses, and informing that Messrs. Wellborn, Mebane, Spaight, Miller and Ward form the committee on their part. The message was concurred in, and the Senate informed by message, that Messrs. Swain, Ruffin, Newland, Allison and Hellen form the committee on the part of this House.

Mr. Stedman, from the committee appointed to superintend the balloting for three Engrossing Clerks, reported that the committee, according to order, had performed the duty assigned to them, and that on examining the ballots, majorities of the whole number were found to be in favor of William J. Cowan, Thomas Dews and Thomas G. Stone, who were duly elected. The question to concur with the report, was determined in the affirmative.

Received from his Excellency, the Governor, by his Private Secretary, Mr. Muse, the following communication:

To the Honorable the General Assembly of North Carolina.

GENTLEMEN—Happy to meet you in your legislative capacity, I congratulate you upon having assembled at a period, peculiarly propitious to calm deliberation and to the exercise of the highest faculties of the statesman. Our country is in profound peace. A degree of harmony and mutual good feeling, almost unparalleled, prevails throughout our State. Even the little strife, which the recent contest for the presidential chair excited among us, is hushed into silence, and your minds are left cool and collected, to devote all their energies to the improvement of our social condition. If, during the past year, some clouds have gathered in our political atmosphere, yet we have abundant reason to be grateful to that Almighty Being, in whose hands are the destinies of nations as of individuals, for the many blessings which he has vouchsafed to bestow. The labours of the husbandman have been rewarded with an exuberant harvest; industry and economy have increased; education and intelligence have continued to be diffused among our citizens; the calendars of our courts exhibit but few offences of an atrocious nature; and health, with some melancholy exceptions, has shed its benign influence over our land. Another year too has tried the strength of our political institutions, and given new evidence of the purity and wisdom of the principles upon which they are founded.

Before remarking, according to a custom which has ripened into a duty, upon the prominent subjects of internal policy which will probably engage your attention, permit me to advert to a measure of the United States' Government, adopted since your last session, in which not only your immediate interests, but your rights as a member of the confederation, are involved. It is with great reluctance that I address you on any act of the constituted authorities of the nation. Did it embrace a question of mere ordinary political expediency, I should be the last to place it before you as a legitimate subject for your deliberations. North Carolina, warmly attached to the Union, will never complain of any measure, however hardly it may bear upon her individual interest, if it is necessary for the general welfare, and if it does not infringe the rights reserved by each State in the Federal Compact. We have borne, without murmuring, all the privations imposed by the embargo; we have contributed towards the prosecution of the late war our share of treasure and of blood, of fortitude and constancy; we have annually, for many years, paid into the national treasury, in indirect taxes, little less than a million of dollars. These things we have done, not because we were insensible of the burthen, but because we believed the welfare of the Union required our exertions. But now a new question is presented to us. Congress have assumed the principle, that they have power to mould and direct the industry of the nation to any pursuit which they may think most advisable, and to make all other branches tributary to that which they may choose to select. By an act passed at their last session, commonly called the Tariff Act, imposing duties, amounting to a prohibition upon the importation of coarse woollen and cotton fabrics, and upon some other articles, they declare, in substance, that the consumers of these manufactures, including the mass of our community—including all the agriculturists, and all employed in commerce—in fact, all engaged in other pursuits than those of manufactures, shall pay an enhanced price for articles of prime necessity. What is this but a tax, whether the enhanced price is paid into the national treasury or in the shape of a bounty to the domestic manufacturer? And whence is derived the power of the general government to levy a tax upon one portion of the community for the exclusive benefit of another? Devoutly as the Union was desired, where is the State that would have surrendered any part of its sovereignty, if it had believed that the regulation of its industry, of the chosen pursuits of its citizens, the most valuable portion of its internal economy, was to be included in the cession? North Carolina, I am sure, would never have listened for a moment to such a concession of her rights. Opposed as is this system, misnamed the "American System," to all the most approved maxims of political science, it is no less opposed to the spirit of our Constitution and to some of the fundamental principles on which free governments are based. One principal object of our union was to cherish and extend our foreign commerce. This Tariff system is to destroy it. Our union was to protect one State from the unjust and illiberal commercial regulations of another. This "American System" gives to the majority in Congress, without regard to the rights or interests of particular States, the power to bestow bounties on one section of our country,

and to impose corresponding burthens upon another. Equality of rights; an equal participation of benefits and burthens; exemption from taxation, except when the general good is to be promoted; the liberty of adopting, unmolested, any pursuit or profession not forbidden for reasons of public policy—these, we have been taught to believe, are among the great blessings secured by a republican government. Are not all these set at nought by the Tariff system? The benefits which it confers are confined to a few; the burthens it imposes are borne by the many. The wealthy manufacturer will reap his profit, because by the exclusion of foreign competition he will obtain a higher price for his manufacture. The agriculturist, whether rich or poor, the owner of large plantations, equally with the hardy yeoman who contributes most to the solid wealth of his country, and upon whose arm that country relies for its defence, is compelled at the same moment to pay more for what he consumes, and to receive less for the product of his labor. What, if possible, aggravates the injustice of the measure, its influence is sectional. The States in which, from well known causes, manufactures can be most advantageously prosecuted, will be compensated, in some degree, for the loss which one portion of its citizens sustains by the wealth which another acquires. But in the southern States, whose interests are essentially agricultural, the injury inflicted has no lenitive balsam—the oppression is wholly unmitigated. The limits prescribed to this address will not permit me to dwell more in detail upon the odious character of this law, and the oppressive effects which its operation must produce upon the various interests of this State. Exciting, as it has done, a very general and just indignation in the minds of our citizens, I have thought it my duty to submit it to you, as the representatives of the people, as the “sentinels on the watch tower,” that you might, if any constitutional means presented themselves, interpose them between your constituents and the threatened mischief. I will candidly confess that no plan of effectual resistance, on the part of the State Legislature, which I have yet heard suggested, appears to me free from insurmountable objections. A dissolution of the Union is not to be thought of. If you believe, however, as I do on the present occasion, that the spirit of the Federal Compact has been violated, and great injustice done to your citizens, I recommend to you to protest solemnly against the principle thus adopted by those who administer the general government; to represent your sentiments to them and to your sister States, in the language of mild and friendly remonstrance, but with the energy which the outrage of conscious right inspires, with the feeling of deep attachment to the Union, and awful foreboding as to any departure from its legitimate and well understood purposes. I would appeal, too, to the patriotism and State pride of our fellow-citizens, to lend their aid, individually, in averting the immediate evil effects of this system. I would say to them—Return to the prudent and economical habits of your fathers; discard foreign luxuries; be not dependent on other States for what you can grow or fabricate yourselves; manufacture your own clothes by your household industry; make your own provisions. You will suffer many inconveniences, and your profits will not be as great as if you had a free trade; but you will, at least, not feel the humiliation of paying a tax imposed on you for the benefit of the greedy capitalist or the speculative politician. The wealthy manufacturer will not have you for his tributaries; and the very avarice which urged him to the enactment of this law, will drive him to seek for its repeal. If the restrictive system is to be fastened on us, we have this consolation, that North Carolina is as capable as any State in the Union of subsisting upon her own resources, independent of foreign commerce, or of commerce with her sister States. With a soil happily diversified, with a climate corresponding with the richness and variety of her soil, with nearly all the useful minerals embedded in her mountains, with inexhaustible pastures, with a hardy and industrious population; there is not an article that necessity demands, scarcely one that comfort requires, and few that minister to luxury, which her fields, her forests, her rivers, or her mountains cannot produce, or her industry fabricate within her own limits. But I cannot yet abandon my reliance upon the good sense and justice of our fellow-citizens throughout the United States. I feel a confidence, arising from my belief in the intelligence and patriotism of the people, that this system of restriction will not long exist. The class of consumers, consisting of nine tenths of the population, will not long submit to so grievous an oppression. An unfortunate delusion, created partly by local causes and partly by the arts of designing politicians,

has been spread over a great part of our country. A little time, a little reflection, on the part of the great body of the people, will probably dissipate this delusion, and restore the period when each one, unaided by government bounties, and unoppressed by government taxation, may pursue the avocation to which he is directed by his talents, his interest, or his inclination.

The subject of opening and improving our outlets to the ocean, of removing obstructions in our rivers, and of providing, by canals or roads, for the more convenient transmission of our produce to market, has so often engaged the attention of the Legislature, that I feel, when I touch upon these topics, all the awkwardness of addressing you upon trite matters. Yet when I look at the situation of our State, I cannot forbear urging upon you what has so often elicited the earnest recommendation of my predecessors. We now occupy, from our population and territory, an elevated position among the States of the Union. Our relative rank cannot be stationary, nor can it be maintained without exertions on our part. Almost every State is calling forth its powers to improve its internal condition. Shall we alone, who have such resources, and who could bring them into action by so small a comparative expensiture, shrink from the adoption of the means which are promoting the prosperity of others and leading to their superiority? Let us, too, press forward in the career of Internal Improvement. Let us, too, leave for the benefit and gratitude of posterity, memorials of that wise policy which consists not in hoarding our money, but in applying it to useful and profitable objects. There are three great outlets to the ocean, which nature seems to have indicated for this State: one for the waters of the Albemarle, another for the waters of the Pamptico, and the third for the Cape Fear. The Albemarle Sound, in length about seventy miles, with an uniform depth of not less than twenty feet, receiving into its bosom, besides other rivers of no inconsiderable importance, the Roanoke, the noblest river that traverses our State, finds its communication with the ocean impeded by a sand bar not eight hundred yards in width. All the produce which floats on its waters, after coming within sight of the Atlantic, must seek that ocean by a narrow straight into the Pamptico Sound, through that sound a distance of eighty or ninety miles, over dangerous shoals, and through the Occoock Inlet. Nine-tenths of the navigation of that part of the State (as indeed of every other part) are directed to New York as the best market; and by inspection of the map, it will be seen that, in passing thro' Occoock Inlet and proceeding to New York, a vessel descending the Albemarle must sail more than one hundred and fifty miles to reach a point on the coast, not five miles distant from that, at which it was compelled to pass into Pamptico Sound. The importance of opening a direct communication from the Albemarle to the ocean, cannot be urged in a more forcible manner than by stating the extent of territory which would find a market for its productions, and a diminished price of transportation through that channel. The Roanoke river is now rendered navigable for batteaux from its mouth to the Blue Ridge, in Virginia, and to Leaksville, in this State. In both States its branches are susceptible of improvement to much higher points. There is, perhaps, no river east of the Mississippi, which, in proportion to its extent, washes a more fertile soil. The rich productions of its adjacent territory have become, both in this State and in Virginia, almost proverbial. In this State, alone, at least eleven counties would find it the most natural and the most convenient highway to market. Add to these eight counties, through which flow the Chowan, the Cashie, the Perquimans, the Pasquotank, the North, the Scuppernon and the Alligator Rivers, each of a depth not less than 12 or 15 feet, which convey the produce of a highly fertile country, and which contribute to form or to swell the current of the Albemarle; and you will see that the Agricultural interest of nearly one third of the State is deeply concerned in the accomplishment of this work. When I mention, what would undoubtedly be the fact, that the freight from the head of the Albemarle to any part of the world would be as low as it is from Norfolk, it will at once be perceived what immense sums would be saved in the transportation of the merchantable articles from that section, and of course how much would be added to the profitable industry of the farmer. The practicability of forming this outlet, has had as strong evidence in its favor, as any enterprise in which you can engage. Besides the universal voice of those who live in the vicinity, you have had the reports of Major Clark, of the able Mr. Fulton and of the United States' Engineers, with General Bernard at their head, all attesting both its practicability and its usefulness.

At the last session of the Legislature, an act was passed for incorporating a company to improve the shoal, called the swash, the most formidable impediment to the navigation thro' Occoock Inlet. The provisions of this act depending upon the assent of Congress, that body, instead of granting its assent, appropriated twenty thousand dollars to try the experiment whether the Swash could be removed. Engineers of the United States, it is understood, are now engaged in operations on that work, and it is ardently hoped their exertions may be successful. The improvement of this channel is looked to with deep interest, as it affects a large portion of our most valuable commerce. If, owing to natural and unalterable causes, this channel cannot be made to answer the purposes of navigation, it is suggested, as an interesting subject of inquiry, whether a ship channel of sufficient depth cannot be

constructed to unite the lower part of Neuse River with the harbor of Beaufort, perhaps the most commodious harbor in the State. In connection with this, I would call your attention to the improvement of the Neuse River, at least as high as the point nearest in vicinity to our seat of government. There can be no doubt that a safe batteau navigation may be made to the neighborhood of Raleigh at least for eight or nine months in the year; and not only would the commerce of Newbern, furnishing supplies to this city and the adjacent country, be promoted, but the interest of the farmer, in acquiring such facilities for the transmission of his products to market, would be greatly advanced.

To the improvement of the outlet from the Cape Fear, the State has not been inattentive. The sums already expended, it is believed, have produced the most salutary effects; and if any additional appropriation is wanting, such is the great importance of the work, that I am satisfied the Legislature will cheerfully grant it. Through this channel the produce of all our western counties, which will pass at all through our ports, must vent itself. Fayetteville, the highest point for steam boat navigation, will be the principal receiving town, and Wilmington the shipping port for all this produce, if we only improve our natural advantages, and thus prevent the diversion of the trade to adjoining States. The Cape Fear is already navigable, for Steam Boats, for at least nine months in the year, and is susceptible of being made fit for Batteau navigation many miles higher. The shoals below Wilmington, if not entirely removed, are much improved, and will soon form no obstacle to the commerce of that port. It has long been my opinion that the first efforts of the State should be directed to the outlets to the ocean, as far as they are capable of being improved; next to the removal of obstructions in the principal rivers; and then to the construction or reparation of roads or canals from the western counties to Fayetteville, and from the counties whose interests connect them with the Roanoke, the Neuse and the other principal rivers, to the most convenient points on those rivers. It were superfluous to dwell upon the happy effects on our prosperity, which would follow in the train of a judicious system of improvement, faithfully executed. A new life would be infused into every branch of industry; our agriculture would be relieved from a heavy burthen, which now oppresses it; our commerce would increase ten fold; the tide of emigration would be checked; and our population and wealth would advance with a rapidity equal to our most sanguine desires. Are we not prepared to commence such a system? Why should we delay? It will require much time for its completion, and the necessary expenditures will be divided among several years. You will discover, from the Treasurer's report, that we have a large available fund, not required for the ordinary expenses of Government, and not otherwise appropriated. What this sum cannot supply, may be furnished by our credit. Every other State has resorted to loans for a similar purpose. The usual objection to loans, that it burthens posterity with a debt which we have contracted for our own advantage, does not here apply. The benefit will descend to our posterity with the burden, and will be more than a compensation. We are but tenants for life; the estate will be theirs forever; and it is but just that they should pay the greater part of what we may expend in its permanent improvement.

Another object of Internal Improvement, perhaps in its consequences little inferior to the others, or rather offering resources for the others, is the drainage of your swamp lands. The political and pecuniary advantages to flow from the adoption of proper measures for this object, have been fully developed by my predecessor; and nothing is left for me but to invite your attention to what has been before communicated from the Executive Department. On the subject of rail roads, which has excited much interest in this State, I can add little or nothing to the luminous views, which have been spread before the public, and extensively circulated, in the publications of an able and enlightened popular writer. It may be remarked, however, that even in England, where the density of population, the highly improved and productive state of agriculture, and the number and extent of manufactories, would render a favorable result most probable, the problem of the utility and policy of this means of communication between distant points, is not yet solved. In the United States, an experiment has lately been commenced, on a large scale, by an incorporated company, whose object is to connect the waters of the Ohio with the city of Baltimore. An experiment might be made in this State, at a small expense, and at a most favorable site, by the construction of a rail-way from Fayetteville to Campbellton. From this, an opinion might be formed both of the cost and of the utility of such works.

The regulation of the currency or circulating medium has been esteemed, in every country, among the most difficult as well as the most important branches of legislation. From some provisions in the Federal Constitution, it might be inferred that it was the intention of the framers of that instrument to give to the General Government exclusive powers on this subject. It would be useless now to inquire whether the establishment of Banks, by the several States, within their local limits, comported with that intention or with the spirit of those provisions. All the States have adopted the same construction. The consequence has been, that, in every State, the notes of these banking corporations, have formed the largest portion of the circulating medium; and in every State, from the occurrence of caus-

as incident to such establishments, they have at some periods, to the great injury of the community, been depreciated in value. To the numerous instances which attest this truth, I deeply regret to add that which has been experienced in this State, more especially during the past year. The notes of our banks have been greatly below par, and the complaints of our citizens, who have suffered from the depreciation, have been loud, and in general, just and well founded. The regret I have expressed is greatly increased by the consideration that this State, in its corporate capacity, owns more than one fifth of the capital of its banks—in fact, that nearly all its available funds consist of their stock. Upon this subject, so interesting to the citizens generally, and so vitally important to the finances of the State, I have thought it my duty to bestow much attention. The result of my inquiries has been, that the Banks have unquestionably the means of discharging all their debts, and that they will be able, by prudent management and by making small dividends, to restore to the stockholders the whole, or nearly the whole, of their capital. I cannot suggest any mode of legislative interference in their affairs, which would improve their condition, or add to their ability to pay specie, and which might not essentially derange the finances of the State, it yet may be neither uninteresting nor useless to trace their present difficulties to their source. During the late war our banks enjoyed an enviable state of prosperity. Their notes circulated at par not only in this, but in all the neighboring States. Soon after the termination of the war, commenced that spirit of speculation, so memorable in the history of our country, and which overwhelmed, in its progress, men of every station and profession in life. The banks were not exempt from its influence. Partly tempted by the desire of large dividends, and partly induced by the solicitations of importunate applicants, they extended their loans, not indeed beyond the limits allowed by their charters, but beyond those which a prudent discretion and vigilant foresight would have prescribed. Their notes were issued to a large amount. When the fever of speculation subsided, and left an unexampled depression in all kinds of business, the bank notes, which an unnatural excitement had called into circulation, were returned for payment. At that time the Banks were rich in specie. Instead of adopting, at this crisis, the only means which could have preserved their credit—a prompt payment in specie of the notes presented, and a rigid demand upon their debtors of such instalments, as would have enabled them to meet these calls—they became alarmed, and resorted to a measure suicidal in its nature; and from the effects of which they have never recovered. They proclaimed, at the same time and in concert, that they would not redeem their notes in specie. As a necessary consequence, the value of their paper sunk immediately in public estimation. To this unfortunate act, and to the continuance of extensive loans and large dividends, may be referred nearly all their subsequent difficulties. Their notes became the prey of brokers, and the law, stronger than their resolutions, compelled them to part with their specie. It was in vain that, convinced of their error, they endeavored to regain their standing by punctual payment. Public confidence in monied institutions, once lost, is not easily recovered. Their specie has been gradually drained from their vaults, and sacrifices have been made to enable them to meet demands. Their notes, however, have continued below par, and two or three seasons being disastrous to the farmer, and combining with the low price of his produce to put it out of his power to discharge the debts he owed these institutions, have accelerated the depreciation. Add to these causes, the large amount which is annually paid by our citizens into the national Treasury in duties on foreign articles, which cannot be much less than a million of dollars, which must all be paid in specie or the representative of specie, and scarcely a dollar of which returns among us in the disbursements of the general government, and it will not be difficult to account for the present embarrassed state of our banks. I will only add that I have no doubt the course which these institutions have been pursuing for the last year—reducing their dividends; gradually, but safely collecting their debts by instalments not oppressive to the debtor, and paying the demands against them with all the promptitude which their circumstances will admit, is the one best adapted to remedy the existing evil, and to insure to the Stockholders, at the expiration of the charters, the par value of their stock.

The charters of the present banks will expire on the first of January, 1835. I submit to you the propriety of now determining whether some measures should not be adopted in anticipation of that event. The State owns more than seven hundred thousand dollars in the stock of these institutions, and individuals are indebted to them several millions. It seems prudent, from a consideration of these facts, and of the mischief which would ensue from a sudden change in the monied affairs of this country, that you should early decide upon the future policy of the State. Will you abandon the banking system? will you renew the charters of the present banks? or will you establish new banks? These are the questions necessarily presented to your consideration. I have already trespassed too long on your attention to permit me to discuss them. I will only remark, that whether you determine to renew the present charters or to establish a new bank, new and more efficient provisions will

be required to prevent the evil, to which banks are so often subjected, by the anxiety of the stockholders to make large dividends—I mean excessive loans, and the consequent depreciation of their notes.

I am pleased to inform you that the property received from the representatives of the late Treasurer will discharge, within twelve or fifteen thousand dollars, the amount which was deficient in the Treasury. For the balance, the State, it is believed, has the responsibility of sufficient securities.

In June last, I received from the proper officers of the Treasury department of the United States the sum of twenty-two thousand dollars, the amount of the appropriation made by Congress to reimburse what had been expended by this State in purchasing Cherokee reservations. This sum was immediately paid over to the Public Treasurer, and has been by him transferred to the Literary Fund, according to the provisions of the act establishing that fund.

Serious complaints are made by some of the large western counties of the injury they sustain from the shortness of the terms of their Superior Courts. From the populousness of these counties, their dockets are necessarily crowded with cases, both civil and criminal, and it is not possible for the most industrious Judge, within the time allotted to the court, to try more than a small proportion. The accumulation of costs, and the delay, often amounting to the denial of justice, which necessarily ensue, are evils which are strongly recommended to your notice, by a proper regard for the rights of the citizens.

Since your last session, the State has lost a valuable officer and estimable citizen in the death of James F. Taylor, Esq. The vacancy occasioned by his death in the office of Attorney General was filled, in pursuance of the advice of the Council, by the appointment of Robert H. Jones, Esq. of Warren county. It remains for you to make a permanent appointment to this office, and also to that of Solicitor of the first Judicial Circuit, the resignation of which by David L. Swain, Esq. has been received at this Department.

A splendid Map of Virginia has been presented by that Commonwealth to this State. We have at different times received maps from other states, and one from the territory of Michigan. Permit me to suggest to you the expediency of authorizing the Executive, when the new map of this State now preparing by Mr. M'Crae shall be completed, to reciprocate these acts of courtesy, and to extend them to all the other States.

Five hundred and thirty copies of the acts passed at the last session of Congress have been received from the Department of State of the United States, and are now in the Executive Office awaiting your disposition.

I transmit to you, in file marked A, certain reports of committees and resolutions adopted by the Legislature of Georgia on the subject of African Colonization, of the Tariff, and of the powers claimed by the General Government in relation to Internal Improvement; also resolutions of the Legislature of South Carolina, on the same subjects, and resolutions of the Legislatures of Ohio & Vermont on the same subjects, and on some proposed amendments to the Constitution of the U. States; all of which have been received from the Governors of those States respectively, with a request that they should be submitted to you. Not only the courtesy due to our sister States, but also the interesting nature of the questions discussed in these papers, cannot fail to secure for them a most respectful and deliberate consideration.

In pursuance of the authority vested in me by the last General Assembly, I appointed Romulus M. Saunders, Esquire, to treat with the Cherokee Indians, who still owned reservations in the lands lately acquired by treaty from their nation. He has succeeded in contracting for the purchase of all the claims for about the sum of fifteen thousand dollars. It is believed that the claims extinguished are intrinsically worth a much larger sum. The official report of Gen. Saunders is not yet received. It shall be submitted to you as soon as it reaches this Department.

A petition has just been received at this Department from a number of citizens of Haywood county, who had purchased from the commissioners of the State tracts of land in the country acquired from the Cherokees, representing that suits were brought against them in the Federal Court by individuals claiming under a grant issued by the State in the year 1796; that the questions of law involved in these suits are difficult; and that they are too poor to employ eminent counsel, and asking

the aid of the Executive. It is said that if the principles contended for by the plaintiffs in these cases be correct, their grant will embrace at least fifty thousand acres in the Cherokee purchase; of which about one fifth has already been sold by the State. As this Department has no power to act, whatever may be the claims of the petitioners on the justice of the State, or however deeply her interests may be involved, I transmit the petition to you, and refer the matter to your consideration.

In file marked B, herewith transmitted, you will find the resignation of David L. Swain, Esq. as Solicitor of the first Judicial Circuit, and also the resignations of militia officers and Justices of the Peace, which have been received at this Department since the last session of the Legislature.

The resolution, adopted at the last session, requiring me to collect information upon the subjects of a Penitentiary and Lunatic Asylum, has not been neglected. The information collected shall be transmitted to you in a few days.

I have, gentlemen, in the course of this long address, communicated my sentiments on some important subjects, with a frankness which may seem like an unwarranted intrusion on the peculiar province of a body, whose intelligence and patriotism are sure guaranties of not only a faithful, but an able discharge of their duties. I must rely, for my apology, upon the usage long established by my predecessors, and upon the deep anxiety I feel for the welfare of the State. May the Almighty Ruler of nations, without whose aid our wisdom is foolishness, smile upon your counsels, and so direct your measures, that they may promote the happiness, the physical, intellectual and moral improvement of our country!

I have the honor to be, gentlemen, with the highest consideration, your obt^d serv^t,
JA. IREDELL.

*Executive Department, }
Raleigh, Nov. 17, 1828. }*

On motion of Mr. Newland, ordered that the said communication be sent to the Senate, proposing that it be printed, one copy for each Member of the General Assembly.

The bill to reduce and fix the salaries and fees of certain public officers therein named, was read the first time and passed.

On motion of Mr. Potter, ordered that a message be sent to the Senate, proposing that the said bill be referred to a select joint committee of five from each House; and informing that said committee on the part of this House, consist of Messrs. Potter, Swain, Newland, Edmonston and Battle.

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

WEDNESDAY, NOVEMBER 19, 1828.

Charles Fisher, the Member representing the town of Salisbury; Henry A. Martin, one of the Members from Stokes county; John Iver M'Millan, one of the Members from Bladen county; John B. Jasper, one of the Members from Hyde county; and David W. Borden, one of the Members from Carteret county, appeared, produced their credentials, were qualified and took their seats.

The Speaker laid before the House the report of William Robards, Public Treasurer, exhibiting the state of the Treasury to the end of the last fiscal year; which being read, was, on motion of Mr. Swain, ordered to be sent to the Senate, proposing that it be printed, one copy for each Member of the Assembly.

Mr. Calloway, with leave, presented a bill for the destruction of wolves in the county of Ashe. The said bill was read the first time and passed.

On motion of Mr. Swain,

Resolved, That the Public Treasurer be instructed to obtain and communicate to this House as early as practicable, a detailed statement of the accounts of the State Bank of

North Carolina, and the Banks of Newbern and Cape Fear, with the State of North Carolina, from the period of the establishment of those institutions to the close of the last fiscal year.

The resignation of Nathaniel Macon, as Senator from this State to the Congress of the United States; as Trustee of the University of North-Carolina; and as Justice of the Peace for Warren county, was read and accepted.

The resignation of Samuel Williams, justice of the peace for the county of Nash, was read and accepted.

A message from the Senate, agreeing that the message of his Excellency the Governor to the Legislature, be printed, as proposed by this House.

The resignations of Ja. Broome, Colonel Commandant of the Pitt county militia; Henry Best, Lieutenant Colonel of the militia of Columbus county; Thomas Speller, of Bertie county; Hartwell Hayes, of Wilkes county; and of Joseph Walker, of Davidson county, justices of the peace, were read and accepted.

Mr. Bynum, from the committee appointed to prepare and report rules of order for the government of the House for the present session, reported the following, and recommended their adoption. The report was read and concurred with, to wit:

1. The Speaker shall take the Chair every day, at the hour to which the House shall have adjourned, and 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. He shall preserve order and decorum, and questions of order shall be decided by the Speaker without debate, subject to an appeal to the House by any member; in which case the Speaker may deliver his opinion in preference to any other member. He shall rise to put a question, but may state it sitting. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye;" and a'te: the affirmative voice is expressed, "As many as are of the 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 rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, he shall name two members, one from each side, who shall tell the members in the affirmative, and report their number; after which they shall tell the members in the negative, and report their number; upon which the Speaker shall rise and state the decision to the House.

2. That no resignations shall require to be put to the House by the Speaker, unless on motion.

3. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or Chairman of the committee of the Whole, shall have power to order the same to be cleared.

4. 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; and in case of such equal division, the question shall be lost.

5. 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.

6. If any member, in speaking, or otherwise shall 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, 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.

7. When two or more members rise at the same time, the Speaker shall name the member to speak.

8. No member shall speak more than twice on the same question without leave of the House.

9. 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.

10. No member shall vote on any question, unless within the bar of the House when the same was stated; and the range of pillars on the north side of the Commons Hall shall be considered the bar of the House.

11. 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.

12. 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.

13. 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 by the Clerk before debated.

14. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

15. 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 may be withdrawn before a decision or amendment.

16. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged.

17. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

18. It shall be the duty of the Clerk to insert in the Journal, the name of each and every Member moving an adjournment of the House, with the result of each and every such motion.

19. Any member may call for a division of the question when the same will admit of it, which shall be determined by the Speaker.

20. A motion for postponement or commitment, until it is decided, shall preclude all amendments of the main question.

21. Every bill shall be introduced by a motion for leave or by an order of the House.

22. Every bill shall receive three several readings in the House, previous to its passage; but no public bill shall be twice read on the same day, without special order of the House.

23. No member shall, on motion, be at liberty to withdraw a public bill for amendment; but on suggestion made, that a public bill ought to be amended, it may, on motion, be committed; and every public bill, on motion made and seconded upon its second reading, shall be referred to a committee of the whole House.

24. A bill once rejected, another on the same subject shall not be brought in again this session; but when a question has been determined, either in the affirmative or negative, it shall be in order once only for any member in the majority to move the reconsideration thereof; provided it be done on the same or succeeding day.

25. 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.

26. The unfinished business in which the House was last engaged at the time of their adjournment, shall have the preference in the order of the day; and no motion or other business shall be received without leave of the House.

27. The Speaker shall direct and arrange the orders of the day, until the House shall otherwise order.

28. No member shall be called upon for words of heat spoken in the House, but on the day on which they were spoken; and decency of speech shall be observed, and personal reflections carefully avoided.

29. Any twenty members (including the Speaker) shall be authorised to compel the attendance of absent members.

30. 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.

31. 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.

32. In the nomination of committees, no member shall nominate more than one person to be of a committee.

33. Select Committees shall consist of five members; and it shall be the duty of the Speaker to name the members who shall compose the committee, except otherwise ordered by the House. The first person named shall be chairman of the committee, and it shall be his duty to cause the members thereof to be convened when necessary.

34. In forming the committee of the whole House, the Speaker shall appoint a Chairman, and leave the Chair.

35. The rules of proceeding in the House shall be observed in the committee of the whole, so far as they are applicable, except in limiting the times of speaking.

36. Whenever the Speaker, from fatigue or other causes, shall have occasion to leave the Chair, he shall name a member who shall discharge the duty thereof during his retirement.

37. The Clerk of the House shall be deemed to continue in office until another is appointed.

38. 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.

39. 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.

40. Six standing committees shall be appointed at the commencement of the session, to wit: a committee of Claims, a committee of Propositions and Grievances, a committee of Education, a committee of Agriculture, a committee of Internal Improvement, and a committee of Privileges and Elections.

41. 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."

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

The committee further recommended to the House the printing and prefixing to the rules thereof the Constitution of the State.

The Speaker, in pursuance to the 41st rule for the government of the House, appointed a select committee on the Judiciary, consisting of Messrs. Nash, Gaston, Swain, Spruill, Waddell, Eccles, Potter, Wheeler and Bynum.

And the House, on motion, in conformity with the 40th rule, proceeded to appoint the six standing committees, to wit:

Committee of Claims—Messrs. William W. Stedman, Wilson B. Webster, Marshal Dickinson, John W. Sasser, George E. Spruill, Benjamin Sharp, Edward Williams, John Kerr, John Smith, Nathan Gibson, Wesley Jones, James H. Ruffin, John Clement, Henry A. Martin, David Newland, Andrew H. Loretz.

Committee of Propositions and Grievances—Bridger I. Montgomery, William S. Mhoon, George Whitfield, John M. Bryan, Roderick B. Gary, Benjamin Wilkinson, Caleb Stephens, William Wright, William A. Morris, Meil Nicholson, Thomas Webb, Robert Potter, Richard Allison, Francis L. Simpson, John Clayton, James Webb.

Committee of Education—Josiah McKeill, John Pool, Thomas W. Blackledge, Josiah O. Watson, R. B. Pierce, William Branch, Luke R. Simmons, William L. Hall, Thomas Boykin, Malcom Purcell, Nath'l G. Smith, Frederick Nash, George C. Mendenhall, William McLean, David L. Swain, Bartlet Shipp.

Committee of Agriculture—Enoch Ball, Joseph Watford, Owen B. Cox, James Rhodes, Gideon Bass, William G. Jones, Joseph Gillespie, William S. Larkins, Warren Alford, William Wadsworth, John Stockard, Hugh Walker, Thomas Hampton, Reuben Kendall, Ninian Edmonston, Mark Brittain.

Committee of Internal Improvement—John H. Wheeler, William Gregory, David W. Borden, John B. Jasper, Jesse Cooper, Richard Ward, John Walker, Thomas Smith, John D. Eccles, Alexander McNeill, James Wyche, Hugh Waddell, William Bethell, Mordecai Fleming, James Graham, Nathaniel Gordon.

Committee of Privileges and Elections—Daniel N. Bateman, Thomas Sanderson, Emanuel Jarman, James Harper, Joseph N. S. Rogers, Frederick Battle, Frederick Foy, John J. McMillan, David Underwood, Josiah Tyson, Samuel Whitaker, Joseph J. Brooks, Joseph M. Bogle, Joseph Blackwood, John Saintclair, James Callaway.

On motion of Mr. Potter,

Resolved, That so much of the Governor's message as relates to the Banks, be referred to Messrs. Potter, Brittain of Burke, Ruffin, Mendenhall and Branch; and that so much of said message as relates to internal improvements, be referred to the standing committee on that subject.

On motion of Mr. Edmonston,

Resolved, That so much of the Governor's message as relates the memorial of the citizens of Haywood county, be referred to a select committee; and to Messrs. Edmonston, Shipp, Moore of Surry, Moore of Stokes, and Hancock.

On motion of Mr. Whitfield, ordered that so much of said message as relates to draining swamp lands be referred to the committee on Internal Improvements.

On motion of Mr. Bynum, ordered that so much of said message as re-

lates to the Tariff, be referred to a select committee, to wit: Messrs. Bynum, Gaston, Shipp, Nash and Mhoon.

On motion of Mr. Ellis, the House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 20, 1828.

James Bozman, the member representing the town of Edenton, and Abner N. Vail, one of the members of Washington county, appeared, produced their credentials, were qualified, and took their seats.

On motion of Mr. Potter,

Resolved, That the Treasurer be requested to lay before this House immediately a transcript of so much of his annual report as embraces the annual exposition of the several Banks of this State, from the periods at which they were established.

William Julius Alexander, one of the members of Meckleburg county, and Hamilton C. Jones, one of the members of Rowan county, appeared, produced their credentials, were qualified, and took their seats.

On motion of Mr. Wheeler, ordered that so much of the Governor's message as relates to the outlet of the waters of the Albemarle Sound to the Ocean, be referred to the committee of Internal Improvements.

Mr. Clayton presented a petition from sundry citizens of Buncombe county, in behalf of George B. Green, praying that he be restored to the privileges of a citizen, forfeited by conviction of a crime; and Mr. Mhoon presented the petition of Silas Smith, of Bertie county, stating that he is in possession of a tract of land under lease from the Tuscarora Indians, the reversionary interest of which is in the State, and praying the privilege of purchasing the same.

On motion, ordered that these petitions be referred to the committee on Propositions and Grievances.

Mr. Cooper presented the following resolution:

Resolved, That all resignations hereafter handed in during this Session, shall be accepted, without being read; except otherwise ordered by the House.

The question to concur with the resolution, was determined in the negative.

The bill for the destruction of wolves in the county of Ashe, was read the second time, and the question, shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing of their assent to the proposition of this House, to have printed the Public Treasurer's report; and also of their assent to the proposition to refer the bill to reduce and fix the salaries and fees of certain officers therein named to a select joint committee.

A message from the Senate proposing that a select joint committee be appointed of two members from each House, to take into consideration, and to report what disposition shall be made of certain documents forwarded by Mr. Macon. The message was concurred in, and the Senate informed by message, that Mr. Alexander and Mr. Borden form the committee on the part of this House.

The bill for the destruction of wolves in the county of Ashe, was read the third time, and the question, shall the said bill pass and be engrossed? was determined in the affirmative.

On motion of Mr. N. G. Smith, ordered that the bill to reduce and fix the salaries and fees of certain public officers therein named, be printed,

one copy for each member of this House; and on motion of Mr. Potter, the said bill was referred to Mr. Potter, Mr. Swain, Mr. Newland, Mr. Edmonston and Mr. Battle.

On motion of Mr. Newland, a Military committee was appointed, consisting of Messrs. Boykin, Bateman, Fisher, Newland, Sharpe, Bethell and Pierce.

Mr. Swain, who voted in the majority yesterday, on referring so much of the Governor's message as relates to the several Banking Institutions in the State, to a select committee, now moved that the House do reconsider that vote. The question thereon was determined in the negative.

On motion of Mr. Swain, Mr. Swain, Mr. Eccles, Mr. Spruill and Mr. Graham were added to the select committee appointed on so much of the Governor's message as relates to the several Banks in this State.

Mr. Clayton presented a bill to repeal an act, entitled "an act fixing the sum hereafter to be paid for vacant lands;" which was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Wheeler presented a bill to explain an act, passed in the year 1827, entitled an act to reduce the number of petty musters to two in the year. The said bill was read the first time and passed, and, on the motion of Mr. Wheeler, referred to the military committee.

The resignations of James Carraway, Major of the 32d regiment of militia; Jesse Sallers and Benjamin Durham, of Rutherford county; Joseph Ellis, of Greene county; Reddick Cross, of Hertford county; and John Huffam, of Duplin county, justices of the peace, were presented, read and accepted.

Mr. Blackledge moved that Mr. Nelson be added to the committee on Internal Improvement, and Mr. Styron to the committee of Propositions and Grievances. Mr. Gary moved that Mr. Latham be added to the committee of Propositions and Grievances. Mr. Newland moved that Mr. Brittain be added to the committee on Internal Improvement. Mr. Ruffin moved that Mr. Hester be added to the committee of Propositions and Grievances. And Mr. Allison moved that Mr. Alexander be added to the committee on Internal Improvements. The questions to concur with the several additions, were determined in the affirmative. Mr. Helten moved that the House do reconsider the vote, and the question thereon was determined in the affirmative. Whereupon the nominations, with leave, were withdrawn by the several movers.

On motion of Mr. Swain, the House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 21, 1828.

John Walker, the member representing the town of Wilmington, appeared, produced his credentials, was qualified and took his seat.

The Speaker laid before the House, transcripts of the annual expositions of the several Banks of this State, furnished by the Treasurer, as filed in his office, in obedience to a resolution of this House.

On motion of Mr. Potter, ordered that the said expositions be referred to the committee on the Banks.

On motion of Mr. Nash,

Resolved, That the committee on the Judiciary be instructed to inquire whether any, and if any, what alteration or amendment is necessary in the law as it now stands, upon the subject of the trial of persons charged with a capital offence; and that they report by bill or otherwise.

Mr. Jones, of Wake, presented the report of the superintendant of the Public Buildings, which was read, and on motion of Mr. Jones, ordered to be sent to the Senate, proposing to refer the same to a select joint committee, and informing that Mr. Jones, of Wake, and Mr. Hampton compose the committee on the part of this House.

Received from the Senate the report of the committee on the Joint Rules of the two Houses, stating that it is inexpedient to make any alteration; endorsed, "read and concurred with." The report was read, concurred in, and returned to the Senate.

A message from the Senate, informing that on their part they had appointed a committee of Finance, consisting of Messrs. M'Dowell, Davidson, M'Farland, Ward, Croom, Bailey, Wilson and Gray; and that Mr. Wellborn and Mr. Shober form the committee on their part to take into consideration, and report what disposition shall be made of certain documents presented by Mr. Macon; and proposing that the two Houses at their meeting on Monday next, ballot for a Senator in Congress to serve for six years after the 4th of March next, and informing that the name of John Branch is in nomination for the appointment. On motion, ordered that the Senate be informed by message of the assent of this House to their proposition to vote for a Senator in Congress on Monday next.

Received from his Excellency the Governor, by his Private Secretary, Mr. Muse, the following communication:

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN,—I have the honor to transmit to you the report of Romulus M. Saunders, Esquire, the commissioner appointed under the provisions of an act passed at your last session to contract for the purchase of reservations still claimed by the Cherokee Indians, together with sundry documents and a letter accompanying the report.

I am with high consideration, your obedient servant,

JAMES IREDELL.

Executive Department, Raleigh, Nov. 21st, 1828.

On motion of Mr. Fisher, ordered that the said communication and documents be sent to the Senate, with a message, proposing to refer the same to a select joint committee, and that the report of the commissioner be printed, one copy for each member of the Assembly; and informing that Messrs. Fisher, Shipp, Gary, Newland and Stedman, form the committee on the part of this House.

On motion of Mr. Spruill,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so altering and amending the laws relating to mortgages and deeds in trust, as more effectually to prevent the frauds practised under the existing laws; and that they have leave to report by bill or otherwise.

Mr. Hellen, with leave, presented a bill to amend an act, passed in the year 1800, entitled an act concerning wrecks. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Harper, with leave, presented a bill appointing commissioners for the town of Snow Hill, in Greene county; which was read the first, second and third times, passed, and, on motion, ordered to be engrossed.

On motion of Mr. Alexander, ordered that a message be sent to the Senate, proposing to ballot on Monday next, for Solicitor in the first Judicial District, and informing that the name of John L. Bailey is in nomination for the appointment.

On motion, ordered that the Senate be informed by message that Messrs. Gaston, Bynum, Hodges, Wyche, Fisher, Mitchell, Pool and Walker form the committee of Finance on the part of this House.

On motion of Mr. Cox,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law so far as relates to administrators and executors, so that no judgment shall be given against any administrator or executor for a certain length of time from the time of administration granted, or qualification of an executor.

Mr. Gillespie, with leave, presented a bill to establish Bethel Academy, in the county of Duplin, and to incorporate the trustees thereof. The said bill was read the first, second and third times, passed and ordered to be engrossed.

A message from the Senate, informing of their assent to the proposition of this House to refer the report of the superintendent of Public Buildings to a joint select committee, and that Messrs. Hinton and Davidson form the committee on their part; and agreeing that the documents transmitted by his Excellency the Governor, attendant on the report of Romulus M. Saunders, Esquire, be referred to a select joint committee, and informing that Messrs. Mebane, Love, Smith, of Davidson, M'Daniel and Parker form the committee on their part, and that the report of the commissioner on this subject be printed, as proposed by this House.

On motion of Mr. Mhoon,

Resolved, That the committee on the Judiciary be instructed to inquire whether any, and if any, what alterations are necessary or expedient in the laws of this State on the subject of widow's dower.

On motion of Mr. Mhoon, ordered that the Senate be informed by message that the name of Matthias B. Palmer is added to the nomination for Solicitor in the first Judicial circuit.

A message from the Senate, informing of their assent to ballot, as proposed by this House, on Monday next, for Solicitor in the first Judicial circuit.

The House then, on motion of Mr. Gaston, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 22, 1828.

The Speaker laid before the House the report of William Robards, surviving commissioner appointed to superintend the sale of the property of the late Treasurer, John Haywood, deceased. On motion of Mr. Fisher, ordered that the said report be referred to the committee of Finance; and that the report be sent to the Senate, proposing that it be printed, one copy for each member of the Assembly.

Alfred Waddell, one of the members of Bladen county, appeared, produced his credentials, was qualified, and took his seat.

Received from the Senate a resolution proposing to raise a joint select committee, to take into consideration the expediency of reducing the price of vacant and unappropriated lands, and informing that Messrs. Wellborn, Meares, Franklin of Surry, M'Daniel, M'Dearmid and M'Neill form the

committee on their part. The resolution was read and concurred in, and a committee appointed, consisting of Messrs. Clayton, Gregory, Blackledge, Alexander and Brittain of Haywood.

Received from the Senate the certificate of the County Court of Warren, allowing Elizabeth Harris, a pensioner of the State, a pension of ninety dollars for the present year, countersigned by the Speaker; which was read, countersigned by the Speaker of this House, and returned to the Senate.

On motion of Mr. Swain, ordered that the bill to repeal an act, entitled an act fixing the sum hereafter to be paid for vacant and unappropriated lands, be referred to the joint committee raised on this subject.

Mr. Wright, with leave, presented a bill to incorporate Line Lodge, No. 87, of Sampson county. The said bill was read the first, second and third times, and the question, shall the said bill pass its respective readings? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

On motion of Mr. Gary,

Resolved, That so much of the Governor's message as relates to the complaints of some of the western counties of the injury they sustain from the shortness of the terms of their Superior Courts, be referred to the committee on the Judiciary.

On motion of Mr. Sanderson,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the act, passed in the year 1826, entitled an act to prohibit the trading with slaves except in the manner therein prescribed, as more effectually to prevent the selling of powder and shot to slaves; and that they report by bill or otherwise.

On motion of Mr. Bynum, the name of Jesse Wilson, and, on motion of Mr. Montgomery, the name of James S. Jones, were added to the nomination for Solicitor in the first Judicial Circuit. Ordered that the Senate be informed of the additions by message.

On motion of Mr. Bozman,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of establishing a separate and distinct Court of Equity; and that they report by bill or otherwise.

Mr. N. G. Smith presented the following resolution:

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of reducing the number of petty musters to one only in twelve months.

The question to concur with the resolution was determined in the negative.

Mr. Boykin, with leave, presented a bill to alter the names of Benjamin Michael Ezill and Robert Marshall Ezill, and to legitimate them.—The said bill was read the first and second times, and the questions, shall the said bill pass its respective readings? were determined in the affirmative.

Received from the Senate the certificate of the County Court of Cumberland in favor of Sherwood Fort, a pensioner of the State, allowing him a pension of fifty dollars for the present year, countersigned by the Speaker; which being read, was ordered to be countersigned by the Speaker of this House, and returned to the Senate.

On motion of Mr. Hellen, ordered that the bill concerning wrecks be referred to Messrs. Hellen, Styron, Walker of New Hanover, Ball of Currituck and Nelson of Craven.

A message from the Senate, informing of the assent of that House to refer the report of William Robards, surviving commissioner to superintend the sale of the property of the late Treasurer, John Haywood, to the committee of Finance, and that it be printed; also informing that the Senate had appointed a committee on Enrolled Bills, consisting of Messrs. Marshall and Bailey.

Mr. Eccles presented the petition of John Black, sheriff of Cumberland, stating that, from imperious circumstances, he had failed to settle fully his accounts as sheriff for the last year; and that in consequence, he had been sued by the present Treasurer, and a recovery to a large amount obtained against him; and praying for relief. Ordered that the said petition be referred to the committee on Propositions and Grievances.

The resignations of Thomas Rice, of Johnston county, John ———, of Mecklenburg county, and Robert Gillespie, of Rowan county, justices of the peace, were presented, read and accepted.

On motion of Mr. Blackledge,

Resolved, That a message be sent to the Senate, proposing that a joint select committee be raised, to inquire into the expediency of electing Sheriffs by the people; that such committee be authorised to report by bill or otherwise; and that Messrs. Blackledge, Stedman, Hodges, Newland, Potter, Allison, Underwood and Gary form the committee on the part of this House.

On motion of Mr. Stedman, ordered that a message be sent to the Senate, informing that the name of Samuel T. Sawyer is added to the nomination for Solicitor in the first Judicial Circuit.

Mr. Potter presented the following resolution:

Resolved, That Messrs. Mitchell, Simpson, Pierce, James Webb, Bethell, Bogle, Edmonston, N. G. Smith and Watson, be added to the select committee on the Banks; and that said committee be directed to inquire into the following points, viz.

First, The mode in which the stock of the several Banks was raised and paid.

Second, The amount of specie on hand at the time they went into operation, and at other periods since.

Third, The amount of notes put into circulation by the Banks from time to time since their organization.

Fourth, The amount of notes discounted from time to time since their organization

Fifth, The amount of debts due them from time to time since their organization.

Sixth, Whether they have paid specie on demand for their notes since their organization.

Seventh, Whether they have observed that provision of their charters which requires that they shall take six per cent. on account of their loans and discounts, and no more.

Eighth, Whether they have not coerced on a system of extension against those indebted to them, by requiring them to pay the attorney's fees of the Banks large and illegal fees, as the only condition on which they should be allowed to renew their notes on which suit had been brought; and any other point which the committee may deem worthy of investigation; and that the said committee, in order that they may be enabled to prosecute their inquiries effectually, be authorised to send for persons and papers, and examine the same on oath or otherwise; and that the said committee be authorised to command the attendance of the officers of this House, as their executive officers.

On motion of Mr. Graham, ordered that the said resolution be laid on the table

Mr. Blackledge, with leave, presented a bill to vest the election of sheriffs in the freemen of the county. The said bill was read, and, on motion of Mr. Blackledge, ordered to lie on the table.

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

MONDAY, NOVEMBER 24, 1828.

On motion of Mr. Potter, and with leave of the House, he withdrew the resolution presented by him on Saturday last, relative to the several Banks in this State, and presented the following:

Whereas the large interest which the State of North Carolina has vested in the several Banks of this State, renders it necessary that the representatives of the people should thoroughly investigate the conduct and condition of said Banks; and whereas the charters will expire on the 1st of January, 1835, and experience and prudence advise us, before the termination of said charters, to procure correct information, upon which the Legislature may act understandingly in discontinuing or extending the charters of the present Banks, or in establishing such other institutions as the good sense and best interest of the people may require: therefore,

Resolved, That the committee to whom so much of the Governor's message as relates to the Banks, is referred, be authorised and empowered to send for such persons and papers as may be necessary to a full investigation of the subject matter committed to their charge.

On the further motion of Mr. Potter,

Resolved, That a message be sent to the Senate, with a proposition to raise a select committee of nine members, to be added to the committee already raised by this House, on so much of the Governor's message as relates to the Banks; and that the said committee, so united, be a joint committee of both Houses on that subject, and be clothed with the same powers as are now committed to the select committee of this House on that subject.

On motion, ordered that the preceding resolution, defining the powers of said committee, be sent to the Senate for concurrence.

William B Kilpatrick, one of the members of Lenoir county, appeared, produced his credentials, was qualified and took his seat.

A message from the Senate, informing that Mr. Mathews and Mr. Joiner form, on their part, the committee to superintend the balloting for Senator in Congress to serve six years after the 4th March next. On motion, ordered that the Senate be informed by message that Mr. Gaston and Mr. Ruffin form the committee on the part of this House, to superintend the balloting for Senator in Congress to serve six years after the 4th March next.

A message from the Senate, informing that Mr. Beasley and Mr. Davenport attend this House as a committee on their part, to conduct the balloting for Solicitor in the first Judicial circuit. On motion, ordered that the Senate be informed by message that Mr. Alexander and Mr. Mhoon attend the Senate as a committee on the part of this House, to superintend the balloting for Solicitor in the first Judicial circuit.

Mr. Gaston, from the committee appointed to superintend the balloting for Senator in Congress, reported that the committee had performed the duty assigned to them, and that on examining the ballots, a majority of the whole number was found to be in favor of John Branch, who was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot on Friday next for Attorney General, to supply the vacancy occasioned by the death of James F. Taylor, and informing that Romulus M. Saunders and Charles Manly are in nomination for the appointment. The message was concurred in, and the Senate informed by message that the names of Priestly H. Mangum, Thomas W. Blackledge and Thomas P. Devereux are added to the nomination.

Mr. Alexander, from the committee appointed to superintend the balloting for Solicitor in the first Judicial circuit, reported that the committee had performed that duty, and that it appeared on examining the ballots, a majority of the whole number was found to be in favor of John L. Bailey, who was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot at the meeting of the two Houses to-morrow for Senator in Congress, to supply the vacancy occasioned by the resignation of Nathaniel Macon, and informing that the name of Montfort Stokes is in nomination for the appointment. On motion, ordered that the message lie on the table.

On motion of Mr. Wyche,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of limiting by law the allowance to be made to Clerks and Masters in Equity, and others, for selling lands and collecting and accounting for the proceeds thereof, in all cases where Courts of Equity shall decree a sale by virtue of the act of 1612, chapter 847, and the several acts subsequently passed, amendatory thereof; and that the committee report by bill or otherwise.

On motion of Mr. Newland,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of amending the law in relation to excuses to be admitted by overseers of roads for non-performance of their duty.

On motion, ordered that the Senate be informed by message that Messrs. Jones, of Rowan, Gordon, Wheeler and Whitfield form the committee on Enrolled Bills on the part of this House.

On motion of Mr. Swain,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law, that it shall be the duty of the several Judges of the Superior Court, at the request of either the plaintiff or defendant, to reduce his charge so far as regards the law of the case to writing and read it to the Jury, and that the charge so written, shall, in case of appeal, make a part of the record.

Mr. Edmonston, from the select committee, to whom was referred so much of the Governor's message as relates to a memorial received by the Executive from sundry citizens of Haywood county, reported a bill in pursuance to the prayer of the petition, entitled a bill concerning certain lands purchased at the sales of the commissioners in Haywood county. The report was concurred in, and the bill reported, read the first time and passed.

A message from the Senate, informing that they had passed the bill to repeal an act, passed in the year 1823 entitled an act to regulate the Court of Pleas and Quarter Sessions of Richmond county, and asking the concurrence of this House. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Sharpe, with leave, presented a bill prescribing the manner in which field officers shall be recommended to the General Assembly; which was read the first time, passed, and, on motion of Mr. Mhoon, referred to the Military committee.

Mr. M. Brittain, in pursuance to a petition, presented a bill to secure to Nancy Sorrels, of Burke county, such property as she may hereafter acquire. On motion, ordered that the said bill and petition be referred to the committee of Propositions and Grievances.

Mr. Hancock, with leave, presented a bill to prevent the felling of timber in, or otherwise obstructing the channel of Ucharie and Richland

creek, in Randolph county. The said bill was read the first, second and third times, and the questions, shall the said bill pass its several readings were determined in the affirmative. Ordered that the said bill be engrossed, and sent to the Senate for concurrence.

The bill to alter the names of Benjamin Michael Ezell and Robert Marshall Ezell, and to legitimate them, was read the third time, passed, ordered to be engrossed, and sent to the Senate, asking the concurrence of that House:

Mr. Clement, in pursuance to a petition, presented a bill to authorise Daniel Ratledge and Isaac Ward, to erect gates across a road running through their plantations, free of tax. The said bill was read the first time and rejected.

Mr. Graham presented the petition of Charles Lewis, of Rutherford county, praying to be authorised to turn a public road, laid off by commissioners, leading from Buncombe to Rutherfordton and running through his land. Mr. Blackwood presented the petition of Andrew Walker, stating that he had been convicted in the year 1816, in the Superior Court of Mecklenburg county, of forgery, and suffered the consequent punishment, and praying to be restored to the privileges of a citizen, forfeited by such conviction. Mr. Loretz presented the petition of sundry citizens of Lincoln county, praying that David Dillenger, an inhabitant of Lincolnton, in said county, for reasons stated in their petition, may be permitted to keep a house of entertainment in said town, and sell spirituous liquors free of tax. These petitions were respectively read, and, on motion, ordered to be referred to the committee of Propositions and Grievances.

A message from the Senate, proposing to raise a joint select committee, consisting of nine members on the part of each House, to take into consideration so much of the Governor's message as relates to the Banks and the circulating medium of the State; and to which all matters relating to that subject shall be referred. On motion of Mr. Potter, ordered that the said message lie on the table.

The resignations of James F. Ralfe, Lieutenant Colonel of the Pasquotank militia, Samuel Williams, Major of the 2nd regiment of the Cumberland militia, and Ezekiel Teague, Justice of the Peace for Davidson county, were presented, read and accepted.

The Speaker laid before the House the following report, from the Public Treasurer, to wit:

In obedience to the resolution of the House of Commons of the General Assembly of the State of North-Carolina of the 19th instant, the Public Treasurer submits the following statements, exhibiting a detailed statement of the accounts of the State Bank of North-Carolina, and the Banks of Newbern and Cape-Fear, with the State of North-Carolina, from the period of the establishment of those Banks to the close of the last fiscal year.

The report was read, and, on motion, ordered to be sent to the Senate by message, proposing that the several exhibits or accounts be printed, and be referred to the committee on the Banks.

The House then, on the motion of Mr. M. Brittain, adjourned until tomorrow morning, 10 o'clock.

TUESDAY, NOVEMBER 25, 1828.

A message from the Senate, informing that they had passed the follow-

ing engrossed bills, to wit: a bill concerning the County Courts of Nash county; and a bill to authorise the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville; and asking the concurrence of this House. The said bills were respectively read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, agreeing to the proposition of this House to raise a select committee of nine members on the part of the Senate, to be added to the committee raised by this House, on so much of the Governor's message as relates to the Banks, and be clothed with the same powers as are now committed to the select committee of the House of commons on that subject; and informing that Messrs. Wilson, Croom, Meares, Wellborn, M^rFarland, Hunt, Leonard, M^rDearmid and Sherard, form the committee on their part.

Mr. Vail presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire what further provision ought to be made by law in order to make it the duty of the Trustees of the University to make an annual report to the Legislature of the state and condition of that institution; the value of any property they may receive from individuals, by donation or otherwise; the property, either real or personal, which they may receive by virtue of the laws now in force, vesting certain escheated property in them; how much they have recovered; how much they have sold, what sum it sold for; in what way they have disposed of it; what remains on hand in money or otherwise; and that the committee report by bill or otherwise.

The question to concur with the reference of said resolution was disagreed to; and, on motion of Mr. Fisher, it was referred to the committee on Education.

A message from the Senate, informing that the name of James Iredell is added to the nomination for Senator in Congress, to supply the vacancy occasioned by the resignation of Mr. Macon; and that the name of Robt. Hill Jones is added to the nomination for Attorney General of this State.

Mr. Swain, with leave, presented a bill for the relief of sundry persons employed in surveying the Cherokee lands. The said bill was read the first time and passed.

The House proceeded to the consideration of the message received from the Senate, proposing to ballot this morning for Senator in Congress, to supply the vacancy occasioned by the resignation of Mr. Macon; which, being again read, was disagreed to; and, on motion of Mr. Newland, ordered that a message be sent to the Senate, informing of the dissent of this House, and proposing that the two Houses ballot on Thursday next for the Senator.

On motion of Mr. T. Webb.

Resolved, That the committee on the Judiciary be instructed to inquire into the policy and expediency of providing by law for the revision of the Acts of Assembly of this State; and that they report by bill or otherwise.

Mr. Harper presented the petition of Celia Garland, praying, for reasons stated in the petition, to have property she may acquire secured to her from the disposition of her husband. Mr. Loretz presented the petition of sundry citizens of Lincoln county, in favor of Alex^r Mechum, praying that he be restored to the privileges of a citizen, forfeited by the conviction of a crime. Mr. Pool presented the petition of Robt Avery, of Pasquotank county, praying, for reasons stated in his petition, to be placed on the pension list. These petitions were respectively read, and,

on motion, ordered to be referred to the committee on Propositions and Grievances.

Mr. Swain, with leave, presented a bill to erect out of part of the counties of Burke and Buncombe a separate and distinct county. The said bill was read, and, on motion of Mr. Swain, ordered to be sent to the Senate by message, proposing to refer the same to a joint select committee; and informing that Messrs. Swain, Gaston, Nash, Hellen and Graham form said committee on the part of this House.

A message from the Senate, informing of the assent of that House to the proposition to ballot on Thursday next for Senator in Congress, to supply the vacancy occasioned by the resignation of Mr. Macon.

Mr. Clement presented the following resolution:

Whereas, by the decisions of the Courts, an administrator with the will annexed has not the same powers with an executor in the disposition of real estate devised by the testator to be sold:

Therefore resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the existing law by statute, as to render their powers equal and co-extensive.

Be it further resolved, That said committee be instructed to inquire whether any, and if any, what alteration or amendment is necessary or expedient in the laws, as they now exist, relative to trials before magistrates where the defendants are executors or administrators.

The question to concur with the resolution was determined in the affirmative.

On motion of Mr. M. Brittain,

Resolved, That all resolutions, the object of which is to draw money out of the Public Treasury, shall be read three times on three several days.

Mr. Ellis, with leave, presented a bill to alter the time and places of holding the elections in the county of Greene. The said bill was read the first time and passed.

Mr. Calloway, with leave, presented a bill to authorise the issuing Treasury notes, and for the appropriating the same to the several counties in this State. The said bill was read the first time, passed, and, on motion, ordered to be referred to the committee of Finance.

Mr. Hellen presented a bill for the relief of Thos. Marshall, Sheriff of Carteret county. The said bill, on motion, was referred to the committee of Finance.

Mr. N. G. Smith, with leave, presented a bill to prevent the importation of slaves into this State. The said bill was read the first time, passed, and, on motion, referred to the committee on the Judiciary.

On motion of Mr. Fisher,

Resolved, That the joint select committee on so much of the Governor's message as relates to the Banks of this State, be instructed to inquire into the expediency of adopting some measure for improving the present condition of the same; and particularly whether it be practicable to consolidate the several Banks into one, to be called the Bank of the State; and whether such consolidation can be accomplished on the following or on any similar principles, to wit:

First, That each Bank shall sell to the State, at a rate to be agreed on, a moiety of its stock; for which the State shall issue scrip at 4 per cent. interest, not payable before the year 1835

Second, That each Bank shall subscribe the balance of its stock, which, together with the stock sold to the State, and that now owned by the State, shall compose a part of the funds of the new Bank

Third, That the State shall borrow, at an interest not exceeding six per cent. one

million of dollars in specie, redeemable at distant periods; which sum shall also be subscribed by the State to the new Bank.

Fourth, That as soon as the Bank of the State goes into operation, it shall withdraw from circulation all the notes of the existing Banks, and all the small change, called Treasury notes, and substitute in their stead notes of the new institution; and that it shall issue no note under the denomination of five dollars, and shall in letter and in spirit become a specie paying Bank.

Resolved further, That the committee be instructed to confer with the stockholders of the several Banks, or with the persons who represent them, on the subject of consolidation, and to ascertain whether they be disposed to surrender their charters and to unite in the establishment of a new institution, to be called the Bank of the State, on the foregoing, or on any other terms; and that the committee report by bill or otherwise.

The said resolution was agreed to, referred to the Bank committee, and, on motion, ordered to be printed.

On motion of Mr. Gaston.

Resolved, That the committee to whom has been referred so much of the Governor's message as relates to the Banks, be instructed to inquire into the expediency of providing for a gradual diminution of the capital stock of their institutions, by authorising them to receive stock of shares in payment of debts, on such terms as may be compatible with justice, the convenience of debtors, the claims of creditors, the rights of the stockholders, and the interests of the community.

The resignation of John M^oMillan, Justice of the Peace of the county of Ashe, was presented, read and accepted.

The Speaker laid before the House a letter received by the Clerk of this House from the Clerk of the House of Representatives of the United States, stating that he had, in pursuance of a resolution of the House of Representatives of the United States, sent, for the use of this State, a copy of the Land Laws. On motion of Mr. Gaty, ordered that the letter and the laws be referred to the Library committee.

On motion of Mr. Gaston, ordered that Mr. Whitfield have leave of absence from the service of this House after this day.

The House then, on the motion of Mr. Swain, adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 26, 1828.

On motion of Mr. Williams,

Resolved, That so much of the Governor's message as relates to a Penitentiary and Lunatic Asylum, be referred to a select joint committee; and that Messrs. Williams of Davidson, Spruill, Gary, Bethell and Fisher compose the committee on the part of this House.

The engrossed bill to repeal an act, passed in the year 1823, entitled an act to regulate the Court of Pleas and Quarter Sessions of Richmond county, was read the second and third times, and the question, shall the said bill pass its respective readings? was determined in the affirmative. Ordered that the said bill be enrolled.

Mr. J. B. Smith, with leave, presented a bill to repeal in part an act, passed in the year 1826, entitled an act to prohibit the Justices of the Courts of Pleas and Quarter Sessions for the counties of Brunswick, Currituck and Moore from allowing extra service to the county officers. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing that they had passed a bill to amend an act, passed in the year 1815, entitled an act to provide for the

removal of the public buildings in the county of Montgomery, and asking the concurrence of this House.

On motion of Mr. Jones, of Rowan,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of providing by law for the taking of the depositions of the Governor of the State, the Judges of the Supreme and Superior Courts, to be read in evidence in all civil cases whenever these officers are engaged in their official duties.

Resolved, That the committee be instructed to inquire into the expediency of providing by law for the taking of depositions in all criminal suits where the punishment to be inflicted does not extend to the privation of life or member; and that they report by bill or otherwise

Mr. Hellen, from the select committee to whom was referred the bill to amend an act, passed in the year 1800, entitled an act concerning wrecks, reported that the committee, according to order, had considered the said bill, and instructed him to report it to the House, with amendments, and to recommend its passage. The bill was read the second time, amended conformably to the report, and passed.

On motion of Mr. Cox,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law in relation to the levying of executions by constables on insolvent debtors' lands, so as to include all the executions which may be in the hands of a constable in one scire facias, and thereby incur thereon but one set of costs; and that they report by bill or otherwise.

The engrossed bill, received from the Senate, to amend an act, passed in the year 1815, entitled an act to provide for the removal of the public buildings in the county of Montgomery, was read the first time and passed.

The bill to alter the time and places of holding the election in the county of Greene, was read the second and third times, passed, and on motion, ordered to be engrossed and sent to the Senate for concurrence.

The bill concerning certain lands purchased at the sales of the commissioners in Haywood county, was read the second time and passed.

A message from the Senate, proposing to raise a joint select committee on the Public Library, and informing that Messrs. Croom, Bailey, and Askew of Berne, form the committee on their part. The message was concurred in, and the Senate informed by message that Messrs. Graham, Thomas Webb and Cox form the committee on the part of this House.

On motion of Mr. Newland,

Resolved, That a select committee be raised, whose duty it shall be to amend, revise and consolidate the several acts of Assembly relating to roads, bridges and ferries and overseers and keepers thereof; and that they report by bill or otherwise.

Resolved, That Messrs. Newland, Gaston, Shipp, Mitchell and Waddell form the committee.

Mr. John Smith presented the following resolution:

Whereas the present mode of relief for creditors against executors who abuse their trust, is dilatory, expensive, and little known to the body of the people, whereby executors are enabled to waste the assets in their hands, and defeat the just claims of creditors before measures can be taken to secure their claims. Therefore

Resolved, That the Judiciary committee be instructed to report a bill requiring executors at the time of their qualification, and from time to time afterwards, upon notice to the executors and application to the County Courts, to give bond with sufficient security for the faithful management of the estates committed to their charge in an amount equal to the debts which shall be ascertained to be due from their testators.

Mr. Callaway moved that the bill concerning the issuing Treasury notes be printed. The question to concur with the motion, was determined in the negative.

Mr Clayton presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of extending, under proper restrictions, the jurisdiction of Justices of the Peace to all actions arising ex contractu and ex quasi contractu, when the matter in controversy does not exceed in value twenty dollars, and to cases of assault and battery.

The question to concur with the resolution, was determined in the negative.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution instructing the committee to inquire into the expediency of amending the law in relation to excuses to be admitted by overseers of roads for non-performance of duty, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that it is inexpedient to make any amendment in the existing law on that subject. The question to concur with the report, was determined in the affirmative.

Mr. Sharpe, with leave, presented a bill to repeal in part the third section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State relative to the infantry, and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the militia laws of this State. The said bill was read the first time, passed, and, on motion of Mr. Mhoon, referred to the Military committee.

Mr. Cooper, with leave, presented a bill to amend an act, passed in the year 1820, entitled an act to extend the jurisdiction of the justices of the peace. The said bill was read the first time, passed, and, on motion, ordered to be referred to the committee on the Judiciary.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Lincoln county in favor of David Dillinger, and the petition of Robert Avery, of Pasquotank county, reported that the committee had, according to order, had the said petitions under consideration, and instructed him to recommend that the prayers thereof be rejected. The question to concur with the report, was determined in the affirmative.

Mr. Morris presented the petition of John A. Nuffer, of the county of Anson, stating that at the Spring term of the Superior Court of Law, 1825, he was convicted of a deceit, and praying to be restored to the privileges of a citizen, forfeited by said conviction. Mr. Shipp presented the petition of sundry inhabitants of Lincoln county, in favor of William Cline, stating that in the year 1825 he was arrested on a charge of attempting to pass a counterfeit note of a Bank of South Carolina, and bound in the sum of \$1,500, to appear and answer the charge to the succeeding Superior Court. He failed to appear, and forfeited his recognizance, and the petitioners pray that the amount of the recognizance be remitted, and the said Cline be discharged from further prosecution. These petitions were read, and, on motion, ordered to be referred to the committee of Propositions and Grievances.

Received from the Senate the following resolution:

Resolved, That the committee of Finance be authorised to burn such amount of the Treasury notes now in the Treasury Office as they may deem unfit for circulation.

The resolution was read, concurred in, and returned to the Senate.

The resignations of A. M. Gatlin, Colonel of the Chowan regiment of militia, and John M'Millan, justice of the peace for the county of Ashe, were presented, read and accepted.

Received from his Excellency the Governor, by his Private Secretary, Mr. Muse, the following communication:

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN,—I transmit to you a memorial from the Chiefs of the Tuscarora nation, which is addressed to you, and which has been placed in my hands by Cusic and Longboard, two of the Chiefs now in this city, together with a letter of introduction which they have brought from the Honorable P. B. Porter, Secretary at War.

I have the honor to be, with the highest consideration, your obedient servant,
JAMES IREDELL.

Executive Department, Raleigh, Nov 26th, 1828.

On motion, ordered that the said message be sent to the Senate, proposing that it be referred, with its references, to a select joint committee and informing that Messrs. Gary, Bynum, Spruill, Mhoon and Pierce form the committee on the part of this House.

The House then, on the motion of Mr. Cox, adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 27, 1828.

On motion of Mr. Sanderson.

Resolved, That a select committee be appointed to inquire into the expediency of providing by law that the lands, or a portion of the lands, of debtors shall be exempt from execution for debts contracted after the 4th day of July next.

Resolved, That Messrs. Sanderson, Vail, Fisher, Clement and Blackledge form this committee.

A message from the Senate, proposing that the report of the representatives on the part of the State at the meeting of the stockholders of the Cape Fear Bank, held at Wilmington on the 7th day of January, 1828, and the accompanying documents herewith sent, be printed, one copy for each member, and that they be referred to the committee on so much of the Governor's message as relates to the circulating medium and Banks of the State. The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing of the concurrence of that House with the proposition, that the exhibits of the several Banks of this State with the Treasury office since their organization, and accompanying the Public Treasurer's report, be referred to the select joint committee on the Banks; and that the several accounts and exhibits be printed. And also, agreeing to the proposition of this House to raise a joint select committee to inquire into the expediency of electing Sheriffs by the people, and informing that Messrs. Spaight, Wellborn, Beasley, Davenport and Matthews, form the committee on their part. And also, informing that Mr. Miller and Mr. Ruffin attend this House as a committee on their part to superintend the balloting for Senator in Congress. On motion, ordered that the Senate be informed by message that Mr. Gary and Mr. Mendenhall form the committee of superintendence of the balloting on the part of this House.

A message from the Senate, informing of the concurrence of that House to the proposition to raise a joint select committee on so much of the Governor's Message, in relation to a Penitentiary and Lunatic Asylum; and informing that Messrs. Spaight, Wilson, Davidson, Brodnax and Shober form the committee on their part; and informing of their disagreement with the proposition of this House to refer the bill to erect

out of a part of the counties of Burke and Buncombe, a separate and distinct county, to a select joint committee.

James Rainey, the member returned by the county of Caswell to supply the vacancy occasioned by the death of Charles D. Donoho, appeared, produced his certificate, was qualified and took his seat.

Mr. Foy, with leave, presented a bill to amend an act, passed in the year 1777, entitled "an act to encourage the building of public mills, and directing the duty of millers. The said bill was read the first time and passed, and, on motion, referred to Messrs. Foy, Latham of Martin, Cox, Montgomery, Cooper and Gregory.

A message from the Senate, informing that they concur in the reference of the message from the Governor, in relation to the memorial of the deputation from the Tuscarora nation of Indians, to a joint select committee; and that Messrs. Williams of Martin, Matthews, Joiner, Bell and Boddie, form the committee on their part.

Mr. Graham, with leave, presented a bill to prevent the emancipation of slaves. The said bill was read the first time and passed, and, on motion, referred to the Judiciary committee.

Mr. Gary, from the committee, appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing that the two Houses ballot again immediately for Senator in Congress. On motion of Mr. Bynum, the proposition was disagreed to; and the Senate informed thereof by message, and proposing that the two Houses ballot for Senator on Tuesday next. Mr. Newland moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was determined in the negative. The question recurring on the motion of Mr. Bynum, was determined in the negative. On motion of Mr. Swain, ordered that a message be sent to the Senate, proposing that the two Houses ballot to-morrow morning for Senator. The question thereon was determined in the affirmative.

Mr. Nash, from the committee on the Judiciary, to whom was referred the resolution, directing them to inquire whether any, and if any, what alteration is necessary or expedient in the laws as they now exist on the subject of widows' dowers, reported that the committee, according to order, had the resolution under consideration, and instructed him to report a bill in pursuance to its object, entitled "a bill amendatory of the law respecting Dower." The report was concurred in, and the bill read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to restore to credit George Jernigan, of Wayne county, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Hancock, with leave, presented a bill to exempt Hugh M'Cain, Deputy Clerk of Randolph County Court, from mustering, so long as he shall act as Deputy Clerk. The said bill was read the first time and rejected.

The bill to erect out of part of the counties of Burke and Buncombe, a separate and distinct county, was read the first time and passed.

The engrossed bill to amend an act, passed in 1815, entitled "an act to provide for the removal of the public buildings in the county of Montgomery," was read the second and third times, passed, and ordered to be enrolled.

The bill to amend an act, passed in the year 1800, entitled an act concerning wrecks; and the bill concerning certain lands purchased at the sales of the commissioners in Haywood county, were read each the third time, passed and ordered to be engrossed and sent to the Senate for concurrence.

The resignation of Reddick Matthews, major of the 6th regiment of militia, was read and accepted.

On motion of Mr. Bynum, ordered that a message be sent to the Senate, proposing that the select committees of both Houses, raised on so much of the Governor's message as relates to the Tariff, be considered as a joint committee; and that the papers referred to the select committees of both Houses on that subject, shall be considered as referred to the joint committee, and acted on accordingly.

The House then, on the motion of Mr. Gary, adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 28, 1828.

A message from the Senate, informing that Mr. Brodnax and Mr. Hinton attend this House as a committee on their part to superintend the balloting for Attorney General. On motion, ordered that the Senate be informed by message that Mr. Bethell and Mr. Montgomery form the committee on the part of this House to conduct the balloting for Attorney General.

Mr. Boykin, from the Military Committee, to whom was referred the bill prescribing the manner in which field officers shall be recommended to the General Assembly, reported that the committee had, according to order, considered the said bill, and instructed him to report it to the House, and to recommend its passage. The said bill was read the first time and passed.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the bill to secure Nancy Sorels, of Burke county, such property as she may hereafter acquire, reported that the committee had, according to order, considered said bill, and instructed him to report it to the House with an amendment, and to recommend that it be passed into a law. The said bill was read the first time and passed.

Mr. Boykin, from the Military Committee, to whom was referred the bill to explain an act, passed in the year 1827, entitled an act to reduce the number of petty musters to two in a year, reported that the committee had considered the said bill, and instructed him to return it to the House, with a recommendation that it be rejected. The bill, thereupon, was read and rejected.

Mr. Montgomery, from the committee appointed to conduct the balloting for Attorney General, reported that the committee had performed that duty; and that it appeared, on counting the ballots, Romulus M. Saunders had a majority of the whole number, who was duly elected. The question to concur with the report was determined in the affirmative.

The bill amendatory of the law respecting dower, was read the second time and passed.

On motion of Mr. Potter,

Resolved, That the Printers for the State be required forthwith to inform this House why the exposes or statements of the several Banks of this State, transmitted by the Treasurer to the present Legislature, as part of his annual report, have not been printed with that report as heretofore.

On motion of Mr. Edmonston,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the act of the last session on the subject of divorce, as to give to the Superior Courts jurisdiction of applications for alimony.

On motion of Mr. Eccles,

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of constructing a rail road from the town of Fayetteville to the Campbelton Landing, on Cape Fear river; and report by bill or otherwise.

A message from the Senate, informing of the concurrence with the proposition that the select committees of both Houses as relates to the Tariff, be considered as a joint select committee; and papers referred to the select committees on that subject, be considered as referred to that committee, and acted on accordingly.

A message from the Senate, informing of the dissent of that House to the proposition to ballot this morning for a Senator in Congress, and proposing that the balloting take place on Monday next, and informing that the name of Montfort Stokes is withdrawn from the nomination. The message was concurred in, and the Senate informed thereof by message.

On motion of Mr. Pierce,

Resolved, That the Military committee be instructed to inquire into the expediency of allowing to the volunteer company of Light Infantry of the town of Halifax seventy-five stand of arms, or more, upon the Captain giving a receipt for the same, to be returned, when called for; and that they report by bill or otherwise.

The engrossed bill to restore to credit George Jernigan, of Wayne county, was read the third time, passed, and ordered to be enrolled.

On motion of Mr. Kendall,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of making provision by law for the relief of the securities of administrators after the lapse of a certain time after the heirs at law become of lawful age, in the same manner as is now provided by law for the securities of guardians; and that they report by bill or otherwise.

Mr. Wheeler presented the following resolution:

Resolved, That the Judiciary committee be, and are hereby instructed to inquire into the propriety of abolishing from our criminal code the punishment of cropping the years which the law inflicts on persons convicted of perjury.

The question thereon was determined in the negative.

Mr. Kendall, with leave, presented a bill more effectually to enforce the payment of taxes on Stud Horses and Jack Asses. The said bill was read the first time and passed.

Received from his Excellency the Governor, by his Private Secretary, Mr. Muse, the following message:

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN,—In obedience to an act of the General Assembly, passed in the year 1815, I now submit for your inspection the returns received at this department from the several Sheriffs of the votes for Electors of President and Vice President of the United States, given by the freemen of this State, at the election held on the 13th of the present month.

I have the honor to be with high consideration,
Executive Department, Raleigh, Nov. 28, 1828.

JAMES IREDELL.

On motion, ordered that the said message be sent to the Senate.

The House then, on the motion of Mr. Stedman, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 29, 1828.

On motion, ordered that a message be sent to the Senate, proposing that the report of the surviving commissioner, William Robards, herewith sent, be printed, and referred to the committee of Finance.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Celia Garland, reported a bill in pursuance to the prayer of the petition, entitled a bill to secure to Celia Garland, of Greene county, such property as she may hereafter acquire, and recommended its passage. The said bill was read the first time and passed.

Mr. Nash, with leave, presented a bill for the better organization of the Supreme Court. The said bill was read the first time and passed, and made the order of the day for Thursday next, and ordered to be printed.

Mr. Montgomery, with leave, presented a bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Hertford. The said bill was read the first, second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Gregory,

Resolved, That the Military committee be instructed to inquire into the expediency of allowing to the company of Light Infantry volunteers in the town of Elizabeth City seventy stand of arms, or more, upon the Captain of the company giving a receipt for them to be returned when called for; and that the committee report by bill or otherwise.

Mr. Foy, from the committee to whom was referred the bill to amend an act, passed in the year 1777, entitled an act to encourage the building of public mills, and directing the duty of millers, reported the bill without amendment. The bill was read, and, on the motion of Mr. Hellen, amended, by excepting from its operation the county of Carteret; and, on the motion of Mr. Montgomery, the district of Edenton was excepted to its operation. The bill then was read for its second reading, and passed, and made the order of the day for Monday next.

Mr. Eccles, with leave, presented a bill to incorporate the Fayetteville Manufacturing Company; which was read the first time and passed, and made the order of the day for Monday next.

Mr. Alexander, with leave, presented a bill to provide for obtaining statistical information as to the resources of the State of North Carolina. The said bill was read the first time and passed, and, on motion, referred to the committee on Internal Improvements.

A message from the Senate, informing that they have passed the engrossed bill to alter the name of Andrew J. Perry, and others, and to legitimate them, and asking the concurrence of this House; and further, that they agree to the reference of the report of the surviving commissioner, William Robards, appointed to superintend the sale of the property of the late Treasurer.

Mr. Stockard, with leave, presented a bill making it the duty of the Major General of the third division of the militia of North Carolina, to which the county of Orange is attached, to review the militia at their usual regimental muster grounds. The said bill was read the first time, passed, and, on motion, referred to the Military committee.

On motion of Mr. Montgomery,

Resolved, That the committee on the Judiciary be directed to inquire whether by the laws now in existence, the guns of free negroes and mulattoes are exempt from execution; and if so, that they report a bill to remove the exemption.

The bill amendatory of the law respecting dower, was read the third time, passed and ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Potter,

Resolved, That the Treasurer be requested to lay before this House a statement of the condition of the several Banks of this State up to the latest period, at which he was authorised to require such statement; and to inform this House why such statement has not been heretofore transmitted to the Legislature.

Mr. Nash from the committee on the Judiciary, to whom was referred the resolution directing them to inquire into the expediency of so amending the act, passed in the year 1821, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed, as more effectually to prevent the selling of powder and shot to slaves, reported a bill under direction of the committee, entitled a bill to amend an act, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed, passed in the year 1826, and recommended its passage. The said bill was read the first time and passed.

On motion of Mr. Edmonston,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so providing by law, as to give to the several Superior Courts of Law in this State the power of restoring to credit such persons as may be convicted of the crime of petit larceny; and that they report by bill or otherwise.

Mr. Gary presented the following resolution:

Whereas, numerous applications are annually made to the General Assembly for restoring to credit individuals deprived of a portion of their liberties by convictions of certain crimes; and whereas, from the evidence usually accompanying such petitions, it is difficult for the Legislature to judge whether such cases are of a peculiar hardship, as to deserve its interference:

Resolved therefore, That the committee on the Judiciary be instructed to inquire into the expediency of so altering or amending the existing laws, as to remit that portion of the punishment incident to such convictions.

The question to concur with the resolution was determined in the affirmative.

On motion, ordered that the bill more effectually to enforce the payment of taxes on stud horses and jack asses, be referred to the committee of Finance.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Lincoln county on behalf of Nathaniel Mechem, reported a bill, under direction of the committee, entitled a bill for the relief of Nathaniel Mechem, of Lincoln county, and to recommend its passage. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed bill to alter the name of Andrew J. Perry and others, and to legitimate them, was read the first time and passed.

The bill prescribing the manner in which field officers shall be recommended to the General Assembly, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resignations of Michael Reinhardt, colonel commandant of cavalry attached to the 10th Brigade of the militia; Henry Smith, lieutenant colonel of the militia of Martin county; and B. H. Brown, justice of the peace for the county of Wilkes, were read and accepted.

On motion of Mr. Nicholson, ordered that the explanations made in pursuance to a resolution of this House, by the Public Printers and the Public Treasurer, "why the exposes or statements of the several Banks of this State, transmitted by the Treasurer to the present session of the Legislature as part of his annual report, have not been printed as heretofore," and presented this morning to the House by the Speaker, be spread on the Journals.

To the Honorable the Speaker of the House of Commons.

SIR—In obedience to a resolution of the House of Commons of this day, requiring "the Printers for the State forthwith to inform the House why the exposes or statements of the several Banks of this State, transmitted by the Treasurer to the present session of the Legislature as part of his annual report, have not been printed with that report as heretofore," we have the honor to state, that *all the documents* which accompanied that report, as handed to us by the Clerk of the House, were printed and attached to it.

We have also the honor to submit the enclosed statement of the Public Treasurer, which will account for the omission of the documents alluded to.

Your obd't serv'ts,

LAWRENCE & LEMAY, *Printers to the State.*

Raleigh, Nov. 28, 1828.

Treasury Office, November 28, 1828.

Messrs. Lawrence & Lemay having called on me for information relative to the exposes or statements stated in my report of the Treasury Department made up to the end of the last fiscal year, to enable them to state why they were not printed in the annual report of the Treasurer:

It was not discovered until the resolution of the House of Commons of the 20th instant, that the exposes or statements of the different Banks, as returned to the Treasury Office, were not included in the exhibits annexed to the report. As soon as it was discovered, they were transmitted to the House in my report in pursuance of that resolution.

I presume that the omission to print them has occurred in this way. The originals, as is usual, were transmitted to the House, having copies remaining in the office.

WM. ROBARDS.

The bill to secure to Nancy Sorrels, of Burke county, such property as she may hereafter acquire, was read the second time and rejected—yeas 42, nays 80. The yeas and nays demanded by Mr Sharpe.

Those who voted in the affirmative, are Messrs Alexander, Bass, Bogle, B. Brittain, M. Brittain, Bryan, Calloway, Clayton, Clement, Cox, Edmonston, Gary, Gordon, Graham, Gregory, Hester, Hodges, W. G. Jones, W. Jones, Kendall, Lilly, Loretz, Mendenhall, Mitchell, G. T. Moore, Mhoon, Morris, Newland, Potter, Saintclair, Shipp, N. G. Smith, Stephens, Tyson, Underwood, A. Waddell, Wadsworth, J. Webb, Whitaker, A. Williams, Wilkinson, Wright.

Those who voted in the negative, are Messrs. Alford, Allison, Ball, Barnhardt, Battle, Bateman, Bethell, Blackwood, Borden, Boykin, Branch, Brooks, Byrum, Cooper, Davenport, Dickinson, Dozier, Fisher, Fleming, Foy, Gaston, Gibson, Gillespie, Hampton, Hancock, Harper, Hellen, Jarman, H. C. Jones, Kerr, Kilpatrick, Larkins, D. Latham, T. Latham, Martin, Montgomery, A. C. Moore, Moye, M'Keill, M'Lean, M'Millan, M'Neill, Nash, Nelson, Nicholson, Pierce, Pool, Purcell, Rainey, Riddick, Rhodes, Rogers, Rogerson, Sasser, Sanderson, Sharpe, L. R. Simmons, B. T. Simmons, Simpson, T. B. Smith, J. Smith, Spruill, Stedman, Stockard, Swain, Vail, H. Waddell, J. Walker, R. Walker, H. Walker, Ward, Watford, Watson, T. Webb, Webster, Wheeler, Wilder, E. Williams, Wilson, Wyche.

The House then, on the motion of Mr. Newland, adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 1, 1828.

On motion, ordered that Mr. Eccles have leave of absence, from this day, until Saturday next; and Mr. Whitaker have leave of absence for this day.

Mr. Nash presented the memorial of William H. Haywood, jr. asking remuneration for certain services rendered the State in the Supreme and Superior Courts. Ordered that the said memorial be referred to the committee of Claims.

Mr. Nelson, with leave, presented a bill concerning the registration of grants; which was read the first time and passed, and, on motion, referred to the committee on the Judiciary.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of the county of Lincoln in behalf of William Cline, reported unfavorably to the prayer of the petition, recommending its rejection. The report was read and concurred in.

On motion of *Mr. Loretz*,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of granting to the County Courts exclusive cognizance of all applications for the erection of gates; and that they report by bill or otherwise.

Mr. Boykin, from the Military committee, to whom was referred the bill making it the duty of the major general of the third division of the militia of North Carolina, to which the county of Orange is attached, to review the militia at their usual regimental muster grounds, reported the bill with a recommendation that it be passed. The said bill was read the first time and passed.

A message from the Senate, informing that Mr. Ruffin and Mr. Miller attend this House as a committee to conduct the balloting for Senator in Congress, on their part. On motion, ordered that the Senate be informed by message that *Mr. Waddell* of Orange, and *Mr. Gary* form the committee on the part of this House to conduct the balloting for Senator in Congress.

Mr. Mitchell, with leave, presented a bill to determine how surveys of land shall be made to enable surveyors to obtain grants from the State; and to confirm grants heretofore made to surveyors and deputy surveyors in certain cases. The said bill was read the first time and passed.

Mr. Boykin, from the Military committee, to whom was referred the bill to repeal in part the third section of an act, passed in the year 1806, entitled "an act to revise the militia laws of this State, relative to the infantry, and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled 'an act to amend the militia laws of this State.'" reported the bill under direction of the committee, with a recommendation that it be passed into a law. The said bill was read the second time and passed.

Mr. Nash, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of providing by law for taking the depositions of the Governor of the State, and the Judges of the Supreme and Circuit Courts, to be read in evidence in all civil causes whenever these officers are engaged in their official duties; and also, to inquire into the expediency of providing by law for the taking of depositions in all criminal suits, when the punishment to be inflicted does not extend to life or member, reported that the committee had considered the said resolution, and directed him to report their disapprobation of the second member thereof, and to recommend the passage of the bill reported, entitled a bill for the taking of depositions. The report was concurred in, and the bill reported, read the first time and passed.

Mr. Gary, from the committee appointed to conduct the balloting for Senator in Congress, reported that the committee had performed that duty, and that, on counting the ballots, the majority of the whole number

was found to be in favor of James Iredell, who was duly elected. The question to concur with the report, was determined in the affirmative.

On motion of Mr. Nash, ordered that Mr. Alexander be added to the committee on the Judiciary.

On motion of Mr. Potter,

Resolved, That the Treasurer be, and he is hereby directed to demand, immediately, an inspection of the books of the State Bank of North-Carolina, so far as is necessary to ascertain the amount of the capital stock of the said Bank; of the debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash on hand; and that he report the result of his examination to this House.

On motion of Mr. Waddell, of Orange,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law in relation to justices' executions, as to give to the execution first levied on personal property a priority of lien. Secondly, That said committee be instructed to inquire into the expediency of so amending the law relating to the bonds taken by Constables, for the forthcoming of property levied on under justices' executions, as to require said bonds to be subscribed by one creditable witness.

On motion of Mr. Vail,

Resolved, That a committee be appointed to inquire into the expediency of repealing so much of the act as prevents the setting of nets, or the drifting of nets on Roanoke river; and that Messrs. Vail, Sanderson, Spruill, Pierce, Mhoon, Watford, Cooper and D. Latham, form the committee.

A message from the Senate, proposing that the two Houses ballot on Friday next for a Governor of this State for the ensuing year. Montfort Stokes and Richard D. Spaight are nominated for the appointment. The message was concurred in, and the Senate informed thereof by message.

On motion of Mr. Gaston,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of authorising the Courts, upon the petition of any man, praying that an illegitimate child may be recognised as his lawful child, to legitimate such child accordingly.

On motion of Mr. Montgomery,

Resolved, That the committee of Finance be instructed to inquire into the expediency of so amending the law as to compel owners of land, to list all the taxable free negroes and mulattoes who may live on their land, and be bound for their taxes as for other property; and that they report by bill or otherwise.

A message from the Senate, informing that they had passed the engrossed bill to alter and amend an act, passed in the year 1827, entitled an act concerning the Public Treasury, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Morris presented the following resolution:

Whereas small losses are frequently sustained by individuals in consequence of Justices of the Peace not having lawful authority to give judgment for lent property: For remedy whereof,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of giving Justices of the Peace jurisdiction of lent property to any amount not exceeding twenty dollars, subject to the same or similar proceedings that Courts are now required by law to notice and observe; and that they report by bill or otherwise.

Received from the Senate the following resolution:

Resolved, That a joint select committee be appointed, to take into consideration the expediency of creating some tribunal for the trial of all minor offences against the State, with leave to report by bill or otherwise.

The resolution was concurred in and returned to the Senate.

Mr. Callaway presented the following resolution:

Whereas great inconveniences have occurred on account of the great delays in speedy trials and immediate justice in criminal prosecutions, which, in obedience to the Constitution of the United States, should not be delayed nor denied: Therefore,

Resolved, That the Judiciary committee be instructed to inquire into the cause of the delay of justice in criminal prosecutions.

Resolved, That said committee be instructed to inquire into the expediency of so amending the criminal law, as to compel the State and the accused to more speedy trials, so as to prevent the great expense which occurs in the delay of such justice.

Resolved, That said committee be further instructed to inquire into the expediency of so amending the law, as more effectually and more rigidly to compel witnesses in criminal cases to attend at such places as they have been subpoenaed.

The resolution was read and concurred in.

Received from the Senate the following resolution:

Resolved, That a joint select committee of both Houses be appointed to take into consideration the expediency of directing the State Engineer to examine and lay off a road the nearest and best way from Fayetteville to the town of Wilkesborough, in Wilkes county, or to a point on the Yadkin river, in a direct line between the said towns; and that the said committee have leave to report by bill or otherwise.

The said resolution was concurred in, and returned to the Senate.

Mr. Newland presented the following resolution:

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of establishing a turnpike road from the town of Morganton, to Fayetteville, and incorporating a company for that purpose; one half of the Stock of which shall belong to the State.

The question to concur with the resolution, was determined in the negative.

Mr. Foy, from the select committee, to whom was referred the bill to amend an act, passed in the year 1777, entitled an act to encourage the building of public mills, and directing the duty of millers, reported that the committee had, according to order, considered the said bill, and instructed him to report it to the House without amendment. Mr. Webster moved to amend the bill, by excepting from its operation the county of Camden. The question thereon was determined in the negative. Mr. Webster then moved that the bill be indefinitely postponed; which was also negatived. The said bill was then read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Nash, from the committee on the Judiciary, to whom was referred the bill to amend an act, passed in the year 1820, entitled an act to extend the jurisdiction of a justice of the peace, reported that the committee had instructed him to return the bill without amendment, and leave to the House to decide on the principle involved in the bill without an expression of any opinion on their part. The bill was read, and, on motion, made the order of the day for to-morrow.

Mr. Saintclair, with leave, presented a bill for the relief of wives, in cases where husbands neglect to provide for the support of their families. The said bill was read the first time and passed, and, on the motion of Mr. Saintclair, referred to the Judiciary committee.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of John A. Nuffer, of the county of Anson, reported a bill in pursuance to the prayer of the petition, entitled a bill to restore to credit John A. Nuffer, of the county of Anson, and recommended its passage. The said bill was read the first time and passed.

The bill to secure to Celia Garland, of Greene county, such property as she may hereafter acquire, was read the second time, and, on the motion of Mr. Pool, postponed indefinitely.

Mr. Brittain, of Burke, with leave, presented a bill, in pursuance of a petition, to revive an act, passed in the year 1805, chapter 36, entitled an act to amend an act of Assembly now in force for the regulating the town of Morganton. The said bill was read the first time and passed.

The resignation of Thomas O. Larkin, justice of the peace for Duplin county, was read and accepted.

The bill to alter the name of Andrew J. Perry, and others, and to legitimate them, was read the second and third times and passed. Ordered that the said bill be enrolled.

The Speaker laid before the House the following report from the Public Treasurer:

In obedience to the resolution of the House of Commons of the General Assembly of the 29th of November, directing the Public Treasurer to lay before the House a statement of the condition of the several Banks of this State, up to the latest period at which he was authorised to require such statement, and to inform this House why such statement has not been heretofore transmitted to the Legislature, I beg leave respectfully to report, that at the time the Annual Report of the Public Treasurer was transmitted to the present General Assembly, the statements of the State Bank to the 20th of May, 1828; of the Bank of Newbern, to the 30th September, 1828; and of the Bank of Cape Fear, to the 30th of June, 1828, being all received at the Treasury Department during the last fiscal year, and to the date of the report, were intended to have been sent with the report; but by accident they were overlooked in collecting the different exhibits that are appended to the report. It was not discovered in time to transmit them to the House of Commons before the receipt of the resolution of the 20th of November. On the next day, the originals received from the Banks during the last year, together with copies of all the statements from the different Banks, as filed in the Treasury Office, were transmitted to the House.

The provisions of the different acts of Assembly, incorporating the State Bank and the Banks of Newbern and Cape Fear, authorising the Public Treasurer to require a statement of the Banks, and the resolution of the General Assembly of 1822, have been attended to during the last year. The statement which the President and Cashier of the State Bank have furnished me, will inform the House why the statements required by me at different times have not been transmitted to the Legislature.

The President of the Bank of Newbern was requested, by letter and otherwise, to furnish this Department with the statements as required by law. I trust, if necessary, he will inform the House why the statements were not furnished.

The President of the Bank of Cape Fear has been written to and requested to furnish the statement, as directed by law, in time to lay it before the General Assembly. No answer has been received.

It appears, from examination of the returns heretofore made by the Banks of Newbern and Cape Fear, that they are made up to the 31st of December in each and every year. It may therefore be concluded that for the last quarter the returns will be made out as heretofore, and will not be received sooner than the 31st of this month.

The statements heretofore transmitted to the House on the 25th November, as received during the last year, have been again made out, and are herewith respectfully submitted.

I have the honor to be your obedient servant,

WILLIAM ROBARDS.

Treasury Department, December 1, 1828.

On motion, ordered that the said report and exhibits be laid on the table.

The House then, on the motion of Mr. Borden, adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 2, 1828.

Received from his Excellency the Governor, by his Private Secretary, Mr. Muse, the following message:

To the Honorable the General Assembly of the State of North-Carolina.

GENTLEMEN,—I have the honor to transmit to you the Annual Report of the Board of Internal Improvements; and am, with the highest consideration, your ob't serv't,

JAMES IREDELL.

Executive Department, Dec. 2, 1828.

On motion of Mr. Fisher, ordered that the said report be sent to the Senate, with a message, proposing that it be printed, one copy for each member of the Assembly.

The House, in pursuance to the motion made yesterday by Mr. Wyche,

that the 38th rule be suspended as it applies to the bill to alter an act, passed in the year 1827, entitled an act concerning the Public Treasurer, two thirds concurring, suspended the said rule. Whereupon the said bill was read the second and third times, passed, and, on motion, ordered to be enrolled.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution requiring them to inquire into the expediency of providing by law that it shall be the duty of the several Judges of the Superior Courts, at the request of either the plaintiff or defendant, to reduce his charge, so far as regards the law of the case, to writing, and read it to the jury, &c. reported a bill in pursuance to the resolution, entitled a bill regulating trials in the Superior, and appeals to the Supreme Court, and recommended its passage. The said bill was read the first time and passed, and made the order of the day for to-morrow.

Mr. Smith, of Anson, with leave, presented a bill to amend the 9th section of an act, passed in the year 1806, chapter 693, entitled an act for the more convenient administration of justice within this State. The said bill was read the first time, passed and made the order of the day for Thursday next.

Mr. Nash, from the Judiciary committee, to whom were referred sundry resolutions respecting the suing of executors and administrators, and the levying of executions on judgments before justices, and the issuing of sciere facias against heirs, reported a bill, under direction of the committee, entitled a bill to amend the law with respect to the collection of debts from the estates of deceased persons, and to recommend its passage. The said bill was read the first time and passed, and, on motion, made the order of the day for Friday next, and be printed.

Mr. Alford, with leave, presented a bill to repeal an act, passed at the last General Assembly, entitled an act for the better regulation of the Court of Pleas and Quarter Sessions for the county of Robeson. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to restore to credit John A. Nuffer, of the county of Anson, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Charles Lewis, of Rutherford county, reported unfavorable to the prayer of the petition, and recommended that it be rejected. The question to concur with the report was determined in the affirmative.

Mr. Nash, from the committee on the Judiciary, to whom was referred the resolution requiring them to inquire into the expediency of providing by law for the revision of the acts of Assembly of this State, reported, under the direction of the committee, a bill for revising and digesting the public statute laws of this State, and recommended its passage. The said bill was read the first time and passed, and, on motion, made the order of the day for Monday next, and be printed, one copy for each member of the Assembly.

Mr. Nelson presented the memorial of the Grand Jury of the County Court of Craven, exhibiting the insufficiency of the laws respecting peo-

ple of color hunting with dogs and guns, and praying for the revision and amendment of said laws. The said memorial was read, and, on motion, referred to a select committee, consisting of Messrs. Nelson, D. N. Bateman, Montgomery, Hellen, Sanderson, Dozier and Bryan.

The report of the Board of Internal Improvement, accompanying the Governor's message this morning sent to the Senate, with a proposition that it be printed, was returned from the Senate, endorsed "read and concurred with."

The House, on the motion of Mr. Newland, resolved itself into a committee of the Whole, on the bill to erect out of part of the counties of Burke and Buncombe a separate and distinct county, Mr. Spruill in the chair; and, after some time spent therein, the Speaker resumed the chair, and Mr. Spruill reported that the committee of the Whole, according to order, had the said bill under consideration, and made progress therein, and instructed him to ask leave to sit again on said bill. The question to concur with the report, was determined in the affirmative.

The House then, on the motion of Mr. Swain, adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 3, 1828.

On motion of Mr. Cox,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing some mode by which final settlement may be made of the accounts of executors, administrators and guardians; and that they report by bill or otherwise.

Mr. Nash presented the memorial of John D. Hawkins, Edward T. Brodnax and John R. Eaton on behalf of the stockholders of the Roanoke Navigation company. On motion of Mr. Nash, ordered that the said memorial be sent to the Senate, with a message, proposing that it be referred to a select joint committee of three members of each House.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill to alter the name of George Pinkney Coppedge, an illegitimate son of John Lee, of Anson county, and to legitimate him; a bill to establish a separate election in the county of Lenoir; a bill to legitimate Polly Matilda Stinson, of Chatham county; a bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery; and a bill to authorise the wardens of the poor for the county of Lenoir to purchase a tract of land, and to erect thereon a house for the poor; and asking the concurrence of this House.

A message from the Senate, informing that Messrs. Wellborn, M'Dearmid, M'Neill, Deberry and Royal form the committee on their part to take into consideration the expediency of directing the State Engineer to examine and lay off a road from Fayetteville to Wilkesborough, in Wilkes county; and that Messrs. Wellborn, Meares, Alexander, Marshall and Bailey form the committee on their part to take into consideration the expediency of creating some tribunal for the trial of all minor offences against the State. On motion, ordered that the Senate be informed by message that Messrs. Fisher, Shipp, Eccles, Gordon and Allison form the committee on the part of this House to take into consideration the resolution respecting the laying off a road from Fayetteville to Wilkesborough; and that Messrs. Spruill, Gary, Mitchell, Ruffin and Swain form the committee on the part of this House to take into consideration the expediency

cy of creating a tribunal for the trial of all minor offences against the State.

Received from the Senate the following resolution:

Whereas it appears from the books of the Comptroller's Office, that there is a large balance due from the United States to this State:

Resolved, That the claim of this State against the United States be referred to a select joint committee of three members of each House, to inquire into the demand, and report such measures as ought to be taken to obtain payment.

The resolution was concurred in, and a committee appointed to join the committee to be appointed by the Senate, consisting of Messrs. Gaston, Spruill and Swain.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution directing them to inquire into the expediency of so altering and amending the laws relating to mortgages and deeds of trust, as more effectually to prevent the frauds practiced under existing laws, reported that the committee instructed him to report a bill in pursuance to the object of the resolution, entitled a bill more effectually to prevent frauds in deeds or conveyances in trust. The said bill was read the first time and passed, and, on the motion of Mr. Nash, ordered to be printed.

Mr. Potter, in pursuance of a petition, presented a bill for the improvement of military discipline. The said bill was read the first time and passed, and, on the motion of Mr. Potter, referred to the Military committee.

A message from the Senate, informing that the names of John Owen and Willis Alston are added to the nomination for Governor of this State for the ensuing year. On motion of Mr. Smith, of Chatham, ordered that the Senate be informed by message that the name of James Mebane is added to the nomination for Governor of this State.

A message from the Senate, proposing that the several documents accompanying the report of the Board of Internal Improvements, be printed with said report. The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill to restore Nathaniel Mechem, of Lincoln county, to credit, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

Mr. Nelson, with leave, presented a bill to amend an act, entitled an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain services. The said bill was read the first time and passed.

The engrossed bill to establish a separate election in the county of Le-noir; also the engrossed bill to alter the name of George Pinkney Coppage, an illegitimate son of John Lee, of Anson county, and to legitimate him, were read for their first reading and passed.

A message from the Senate, informing that they had passed the engrossed bill, entitled a bill to erect that section of country commonly called the Cherokee Purchase, into a separate and distinct county, and asking the concurrence of this House. On motion, ordered that the said bill be laid on the table.

On motion of Mr. Swain,

Resolved, That the Comptroller of Public Accounts be instructed and requested to have his Statements hereafter printed in octavo, six copies for each Member of the Legislature; and to annex to his next annual Statement a table, exhibiting the amount of taxes paid annually by each county in the State from the formation of the government to the close of the present year, together with such explanatory notes as he may deem advisable.

On motion of Mr. Clement,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of altering the law regulating the sale of property under a writ of venditioni exponas, so that the sale shall not be considered valid, unless the property brings at least two thirds of what it is intrinsically worth, so adjudged by two or more persons entirely disinterested with the parties, either directly or indirectly, nor connected with the parties by relationship in any respect whatever; and that they report by bill or otherwise.

On motion of Mr. Wyche, ordered that the bill to amend an act, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed, passed in the year 1826, be referred to the committee on the Judiciary.

The engrossed bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery, was read the first time and passed, and referred to the Judiciary committee, with instructions to inquire into the expediency of extending the provisions of the bill generally throughout the State.

Mr. Ellis, with leave, presented a bill to place the class of people called Quakers, Moravians, Menonists and Dunkards, on equal footing with the other freemen of this State. The said bill was read the first time and passed, and, on the motion of Mr. Smith, of Chatham, referred to the Military committee.

The bill to alter the time of electing the county trustee of Onslow county, and for other purposes, was read the first and second times and passed.

The bill for the taking of depositions, was read the second time and passed.

The engrossed bill to legitimate Polly Matilda Stinson, of the county of Chatham; also the engrossed bill to authorise the wardens of the poor of the county of Lenoir to purchase a tract of land, and to erect thereon a house for the poor, were read each the first, second and third times, passed, and ordered to be enrolled.

Mr. Saintclair, with leave, presented a bill to prevent the falling of timber in, or obstructing the run of the Yadkin river, in Wilkes county.—The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The Speaker laid before the House the following report from the Public Treasurer:

In obedience to the resolution of the House of Commons of the General Assembly, of the first instant, a demand was made of the officers of the State Bank of North Carolina, so as to enable me to comply with the directions as contained in the resolution. An exhibit of the situation of the State Bank was this day furnished me, which I have the honor herewith to transmit.

With high consideration, your ob't servant.

WILLIAM ROBARDS, Pub. Treasurer.

Treasury Department, 3d December, 1828.

On motion of Mr. Potter, ordered that the exhibit accompanying the report be printed, one copy for each member of the Assembly.

Received from his Excellency the Governor, by his Private Secretary, Mr. Muse, the following communication:

To the Honorable the General Assembly of the State of North-Carolina.

GENTLEMEN,—In obedience to a resolution adopted at the last General Assembly, I have endeavoured to procure such information in relation to a Penitentiary and a Lunatic Asylum, as would be useful to you in determining upon the best plan for those institutions. The information received will be found in the pamphlets and letters herewith transmitted.

In regard to a penitentiary, it seems to be universally admitted, that the system pursued in the penitentiaries in the United States, until within a few years, was not only inefficacious for the purposes for which it was intended, but was productive of much positive evil.

The indiscriminate association of the prisoners, the old with the young, the hardened experienced offender with the novice in guilt, afforded opportunities, which were not neglected, of instruction in crime and of combined schemes of villainy, to be executed when the terms of imprisonment expired. To remedy these evils, and others of perhaps not less magnitude, different plans have been proposed. By some, solitary confinement by night and day, with labor performed in the cells; and by others, solitary confinement by night and during such portions of the day as are not devoted to labor in the shops, and to meals, and a strict superintendence of the keepers, to prevent communication between the convicts either by signs or conversation while they are collected together. The latter plan has been adopted at the Auburn prison in the State of New-York, which has served as a model to many of the Eastern States. The two former plans are now in a course of experiment in Pennsylvania, and perhaps in some other States. You will find the relative merits and defects of these plans, discussed at length and with great ability in the pamphlets now sent, together with information as to the cost of erecting a penitentiary, according to the plan you may prefer.

The accompanying draft of the necessary buildings was procured from Mr. Strickland, and is upon the plan which seems to be preferred at present in Pennsylvania.

I also transmit to you a letter from Doctor James Mease, of Philadelphia, who is the author of some of the pamphlets, and who has politely rendered me the most valuable assistance in my inquiries.

Accompanying this communication is a plan of the Lunatic Asylum, near Frankfort, in Pennsylvania, which is under the management of the society of Friends, and which is highly spoken of. Its erection cost about forty-seven thousand dollars; a particular description of this institution, its system of management, and an account of its annual receipts and expenditures, are contained in the several reports of the managers herewith sent, and afford all the information desired on the subject.

The idea of uniting a Penitentiary and a Lunatic Asylum in the same edifice, which seems to be implied in the resolution of the last session, appears to me so abhorrent to humanity, and so irreconcilable to the totally different nature and object of the two institutions, that I am satisfied it must have been introduced through mere inadvertence.

I have the honor to be gentlemen, your obedient servant,

JAMES IREDELL.

Executive Office, Dec. 2, 1828.

On motion, ordered that the said message and accompanying documents be sent to the Senate, with a message proposing that they be referred to the select joint committee on the Penitentiary and Lunatic Asylum.

The House then, on the motion of Mr. Borden, adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 4, 1828.

A message from the Senate, informing that they had passed the engrossed bill to restore William Ferrell, of Montgomery county, to credit, and the engrossed resolution in favor of Benjamin King; and asking the concurrence of this House.

The bill to restore William Ferrell, of Montgomery county, to credit, was read the first time and passed.

The resolution in favor of Benjamin King, was read, and, on the motion of Mr. Wyche, referred to the committee of Claims.

A message from the Senate, proposing to refer the bill to appropriate thousand hundred dollars for improving the navigation of Cape Fear river below Wilmington, accompanying the message, to a select joint

committee of four members from each House, and on their part to Messrs. Meares, Brodnax, Mebane and Burney. The message was concurred in, and the Senate informed by message, that Messrs. Gaston, Walker, of Wilmington, Smith, of Chatham, and Mendenhall form the committee on the part of this House.

Mr Bateman, with leave, presented a bill granting to Ebenezer Pettigrew, a title to certain land. The said bill was read the first time and passed, and, on the motion of Mr. Bateman, referred to the committee on the Judiciary.

A message from the Senate, informing of the assent of that House to the reference of the memorial of John D Hawkins, Edward T. Brodnax and John R. Eaton to a select committee, and that Messrs. Mebane, Brown and Meares form the committee on their part. On motion, ordered that the Senate be informed by message, that Messrs. Nash, Bethell and Ward of Franklin, form the committee on the part of this House.

Received from the Senate the certificate of the County Court of Craven county, allowing John Rhem, a pensioner of the State, a pension of one hundred dollars for the present year, countersigned by the Speaker. On motion, ordered that the said certificate be countersigned by the Speaker of this House, and returned to the Senate.

On motion of Mr. Alexander,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so providing by law, that the real plaintiff in an action of ejectment may recover the mesne profits of the land in said action.

Mr. Gaston presented the memorial of the religious society of Friends, commonly called Quakers, of New Garden Yearly Meeting, in Guilford county, protesting against being compelled to bear arms, or being taxed as an equivalent for such exemption. The said memorial, on the motion of Mr. Gaston, was referred to the Military committee.

The certificate of the County Court of Craven county, in favor of Christopher Bexley and Thomas Ewell, pensioners of the State, allowing them each a pension of forty dollars for this year, received from the Senate, and countersigned by the Speaker, was, on motion, countersigned by the Speaker of this House, and returned.

Received from his Excellency the Governor, the following communication:

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN,—I transmit to you a communication, which has just been received at this Department from the Stockholders of the State Bank of North Carolina.

I have the honor to be, with the highest consideration, your o^bt ser^vt,

JAMES IREDELL.

Executive Department, Raleigh, Dec. 4, 1828.

The said communication was read, and, on the motion of Mr. Gaston, ordered to be sent to the Senate.

The resignation of David Jones, of New Hanover county; Abraham Vanderpool, of Ashe county; and Luke R. Simmons, of Columbus county, justices of the peace, were read and accepted.

The House, as in committee of the Whole, resumed the consideration of the bill to erect out of part of the counties of Burke and Buncombe, a separate and distinct county; and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the committee had again, according to order, had the said bill under consideration,

and instructed him to report it to the House without amendment. The bill thereupon was read the second time, and the question, shall the said bill pass? was determined in the negative—yeas 62, nays 65. The yeas and nays demanded by Mr Stedman.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bethell, Blackwood, Bogle, Borden, B. Brittain, M. Brittain, Brooks, Calloway, Clayton, Clement, Edmonston, Fisher, Fleming, Gaston, Gibson, Gordon, Graham, Hampton, Hancock, Hester, Hodges, Jasper, H. C. Jones, Kendall, Lilly, Lo-retz, Martin, Mendenhall, Mitchell, G. T. Moore, A. C. Moore, Morris, M'Lean, M'Millan, M'Neill, Nash, Newland, Nicholson, Potter, Purcell, Rainey, Ruffin, Saintclair, Shipp, Simpson, N. G. Smith, J. Smith, Stockard, Styron, Swain, Tyson, H. Waddell, A. Waddell, Wadsworth, J. Walker, H. Walker, J. Webb, A. Williams.

Those who voted in the negative, are Messrs. Ball, Bass, Battle, Bateman, Boykin, Bozman, Branch, Bryan, Bynum, Byrum, Cooper, Cox, Davenport, Dickinson, Dozier, Ellis, Foy, Gary, Gillespie, Gregory, Harper, Hellen, Jarman, W. G. Jones, W. Jones, Kerr, Kilpatrick, Larkins, D. Latham, T. Latham, Montgomery, Mhoon, Moye, M'Keill, Nelson, Pierce, Pool, Rhodes, Rogers, Rogerson, Sasser, Sanderson, Sharpe, L. R. Simmons, B. T. Simmons, T. B. Smith, Spruill, Stedman, Stephens, Underwood, Yail, R. Walker, Ward, Watford, Watson, T. Webb, Webster, Wheeler, Whitfield, Whitaker, Wilder, Wilkinson, Wilson, Wright, Wyche.

The House then, on the motion of Mr. Gaston, adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 5, 1823.

The bill for taking depositions, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Williams, with leave, presented a bill to compel the Major General to review each regiment in the county of Davidson separately. The said bill was read the first time, passed, and, on the motion of Mr. Williams, referred to the Military committee.

A message from the Senate, informing of their assent to the reference made by this House of the message from the Governor, on the subject of a Penitentiary and Lunatic Asylum.

Mr. Spruill, from the committee of Claims, to whom was referred the engrossed resolution in favor of Benjamin King, reported unfavorable to its object, and recommended its rejection. The question to concur with the report, was determined in the affirmative.

The bill to repeal in part the 3d section of an act, passed in the year 1806, entitled an act to revise the Militia Laws of this State relative to the Infantry, and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the Militia Laws of this State, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr Jarman presented the following resolution:

Whereas, slaves are in the habit of running away and lurking in woods, swamps, and other obscure places, killing cattle and hogs, and arming themselves with guns and other weapons to the terror of the citizens: For remedy whereof,

Resolved, That the Judiciary committee be instructed to inquire into the utility of so amending the law as respects outlaws, that a more speedy detection can be obtained; and that they report by bill or otherwise.

The bill making it the duty of the Major General of the third division of the Militia of North Carolina, to which the county of Orange is attached, to review the militia at their usual regimental muster ground, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Andrew Walker, of Mecklenburg county, reported unfavorable to the prayer thereof, recommending its rejection. The question to concur with the report, was determined in the affirmative.

Mr. Dickinson, with leave, presented a bill concerning the Grave Lot in Greenville, in the county of Pitt; which was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Graham, with leave, presented a bill requiring the oaths of two disinterested witnesses for the removal of suits. The said bill was read the first time, passed, and, on motion, made the order of the day for Monday next.

Mr. Fisher, who voted in the majority yesterday on the rejection of the bill to restore to credit William Ferrell, of Montgomery county, moved that the House do reconsider that vote. The question thereon was determined in the negative.

The bill to alter the time of electing the County Trustee of Onslow county, and for other purposes, was read, and, on motion, laid on the table.

A message from the Senate, informing that Mr. Burns and Mr. Bailey attend this House as a committee on their part to superintend the balloting for Governor of this State for the ensuing year. On motion, ordered that the Senate be informed by message that Mr. Walker, of Wilmington, and Mr. Clayton, attend the Senate as a committee on the part of this House to conduct the balloting for Governor.

Mr. Boykin, from the Military committee, to whom was referred the resolution, instructing them to inquire into the expediency of allowing to the Light Infantry Volunteers in the town of Elizabeth City seventy stand of arms, or more, upon the Captain of the company giving a receipt for the same, reported unfavorably to the object of the resolution, and prayed to be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

Mr. Newland, in pursuance to a petition, presented a bill to legitimate Joseph Smith and Mary Bently, illegitimate children of John Smith and Susanna Berry, of Burke county. The said bill was read the first time and passed.

Mr. Clayton, from the committee, appointed to superintend the balloting for Governor of the State for the ensuing year; reported that the committee had performed that duty, and that on counting the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Swain, ordered that a message be sent to the Senate, proposing to ballot again immediately for Governor of the State for the ensuing year.

The Speaker laid before the House the resignation of Thomas Ruffin, one of the Judges of the Superior Courts of Law and Equity; which was read and accepted.

Mr. Nash, from the committee to whom was referred for amendment the bill to amend an act, entitled an act to prohibit the trading with slaves except in the manner therein prescribed, passed in the year 1826, reported

that the committee had considered the said bill, and instructed him to report a bill amendatory thereof, and to recommend its passage. The bill reported was read, and, on the motion of Mr. Wyche, recommitted, with the original bill, to the same committee.

The bill to alter the time of electing the county trustee of Onslow county, and for other purposes, was read the third time, and, on the motion of Mr. Foy, the title amended to read "a bill more effectually to prescribe the duty of the county trustee for Onslow county." The question, shall the said bill, as amended, pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The engrossed bill to alter the name of George Pinkney Coppedge, an illegitimate son of John Lee, of Anson county, and to legitimate him, was read the second and third times, passed, and ordered to be enrolled.

Mr. Bateman moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was determined in the negative.

A message from the Senate, informing of the assent of that House to ballot again immediately for Governor of this State, and informing that Messrs. Burns and Baily attend this House as a committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that Messrs. Walker of Wilmington and Clayton form the committee to conduct the balloting on the part of this House.

Mr. Cox moved that the House adjourn until to-morrow morning, 10 o'clock. The question to concur with the motion was determined in the negative.

On motion of Mr. Bogle,

Resolved, That the committee of Finance be instructed to inquire into the expediency of increasing the tax on all equestrian performers, rope dancers, wire dancers, exhibitors of natural and artificial curiosities, and jugglers, who exhibit for reward; and that they report by bill or otherwise.

Mr. Latham, of Martin, presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of making persons who stay executions before Justices of the Peace, equally liable with the securities to the note on which judgment may be given; and that they report by bill or otherwise.

The bill to establish a separate election in the county of Lenoir, was read the second time, and, on the motion of Mr. Rainey, postponed indefinitely.

Mr. Boykin, from the Military committee, to whom was referred the resolution instructing them to inquire into the expediency of allowing to the volunteer company of light infantry of the town of Halifax seventy-five stand of arms, or more, upon the captain of the company giving a receipt for the same, to be returned when called for, reported that the committee deemed it inexpedient to carry into effect the object of the said resolution, and ask to be discharged from the consideration thereof. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing that the message of the Governor, together with the report of the committee on the part of the State Bank, herewith sent, be referred to the joint select committee on the Banks. The message was concurred in, and the Senate informed thereof by message.

Mr. Nash, from the Judiciary committee, to whom was referred the bill

concerning the registration of grants, and also the bill to prevent the importation of slaves into this State, reported that the committee deem it inexpedient to pass said bills. The question to concur with the report was determined in the affirmative.

Mr. Nash, from the same committee, to whom were referred the following resolutions, to wit: a resolution directing them to inquire into the expediency of altering the law regulating sales under writs of venditioni exponas; also the resolution to inquire into the expediency of granting to the County Courts exclusive jurisdiction of all applications for the erection of gates; also the expediency of granting to justices of the peace jurisdiction of lent property where the value does not exceed twenty dollars; also the resolution directing the said committee to inquire into the expediency of so altering the existing laws as to remit that portion of the punishment attendant on conviction for certain offences; and also the resolution requiring said committee to inquire whether the arms of free negroes are subject to execution, reported that the committee had, according to order, had the said resolutions under consideration, and instructed him to report that it is not expedient to legislate on any of the above subjects. The question to concur with the report was determined in the affirmative.

Mr. Sanderson, from the select committee to whom was referred the resolution directing them to inquire into the expediency of providing by law that the lands, or a portion of the lands, of debtors shall be exempt from execution for debts contracted after the 4th day of July next, reported that the committee, according to order, had the said resolution under consideration, and instructed him to report a bill, entitled a bill to exempt from execution a certain part of the estate of debtors, and to recommend its passage. The said bill was read the first time and passed, and, on motion, committed to the same committee, and that Messrs. Gaston, Waddell of Orange, Nash and Potter be added thereto.

On motion of Mr. Newland, ordered that the bill to revive an act, passed in the year 1805, chapter 36, entitled an act to amend an act of the General Assembly now in force, for the regulating of the town of Morganton, be referred to Messrs. Mitchell, Swain and Graham.

The resignations of Frederick Robbins, lieutenant colonel of the first regiment of the Edgecomb militia; John Linn, of Rowan county; and Joseph Mumford, of New-Hanover county, justices of the peace, were read and accepted.

The House then, on the motion of Mr. Lilly, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 6, 1828.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill to secure to Sarah Wooters, of Guilford county, such property as she may hereafter acquire; a bill for the inspection of steam mill lumber; and a bill to restore Joshua Pinion, of Wilkes county, to credit; and asking the concurrence of this House.

Mr. Clayton, from the committee appointed to superintend the balloting for Governor of the State, reported that the committee had performed that duty, and that it appeared, on examining the ballots, neither of the

candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again immediately for Governor of the State, and informing that the name of Willis Alston is withdrawn from the nomination. The message was concurred in, and the Senate informed by message, that Mr. Wyche and Mr. Rainey attend the Senate as a committee on the part of this House to superintend the balloting. A message from the Senate, informing that Mr. Askew of Bertie and Mr. Leonard attend this House as a committee on their part to conduct the balloting for Governor of the State.

The engrossed bill for the inspection of steam mill lumber, was read the first time and passed, and, on motion, made the order of the day for Monday next.

The engrossed bill to restore Jobua Pinion, of Wilkes county, to credit, was read the first time, and, on motion, postponed indefinitely.

The bill to amend an act, passed in the year 1820, entitled an act to extend the jurisdiction of justices of the peace, was read the second time and passed.

The bill to determine how surveys of land shall be made to enable surveyors to obtain grants from the State, and to confirm grants hereafter made to surveyors and deputy surveyors in certain cases, was read the second time and passed.

Mr. Wyche, from the committee appointed to superintend the balloting for Governor of the State for the ensuing year, reported that the committee had performed that duty, and that on examining the ballots, it appeared that neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative. On motion of Mr. Alexander, ordered that a message be sent to the Senate, proposing to ballot again immediately for Governor of the State for the ensuing year.

On motion of Mr. Nicholson,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of establishing a Medical Board, for the purpose of examining and granting licenses to such persons as may be desirous of practising medicine in this State; and that they report by bill or otherwise.

A message from the Senate, consenting to ballot again immediately for Governor of the State, and informing that the names of James Mebane and Montfort Stokes are withdrawn from the nomination. On motion, ordered that the Senate be informed by message that Mr. Pierce and Mr. Alexander attend the Senate as a committee on the part of this House to conduct the balloting for Governor.

Mr. Jasper, with leave, presented a bill for the reclaiming of the lands in Mattamuskeet Lake, and adjacent thereto, with the improvement of the health of the surrounding country. The said bill was read the first time and passed, and, on the motion of Mr. Alexander, referred to Messrs. Jasper, Alexander, Swain, Ruffin and Vail.

Mr. Clayton, with leave, presented a bill concerning the treasurer of public buildings and the county trustee of Buncombe county. Mr. Mendenhall, with leave, presented a bill to incorporate Chorazin Chapter, No. 13. of Royal Arch Masons, in the town of Greensborough, in the county of Guilford. These bills were each read the first, second and third times,

passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Boykin, from the Military committee, to whom was referred the bill for the improvement of militia discipline, reported that the committee had, according to order, considered the said bill, and instructed him to recommend that it be rejected. The bill thereupon was read and rejected.

The bill to amend an act, entitled an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain services, was read the second and third times, amended and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Alexander, from the committee appointed to conduct the balloting for Governor, reported that the committee had performed that duty, and that on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again immediately for Governor of the State. The message was concurred in, and a committee appointed, consisting of Mr. Alexander and Mr. Pierce, to wait on the Senate to conduct the balloting.

The bill to legitimate Joseph and Mary Bentley, illegitimate children of John Smith and Susanna Berry, of Burke county, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing that Mr. Leonard and Mr. Askew of Bertie attend this House as superintendents on their part of the balloting for Governor of the State for the ensuing year.

Mr. Gaston, who voted in the majority on the rejection of the bill concerning the registration of grants, moved that the House do reconsider that vote. The question thereon was determined in the affirmative. On motion of Mr. Gaston, ordered that the said bill be recommitted to the committee that it was originally referred to.

A message from the Senate, proposing that the two Houses ballot on Wednesday next for a Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of Thomas Ruffin, and informing that the name of Willie P. Mangum is in nomination for the appointment. On motion of Mr. Nash, ordered that the said message be laid on the table.

The resolution of this House, for the purpose of raising a joint select committee to inquire into the expediency of changing the present mode of receiving lists of taxable property, and of ascertaining the value of lands, and of amending the revenue laws of this State, was returned from the Senate, concurred in, and appointing a committee on their part, consisting of Messrs. Ruffin, Matthews, Brown, Salyear and Bell.

The resignations of John Zimmerman, Lieutenant Colonel of Cavalry attached to the 10th brigade of the militia, and Henry Godwin, Justice of the Peace for Sampson county, were read and accepted.

The engrossed bill to secure to Sarah Wooters, of the county of Guil-

ford, such property as she may hereafter acquire, was read the first time and passed. On motion, the said bill was read the second time, and the question, shall the said bill pass its second reading? was determined in the negative—yeas 51, nays 73. The yeas and nays demanded by Mr. Dozier.

Those who voted in the affirmative, are Messrs. Alford, Bass, Battle, Bateman, Blackwood, Boykin, B. S. Brittain, Bryan, Calloway, Clayton, Clement, Cox, Edmonston, Ellis, Fisher, Fleming, Gary, Gordon, Hampton, Hancock, Hester, Hodges, W. G. Jones, W. Jones, Kendall, Kilpatrick, Lilly, Loretz, Mendenhall, G. T. Moore, Mhoon, Morris, Newland, Nicholson, Pierce, Potter, Rainey, Saintclair, Shipp, L. R. Simmons, Simpson, N. G. Smith, J. Smith, Stephens, Tyson, Underwood, Wadsworth, J. Webb, Whitaker, A. Williams, Wilkinson.

Those who voted in the negative, are Messrs. Alexander, Allison, Ball, Barnhardt, Bethell, Bogle, Borden, Bozman, Branch, M. Brittain, Bynum, Byrum, Cooper, Davenport, Dickinson, Dozier, Foy, Gaston, Gibson, Gillespie, Graham, Gregory, Hall, Harper, Hellen, Jarman, Jasper, H. C. Jones, Kerr, Larkins, D. Latham, T. Latham, Mitchell, Montgomery, A. C. Moore, Moye, M'Keill, M'Lean, M'Millan, M'Neill, Nash, Nelson, Pool, Purcell, Rhodes, Rogers, Rogerson, Ruffin, Sasser, Sanderson, Sharpe, B. T. Simmons, Spruill, Stedman, Stockard, Styron, Swain, Vail, A. Waddell, J. Walker, H. Walker, Ward, Watford, Watson, T. Webb, Webster, Wheeler, Whitfield, Wilder, E. Williams, Wilson, Wright, Wyche.

On motion of Mr. Nash, the House resolved itself into a committee of the Whole, on the bill for the better organization of the Supreme Court, Mr. Fisher in the Chair; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Fisher reported that the committee of the Whole, according to order, had the said bill under consideration, and instructed him to report it to the House with sundry amendments. The amendments were read, concurred in, and the bill, as amended, read, and, on motion, ordered to lie on the table.

The House then, on the motion of Mr. Newland, adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 8, 1828.

A message from the Senate, informing that they had passed the following engrossed bills, and a resolution, and asking the concurrence of this House, to wit: a bill making provision for compensating jurors, so far as regards the counties of Lincoln, Moore, Rutherford and Anson; also a bill prescribing the sum jurors shall hereafter be paid for their services in the county of Richmond; and a resolution in favor of William Martin, and asking the concurrence of this House.

The engrossed bill prescribing the sum jurors shall hereafter be paid for their services in the county of Richmond, was read the first, second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of William Martin, allowing him the sum of fifteen dollars for carrying two writs of election to the Sheriff of the county of Caswell, was read the first time and passed.

Mr. Pierce, from the committee appointed to superintend the balloting for Governor of the State for the ensuing year, reported that the committee had performed that duty, and, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report, was determined in the affirmative.

On motion of Mr. Clayton, ordered that a message be sent to the Senate, proposing to ballot again immediately for Governor of the State for the ensuing year.

On motion of *Mr. Montgomery*, ordered that *Mr. Alexander* have leave to withdraw from the files the petition of *Andrew Walker*, and accompanying documents.

Mr. Wheeler presented the petition of *Isaac Baxter*, Sheriff of *Currituck* county, directing the Public Treasurer to pay him certain sums of money, &c. Ordered that the said petition be referred to the committee of Claims.

Mr. Eccles presented the certificate of the County Court of *Cumberland* county, in favor of *Elizabeth Campbell*, allowing her a pension of forty dollars for the present year. On motion, ordered that the said certificate be countersigned by the Speaker of this House, and be sent to the Senate.

A message from the Senate, informing of the assent of that House to ballot immediately for Governor of the State for the ensuing year; and that *Mr. Ruffin* and *Mr. Wilson* attend this House as a committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that *Mr. Alexander* and *Mr. Byrum* attend the Senate as a committee on the part of this House to conduct the balloting for Governor.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of giving to the Superior Courts jurisdiction of applications for alimony, reported a bill in pursuance to the direction of the committee, entitled a bill in addition to the acts respecting divorce and Alimony, and recommended its passage. The said bill was read the first time and passed. On motion, ordered that the said bill be printed, and made the order of the day for Thursday next.

The engrossed bill making provision for compensating jurors, so far as regards the counties of *Lincoln*, *Moore*, *Rutherford* and *Anson*, was read the first time, passed, and, on motion, ordered to be laid on the table.

The bill to determine how surveys of land shall be made to enable surveyors to obtain grants from the State, and to confirm grants heretofore made to surveyors and deputy surveyors in certain cases, was read the third time, passed, and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

The bill to amend an act, passed in the year 1820, entitled an act to extend the jurisdiction of justices of the peace, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill for the inspection of steam mill lumber, was read the second time and passed.

Mr. Fleming, with leave, presented a bill to amend an act, entitled an act to amend the acts respecting lands sold for taxes, passed in the year 1819, chapter 1006 of the revised laws. The said bill was read the first time, passed, and, on motion, referred to the committee on the Revenue.

Mr. Bynum, from the committee appointed to conduct the balloting for Governor of the State for the ensuing year, reported that the committee had performed that duty; and that, on examining the ballots, it appeared a majority of the whole number was in favor of *John Owen*, who

was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Mhoon presented, with leave, a bill concerning the Chairman of the County Court of Bertie. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to incorporate the Fayetteville Manufacturing Company, was read the second time and passed.

Mr. Allison, with leave, presented a bill to alter the time of holding certain terms therein mentioned, of the Courts of Pleas and Quarter Sessions for the county of Iredell, and for the better regulation of the same. The said bill was read the first time and passed, and, on motion, ordered to be laid on the table.

The bill to amend the 9th section of an act, passed in the year 1806, chapter 693, entitled an act for the more convenient administration of justice within the State, was read the second time and passed.

Mr. Nash, from the Judiciary committee, to whom was referred the bill for the relief of wives, in cases where husbands neglect to provide for the support of their families, reported that the committee had considered the said bill, and instructed him to recommend that it be rejected. The said bill thereupon was read and rejected.

On motion, ordered that the bill requiring the oaths of two disinterested witnesses for the removal of suits, be referred to the Judiciary committee.

The bill regulating the mode of trial in the Superior, and appeal to the Supreme Court, was read the second time and passed and, on motion, was made the order of the day for Friday next.

The resignation of Zachariah Eborn, senr. justice of the peace for the county of Beaufort, was read and accepted.

On motion of Mr. Bynum, ordered that the committee of Finance be discharged from the consideration of the bill for the relief of Thomas Marshall, of Carteret county. On motion of Mr. Hellen, ordered that the said bill be referred to the committee of Claims.

Mr. Nash, from the Judiciary committee, to whom was referred the bill granting to Ebenezer Pettigrew a title to certain land, reported that the committee had, according to order, considered the said bill, and instructed him to recommend that the said bill be rejected. The bill was thereupon read and rejected.

Received from his Excellency the Governor, the following communication:

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN,—I transmit to you the resignations of militia officers and justices of the peace, received at this department since the commencement of your session.

Also some communications on the subject of a Penitentiary, received since my message of the 3d instant, and a letter from the Honorable William Smith, of Canada, relating to an interesting period of the history of this State.

I have the honor to be, with the highest consideration, your o^bt ser^vt,

JAMES IREDELL.

Executive Department, Raleigh, Dec. 8, 1828.

The said message was read, and, on motion, ordered to be sent to the Senate, with a proposition that so much thereof as relates to a penitentiary, be referred to the joint select committee on that subject; and that

so much as relates to the letter of the Honorable William Smith, accompanying the message, to the committee on the Library.

The bill more effectually to prevent frauds in conveyances in trust, was read. Mr. Graham moved to amend it, by striking out the whole, except the words "a bill," and substituting an amendment, which was read at the Clerk's table. On motion, ordered that the said bill be made the order of the day for Friday next, and that the amendment proposed by Mr. Graham be printed.

The Speaker laid before the House the report of James Iredell, William Robards and William Hill, who were directed by a resolution of the last General Assembly to examine the accounts relating to the expenditures for the reception of General La Fayette, in the year 1825. The report was read and ordered to be sent to the Senate, proposing that it be referred to the committee of Finance.

The House then, on the motion of Mr. Nelson, adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 9, 1828.

On motion of Mr. Webb, of Person, ordered that a message be sent to the Senate, proposing that a special messenger, to be appointed by the Speakers of the two Houses, be forthwith sent to inform John Owen, Esquire, of Bladen county, of his election of Governor of the State, and to request that he will attend here as early as convenient, for the purpose of taking the oaths of office.

A message from the Senate, informing that they had passed the following engrossed bill and resolution, to wit: a bill, entitled a bill to establish Mosely Hall Academy, in the county of Lenoir, and to incorporate the trustees thereof; and a resolution in favor of Lewis D. Wilson, Isaac Wright and Frederick J. Hill, and asking the concurrence of this House; and informing that they had postponed indefinitely the engrossed bill to amend an act, passed in the year 1777, entitled an act to encourage the building of public mills and directing the duty of millers.

The engrossed bill to establish Mosely Hall Academy, in the county of Lenoir, and to incorporate the trustees thereof, was read the first, second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of Louis D. Wilson, Isaac Wright and Frederick J. Hill, was read the first time and passed.

Mr. Nash, with leave, presented a bill to declare the effect of a nolle prosequi upon an indictment. The said bill was read the first time and passed.

Mr. Jones, of Wake, presented the petition of sundry citizens of Wake county, on behalf of Herod Howington. On motion, ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Wyche, with leave, presented a bill supplementary to the several acts now in force for the relief of insolvent debtors; and further, to mitigate the severity of executions. The said bill was read the first time and passed, and, on the motion of Mr. Wyche, referred to the select committee, to whom was referred the bill to exempt from execution a portion of the lands, &c. of debtors.

The resignations of John Crump, Colonel Commandant of the first re-

giment of the Montgomery county militia, and William Davis, justice of the peace for the county of Rutherford, were read and accepted.

A message from the Senate, informing of the assent of that House to the proposition that a special messenger be forthwith appointed by the Speakers of both Houses to wait on John Owen, Esquire, of Bladen county, and inform him of his election as Governor, and to request his presence here as early as convenient for the purpose of taking the oaths of office.

The bill to incorporate the Fayetteville Manufacturing Company, was read the second time and amended. On motion of Mr. Fisher, ordered that the said bill be laid on the table.

Mr. Spruill, from the select committee, to whom was referred the memorial of the Tuscarora nation of Indians, reported thereon; which was read, and ordered to be laid on the table, and made the order of the day for Friday next.

Mr. Boykin, from the Military committee, to whom was referred the bill to compel the Major General to review each regiment in the county of Davidson respectively, reported that the committee had, according to order, had the said bill under consideration, and instructed him to report it to the House without amendment, and recommend its passage. The report was concurred in, and the bill reported read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The Speaker laid before the House the following letter from James Ire-dell, late Governor:

The Hon. Thomas Settle, Speaker of the House of Commons.

SIR,—A question has occurred in relation to the office of Governor, on which I beg leave through you, and the Honorable Speaker of the Senate, to ask the opinion of the Legislature. As an individual, I have no other interest in the decision than that which is excited on the one hand, by the anxiety I feel to enter upon the execution of the new duties which the Legislature have done me the honor to confide to me; and on the other hand, by the sense of the inconvenience which might accrue from a relinquishment of the office I now hold, before a successor was appointed.

The Constitution declares that "the Senate and House of Commons, jointly, at their first meeting after each annual election, shall, by ballot, elect a Governor for one year" I was elected to that Office during the last Session of the General Assembly, and was qualified and entered upon the duties of the office on the 7th of December, 1827. One year, therefore, from the date of my qualification expired yesterday. The gentleman who has been chosen my successor, is not here to enter upon the discharge of his duties. I am desirous that the Legislature should, by their decision, establish a precedent to be pursued in similar cases. I find a diversity of opinion among the gentlemen of the bar whom I have consulted. Some are of opinion that the year expires on the termination of twelve calendar months from the day of qualification. Others of equal respectability, that the Session of the Legislature, like the term of a Court, is to be considered as but one day.

The Constitution of the State further declares "that in case of the death, inability or absence from the State, of the Governor, the duties of his Office shall be executed by the Speaker of the Senate," &c. &c. The opinion of the Legislature is also requested upon this section. If my period of service has expired, have any of the cases provided by the Constitution for the substitution of the Speaker of the Senate occurred?

I am satisfied that this application may have a novel aspect; but I have been led to believe that it may be attended with useful consequences, to have the result of the deliberations of a co-ordinate branch of the Government upon the point; and that a precedent may be established for future guidance.

I am, with great respect, your obedient servant.

JAMES IREDELL,

Raleigh, Dec. 8, 1828.

On motion, ordered that the said letter be sent to the Senate.

The bill for the better organization of the Supreme Court, was read the second time, and the question, shall the said bill pass? was determined in the negative—yeas 25, nays 96. The yeas and nays demanded by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Alexander, Allison, Blackwood, B. S. Brittain, Eccles, Graham, Gregory, Hester, Hodges, Mendenhall, Mitchell, M'Millan, Nash, Newland, Rainey, Ruffin, Shipp, Spruill, Swain, Tyson, Vail, H. Waddell, A. Waddell, Wadsworth, T. Webb.

Those who voted in the negative, are Messrs. Alford, Ball, Barnhardt, Bass, Battle, Bateman, Bogle, Boykin, Branch, M. Brittain, Brooks, Bryan, Bynum, Byrum, Calloway, Clayton, Clement, Cooper, Cox, Davenport, Dickinson, Dozier, Edmonston, Ellis, Fleming, Gary, Gaston, Gibson, Gillespie, Gordon, Hall, Hampton, Hancock, Harper, Hellen, Jasper, W. G. Jones, H. C. Jones, W. Jones, Kendall, Kerr, Larkins, D. Latham, T. Latham, Lilly, Loretz, Martin, Montgomery, G. T. Moore, Mhoon, Morris, Moye, McKeill, McLean, McNeill, Nelson, Nicholson, Pierce, Pool, Potter, Purcell, Riddick, Rhodes, Rogers, Rogerson, Saintclair, Sasser, Sanderson, Sharpe, L. R. Simmons, B. T. Simmons, Simpson, N. G. Smith, J. Smith, Stedman, Stephens, Stockard, Underwood, J. Walker, R. Walker, H. Walker, Ward, Watford, Watson, J. Webb, Webster, Wheeler, Whitfield, Whitaker, Wilder, E. Williams, A. Williams, Wilkinson, Wilson, Wright, Wyche.

The resolution in favor of William Martin, was read the second time and passed.

The House then, on the motion of Mr. Cooper, adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 10, 1823.

On motion, ordered that a message be sent to the Senate, informing of the assent of this House to ballot this morning for a Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of Judge Ruffin; and informing further, that Mr. Swain and Mr. Webb of Person attend the Senate as a committee on the part of this House to conduct the balloting.

The certificate of the County Court of Cumberland county, in favor of Isabella Campbell, widow of James Campbell, dec'd, allowing her a pension of forty dollars for the present year, was returned from the Senate, countersigned by the Speaker.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed in the year 1800, entitled an act concerning wrecks, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that Messrs. Askew of Bertie and Marshall attend this House as a committee on their part to conduct the balloting for Judge of the Superior Courts of Law and Equity.

The resolution in favor of Louis D. Wilson, Isaac Wright and Frederick J. Hill, was read the second time and passed.

The resolution in favor of William Martin, was read the third time, passed, and ordered to be enrolled.

The bill to declare the effect of a nolle prosequi upon an indictment, was on the motion of Mr. Alexander, referred to the Judiciary committee.

The bill to establish White Oak Academy, in the county of Robeson, and incorporate the trustees thereof; and the bill requiring the county

trustees of the counties of Davidson and Rowan respectively to pay the jurors of said counties, and for other purposes, were read each the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Allison,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the act of the General Assembly, passed in the year 1820, entitled an act directing the County Courts to pay fees to certain officers therein named in certain cases.

Resolved further, That they be instructed to inquire into the expediency of making provision by law for the relief of insolvent persons confined in prison for the fine and costs of State prosecutions.

Mr. Saintclair presented the petition of sundry citizens of Wilkes county, praying for an appropriation of money to repair the public road leading from Holman's Ford, on the Yadkin river, across the Bushy Mountains. The said petition, on the motion of Mr. Saintclair, was referred to the committee on Internal Improvements.

Mr. Clement, with leave, presented a bill requiring the major general of the 4th division of the militia to review the regiments of Rowan county at the usual places of their regimental musters. Mr. Gary, with leave, presented a bill amendatory of the several acts of Assembly prescribing the manner in which lands under execution shall be hereafter sold. These bills were read each the first time and passed; the former referred to the Military committee, the latter to the committee on the Judiciary.

The bill to amend the 9th section of an act, passed in the year 1806, chapter 693, entitled an act for the more convenient administration of justice within this State, was read third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed bill for the inspection of steam mill timber, was read the third time, passed, and ordered to be enrolled.

Mr. Larkins, with leave, presented a bill concerning the appointment of coopers for the town of Wilmington, and for other purposes. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Styron, with leave, presented a bill concerning the payment of pilots in certain cases. The said bill was read the first time and passed.

On motion of Mr. Stedman,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law as relates to merchants and retailers, as to authorise merchants paying a store license to sell spirits by the small measure.

On motion of Mr. Gordon,

Resolved, That the Public Treasurer pay to Thomas Phillips the sum of two dollars and fifty cents, the purchase money for fifty acres of land, by him paid into the public Treasury on the 25th November, 1819, as appears from the Treasurer's receipt, upon which no grant was ever issued; and that the Public Treasurer be allowed the same in the settlement of his public accounts.

On motion, ordered that the said resolution be referred to the committee of Claims.

Mr. Swain, from the committee appointed to conduct the balloting for Judge of the Superior Courts of Law and Equity, reported that the committee had performed that duty, and that it appeared, on examining the ballots, the majority of the whole number was in favor of Willie P. Mangum, who was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Boykin, from the Military committee, to whom was referred the

bill to place the class of people called Quakers, Menonists and Dunkards on equal footing with the other freemen of this State, reported that the committee, according to order, had considered the said bill, and instructed him to report it to the House without amendment, and to recommend its passage. On motion, ordered that the said report be made the order of the day for Monday next.

Mr. Boykin, from the same committee, to whom was referred the memorial of the religious society of Friends of New Garden, Guilford county, reported that the committee had, according to order, considered the said memorial, and instructed him to ask that the committee be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

The bill to amend the law with respect to the collection of debts from the estates of deceased persons, was read and amended, and, on the motion of *Mr. Alexander*, referred to the committee on the Judiciary.

Mr. Sharpe, with leave, presented a bill to repeal certain acts therein mentioned concerning internal improvements. The said bill was read, and, on motion, ordered to be referred to the committee on Internal Improvements.

The engrossed bill making provision for compensating jurors, so far as regards the counties of Lincoln, Moore, Rutherford and Anson, was read, and, on the motion of *Mr. Newland*, postponed indefinitely.

On motion, ordered that *Mr. Rhodes* have leave of absence from this day until Saturday, and *Mr. Nash* from this day until to-morrow evening.

On motion of *Mr. Boykin*, ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for a Printer to the State; and, on the motion of *Mr. Fisher*, ordered that a message be sent to the Senate, proposing to ballot to-morrow for Counsellors of State for the ensuing year.

On motion of *Mr. Newland*,

Resolved, That the Public Treasurer pay to Christopher Bottles, of Burke county, six dollars and seventy cents; and that he be allowed the same in the settlement of his public accounts.

On motion of *Mr. Newland*, ordered that the said resolution be referred to the committee of Claims.

On motion of *Mr. Bass*,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of the staying of executions on judgments given by justices of the peace, whether the time of staying said executions ought to be lengthened or not; and that they report by bill or otherwise.

A message from the Senate, informing of the assent of that House to the reference made of the report of James Iredell, William Robards and William Hill, appointed to examine the accounts relating to the expenditures for the reception of General Lafayette in the year 1825, to the committee of Finance; and also agreeing to refer so much of the Governor's message as relates to a penitentiary, to the joint select committee on that subject; and agreeing also that so much of said message as relates to the letter of the Honorable William Smith, be referred to the committee on the Library.

The bill for revising and digesting the public statute laws of this State, was read, and, on the motion of *Mr. Swain*, ordered to be laid on the table.

On motion of Mr Fisher.

Whereas, there exists no history of the events that transpired in this State subsequent to the year 1776; and whereas it is due to the character of the State, and to the memory of our patriotic ancestors, that their sacrifices and achievements in the cause of liberty should be authentically transmitted to posterity: therefore

Resolved, That a joint select committee be appointed, with instructions to inquire into the propriety of adopting some measure to encourage the publication of such a work; and that they report by bill or otherwise.

The resignations of Alexander Elliott, Colonel of the first regiment of the Cumberland county militia; John Clemmans, of Davidson county, and Lawson H. Alexander, of Cabarrus county, justices of the peace, were read and accepted.

A message from the Senate, proposing to refer the letter presented yesterday by the Governor to a select joint committee, and on their part to Messrs. Shober, Meares and Brown. The message was concurred in, and a committee appointed to join the committee appointed by the Senate, consisting of Messrs. Graham, Spruill and Vail.

The House then, on the motion of Mr. Saintclair, adjourned until tomorrow morning, 10 o'clock.

THURSDAY, DECEMBER 11, 1828.

Mr. Swain, with leave, presented a bill for the relief of sundry persons engaged in surveying the Cherokee lands. The said bill was read the first time and passed.

Mr. Jones, of Warren, with leave, presented a bill authorising the Courts of Pleas and Quarter Sessions of the county of Warren, to appoint a patrol for the town of Warrenton, in certain cases. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Mendenhall, with leave, presented a bill to revive an act, passed in the year 1816, entitled an act to appoint commissioners for the town of Jamestown, in the county of Guilford, and to incorporate the same. Mr. Stedman, with leave, presented a bill supplemental to an act, passed in the year 1827, compelling the County Court of Gates to appoint a committee of Finance. These bills were each read the first, second and third times, and passed. Ordered that they be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing of the concurrence of that House with the proposition to ballot this morning for Public Printer, and informing that Messrs. Hinton and Smith of Davidson attend this House as a committee on their part to conduct the balloting; and disagreeing with the proposition of this House to ballot this day for a Council of State; and proposing to ballot on Saturday next, for Treasurer and Comptroller.

On motion, ordered that the Senate be informed by message, that Messrs. Boykin and Bethell attend that House as a committee to conduct the balloting for Public Printer, and agreeing to ballot, as proposed by the Senate, on Saturday next for Counsellors of State for the ensuing year.

The proposition from the Senate to ballot on Saturday next for Treasurer and Comptroller was concurred in, and the Senate informed by message that William Roards, as Treasurer, and James Grant, as Comptroller, were nominated for the appointments.

A message from the Senate, informing that they had passed the following engrossed bills, and a resolution, to wit: a bill concerning the County Courts of Lenoir; a bill to authorise the Court of Pleas and Quarter Sessions of the county of Warren to dispose of a part of the Public Square in the town of Warrenton; a bill to repeal an act, passed in the year 1815, entitled an act to incorporate Person Library Company; a bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire; a bill to secure to Susanna Mary Hauser, of Stokes county, such property as she may hereafter acquire; a bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort; and a resolution in favor of James Bryson, junr. and asking the concurrence of this House.

Mr. Fisher presented the petition of Abraham Brandon, praying, for reasons stated in the petition, to be placed on the pension list. On motion of Mr. Fisher, the said petition was referred to the committee of Propositions and Grievances.

The engrossed bill to secure to Susanna Mary Hauser, of Stokes county, such property as she may hereafter acquire; also the engrossed bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire, were read and ordered to be laid on the table.

The engrossed bill to repeal an act, passed in the year 1815, entitled an act to incorporate the Person Library Company; also the engrossed bill to authorise the Court of Pleas and Quarter Sessions of the county of Warren to dispose of part of the Public Square in the town of Warrenton, were severally read the first, second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort, was read the first time and passed, and, on motion, ordered to be laid on the table.

Received from the Senate the following engrossed resolution:

Resolved, That the several joint committees which have been appointed on the Public Documents, transmitted to the Legislature by the Honorable Nathaniel Macon, and on the other Public Documents, be consolidated; and that the committee thus consolidated, examine all the documents as well in the Library as in the Governor's office or elsewhere; and report in what manner the public will be best benefited by them.

The said resolution was read, concurred in, and returned to the Senate.

The engrossed resolution in favor of Thomas Brown, was read and concurred in, and ordered to be enrolled.

The engrossed bill concerning the County Courts of Lenoir, was read the first time, passed, and, on motion, ordered to be laid on the table.

The engrossed resolution in favor of James Bryson, junr. was read, concurred in, and ordered to be enrolled.

A message from the Senate, proposing to ballot immediately for Colonel Commandant and Lieutenant Colonel of Cavalry attached to the 10th brigade of the militia, and informing that John Zimmerman, as Colonel, and Henry Fullenwider, as Lieutenant Colonel, are nominated for the appointments. The message was concurred in, and the Senate informed by message that Mr. Newland and Mr. Hampton attend the Senate as a committee to conduct the balloting on the part of this House.

Mr. Boykin, from the committee appointed to conduct the balloting for

Public Printer for the ensuing year, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Lawrence & Lemay had a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

Received from the Senate the report of the committee of Finance, endorsed, read and ordered to be sent to the House of Commons. The report was read and ordered to be returned to the Senate.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Buncombe county in favor of George W. Greer, reported that the committee had considered the said petition, and instructed him to report a bill in pursuance to the prayer of the petition, entitled a bill to restore to credit George W. Greer, of Buncombe county, and to recommend its passage. The said bill was read the first time and rejected.

Mr. Brittain, of Haywood, presented the following resolution:

Resolved, That the House do dispense with the rule which prohibits the introduction of more than one bill on the same subject during the same session, so far as relates to the bill which proposes to lay an additional tax of one dollar on all suits thereafter to be brought in the counties of Lincoln, Moore, Rutherford and Anson, for the purpose of paying jurors.

On motion, ordered that the said resolution be laid on the table until to-morrow.

The bill in addition to the acts respecting Divorce and Alimony, was read the second time, amended and passed.

The engrossed resolution in favor of Louis D. Wilson, Isaac Wright and Frederick A. Hill, was read the third time, passed, and ordered to be enrolled.

Mr. Potter, with leave, presented a bill to alter the law of suffrage for the town of Oxford. The said bill was read the first, second and third times and passed. Ordered that it be engrossed and sent to the Senate for concurrence.

Mr. Wheeler, with leave, presented a bill regulating the inspection of fish for the town of Murfreesborough, in the county of Hertford; and Mr. J. Webb, with leave, presented a bill to appoint an additional place of public sale for the county of Rutherford. These bills were read the first time and passed.

Mr. Moore, of Stokes, presented the following resolution:

Whereas it appears from a receipt in the Secretary's Office, that Matthew Deatheridge, of the county of Stokes, has paid into the Public Treasury a certain sum of money, for which he has received no value:

Resolved, That the committee of Claims be instructed to inquire into the justice of the claim, and report to the House the propriety of authorising the Secretary of State to issue a grant to said Deatheridge for a certain entry of land, or of refunding to him the money which he has paid into the Treasury for said land.

The said resolution was read and concurred in.

Received from the Senate a resolution, proposing to raise a joint select committee of both Houses, to examine into and adjust the accounts of the President and Directors of the Clubfoot and Harlows Creek Canal Company, for the twelve thousand dollars loaned them by the State. The resolution was read, concurred in, and a committee selected, consisting of Messrs. Fisher, Gary and Borden, to join the committee to be appointed by the Senate.

On motion of Mr. Cooper,

Resolved, That the committee on the Judiciary inquire into the expediency of ascertaining by law the liability of the several sets of securities on guardian bonds, where several bonds are given by the same guardian for the same ward; and that they report by bill or otherwise.

On motion of Mr. Graham,

Resolved, That William Hill, Superintendent of Public Buildings, be authorised and instructed immediately to employ some person to make suitable repairs to the back seats in the Commons Hall; and that the sum be paid by the Public Treasurer.

The Speaker laid before the House the following communication from the Governor:

To the Hon. Thomas Settle, Speaker of the House of Commons.

SIR,—I have the honor to transmit to you the annual report of the President and Directors of the Literary Fund, and to request you to lay it before the Legislature.

I am, with the highest respect, your ob't servant.

JAMES IREDELL.

Raleigh, December 11th, 1828.

On motion ordered that the said communication be sent to the Senate, with a proposition that it be referred to the committee on Education.

On motion of Mr. Jones of Rowan,

Resolved, That, for the purpose of encouraging domestic industry, and promoting a spirit of economy in our State, it be recommended to the members of the next General Assembly to appear in their places clad in homespun.

The resignations of Baldy Sanders, Colonel of the Johnston regiment; D. Harrison, Lieutenant Colonel of the Nash regiment; and Lewis Reavis, Justice of the Peace for Granville county, were read and accepted.

The bill to prevent frauds in deeds of trust and mortgages, was read the second time, and, on the motion of Mr. Graham, amended, and passed.

The House then, on the motion of Mr. Ellis, adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 12, 1828.

On motion of Mr. Waddell, of Orange, ordered that a message be sent to the Senate, proposing to raise a select joint committee to wait on the Governor elect and ascertain when it will be convenient for him to take the oaths of Office.

Mr. Spruill from the committee of Claims, to whom was referred the resolution in favor of Matthew Deatheridge, reported unfavorable to the prayer of the petition, and recommended its rejection. The question to concur with the report, was determined in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill more effectually to prescribe the duty of the county Trustee of Onslow county; also the engrossed bill for the taking of depositions; and also the engrossed bill to compel the Major General to review each regiment in the county of Davidson separately, with amendments, and asking the concurrence of this House. The amendments were read and concurred in, and the Senate informed thereof by message.

The Senate further informed this House by message that they had passed the engrossed bill authorising the justices of the Courts of Pleas and Quarter Sessions of Randolph, Moore and Montgomery to appoint commissioners to run and establish the line between said counties, and asking the concurrence of this House.

A message from the Senate, informing that Messrs. Burgin and Davis

attend this House as a committee on their part to conduct the balloting for Cavalry officers; and further, that Mr. Brodnax and Mr. Bailey form the committee on their part to wait on the Governor elect, and learn from him at what time it will be convenient for him to take the oaths of office.

Mr. Waddell, of Orange, from the committee appointed to wait on the Governor elect, and to ascertain from him when it will be convenient for him to take the oaths prescribed by law for his qualification, reported that the committee had performed that duty, and that the Governor elect would attend the two Houses at 12 o'clock, in the Commons Hall, for the purpose of taking and subscribing the oaths of office.

The engrossed bill authorising the justices of the Courts of Pleas and Quarter Sessions of Randolph, Moore and Montgomery to appoint commissioners to run and establish the line between said counties, was read the first, second and third times, passed, and ordered to be enrolled.

Mr. Newland, from the committee appointed to conduct the balloting for Cavalry Officers attached to the 10th brigade, reported that the committee had performed that duty, and that it appeared, on examining the ballots, John Zimmerman, as Colonel, and Henry Fullenwider, as Lieutenant Colonel, had each a majority of the whole number, and were duly elected. The question to concur with the report, was determined in the affirmative.

On motion of Mr. Graham,

Resolved, That the committee on Finance be instructed to inquire into the expediency of revising and amending the revenue laws, so as to impose a certain per cent. on the Capitol Stock in trade; and that they report by bill or otherwise.

The bill to appoint an additional place of public sale for the county of Rutherford, was read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Brittain, of Burke, in pursuance to a petition, presented a bill for the better regulation of the County Courts of Burke; and Mr. Hellen, with leave, presented a bill to authorise a lottery for the benefit of Taylor Lodge, No. 69, in the town of Beaufort. The said bills were read the first time and passed.

On motion of Mr. Ellis,

Resolved by the Senate and House of Commons of the State of North Carolina, That the Mexican Dwarf, Becenta Floras, be exempt from paying a tax for exhibiting himself in this State.

Ordered that the said resolution be engrossed, and sent to the Senate for concurrence.

Mr. Alexander, with leave, presented a bill to authorise and direct the Supreme Court to be holden in the places therein directed, and to advance the administration of justice in the trial of Equity causes. The said bill was read the first time and passed, and, on motion, made the order of the day for Tuesday next, and be printed, one copy for each Member of the Assembly.

On motion of Mr. Borden,

Resolved, That this House appropriate suitable seats for the Stenographers who may feel disposed to attend this House for the purpose of reporting the proceedings of the House.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of John Black, Sheriff of Cumberland county, reported that the committee had considered the said petition, and in-

structed him to report a resolution in his favor, and recommend its passage. The said resolution was read the first time and passed.

The resolution proposing to raise a select joint committee for the purpose of collecting materials, and advancing the publication of a history of the State, subsequent to the year 1776, was returned from the Senate, endorsed, "read and concurred with," and a committee appointed on their part, consisting of Messrs. Hunt, Wilson and Meares. On motion, ordered that a message be sent to the Senate, informing that Messrs. Fisher, Montgomery and Potter form the committee on the said resolution on the part of this House.

The Speaker laid before the House the report of the Adjutant General; which was read, and, on motion, ordered to be sent to the Senate, with a proposition that the Roster, accompanying the report, be printed.

The resignations of John Theatam, Colonel Commandant of the second regiment of Haywood militia; David Cox, of Davidson county; and Neill Murphey, of Robeson county, justices of the peace, were presented, read and accepted.

On motion of *Mr. Fisher*, ordered that a message be sent to the Senate, proposing to raise a select joint committee, whose duty shall be to wait on John Owen, the Governor elect for the ensuing year, and to conduct him into the Commons Hall for the purpose of taking the oaths of office; and that *Mr. Bynum* and *Mr. Waddell*, of Orange, form the committee on the part of this House.

A message from the Senate, informing that *Mr. Brodnax* and *Mr. Bailey* form the committee on their part to wait upon the Governor elect, and to conduct him into the Commons Hall for the purpose of taking the oaths of office.

In pursuance to the report of the committee, John Owen, the Governor elect, was conducted into the Commons Hall, the members of the Senate being present, and qualified as Governor of the State for the ensuing year, by taking and subscribing the oaths prescribed by law for his qualification. The oaths being administered by Chief Justice Taylor.

The House then, on the motion of *Mr. Borden*, adjourned until tomorrow morning, 10 o'clock.

SATURDAY, DECEMBER 13, 1828.

On motion of *Mr. Pierce*, ordered that *Mr. Sasser* have leave of absence from this House for this day.

A message from the Senate, informing of the assent of that House to the reference of the report of the President and Directors of the Literary Fund to the committee on Education; and that they had passed the engrossed bill to establish a Manufacturing Company in Randolph county, and asking the concurrence of this House.

The engrossed bill to establish a Manufacturing Company in Randolph county, was read the first time and passed.

On motion of *Mr. Gary*, ordered that a message be sent to the Senate, informing that *Mr. Gary* and *Mr. Montgomery* attend the Senate as a committee on the part of this House to conduct the balloting for Public Treasurer and Comptroller of Public Accounts heretofore agreed on to take place this morning.

Mr. Wyche, from the committee of Finance, to whom was referred the resolution instructing them to inquire into the expediency of so amending the law as to compel owners of lands to list all free negroes and mulattoes who may live on their land, and be bound for their taxes as for other property, reported that the committee, according to order, had considered the said resolution, and instructed him to report a bill in pursuance to its object, entitled a bill more effectually to enforce the payment of taxes from free negroes and mulattoes in certain cases. The said bill was read the first time and passed, and, on motion, made the order of the day for Monday next.

Mr. Brittain, of Burke, presented the following resolution:

Whereas, it appears that the late Public Treasurer in the year 1816, received into the Treasury, of William Creswell, the sum of two dollars and fifty cents for the entry of fifty acres of land in the county of Burke, and has numbered the receipt 6,404, when it appears from the Entry taker's warrant and survey, filed in the Secretary's Office, that the number on the receipt ought to have been 6,403: Therefore

Resolved, That the Secretary of State issue a grant on the papers so filed by the said Creswell, and alter the number of the receipt to No. 6,403.

The said resolution was read and concurred in, and ordered to be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing that Mr Gray and Mr. Matthews attend this House as a committee on their part to conduct the balloting for Treasurer and Comptroller of the Public Accounts.

Mr. Gary, from the committee appointed to conduct the balloting for Treasurer and Comptroller reported, that the committee had performed that duty; and that it appeared, on examining the ballots, William Robards, as Public Treasurer, and James Grant, as Comptroller of the public accounts, had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The House, on motion, took up the report of the committee on the memorial of the Tuscarora Indians; which being read, was, on the motion of Mr. Gaston, recommitted to the same committee, with instructions to ascertain and report the nature, extent and validity of the Indian claim.

The bill for revising and digesting the public statute laws of this State, was read the second time and amended, and, on the motion of Mr. Potter, ordered to be laid on the table.

On motion of Mr. Jones, of Rowan,

Resolved, That the Public Treasurer be directed to pay to W. P. Martin the sum of forty dollars for his services in bearing an express to his Excellency Governor Owen.

And, on the motion of Mr. Whitaker,

Resolved, That the Public Treasurer be directed to pay to Richard Smith the sum of eighteen dollars and seventeen cents, for articles furnished for the use of the Governor's palace.

The said resolutions, on motion, were referred to the committee of claims.

The bill to prevent frauds in deeds of trust and mortgages, was read the third time, amended and passed, and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

Mr. Blackledge, from the select committee appointed to inquire into the expediency of vesting the right of electing sheriffs in the free people of this State, reported that the committee, according to order, had considered the subject, and directed him to report a bill to vest the right of elec-

ting sheriffs in the several counties within this State in the free white men thereof, and to recommend its passage. The said bill was read the first time and passed, and, on motion of Mr. Blackledge, made the order of the day for Tuesday next, and be printed, one copy for each member of the Assembly.

On motion of Mr. Vail,

Resolved, That the Treasurer pay William Robinson the sum of six dollars, it being the sum that he paid twice; once to the sheriff of Washington county, and once to the sheriff of Martin county, as a tax on his stud horse; and that he be allowed the same in the settlement of his public accounts.

The said resolution, on the motion of Mr. Vail, was referred to the committee of Claims.

The House then, on the motion of Mr. Kerr, adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 15, 1828.

A message from the Senate, informing that they had passed the engrossed bill requiring the county trustees of the counties of Davidson and Rowan respectively to pay the jurors of said counties, and for other purposes; also the engrossed bill to appoint an additional place of public sale for the county of Rutherford, with amendments in each; and asking the concurrence of this House. The amendments were read, concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that Mr. Spaight is excused from serving on the joint select committee appointed to examine into, and adjust the accounts of the President and Directors of the Clubfoot and Harlows Creek Canal Company; and that Mr. Meares is appointed in his stead.

A message from the Senate, informing that they had passed the engrossed bill to regulate the emancipation of slaves; and a resolution in favor of John Leatherwood, of Haywood county, and asking the concurrence of this House.

The bill in addition to the acts respecting divorce and alimony, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Boykin, with leave, presented a bill to incorporate the town of Clinton, and to extend the limits thereof. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Graham, with leave, presented a bill requiring Registers and the Clerks of the County Courts to keep their offices at the court houses. The said bill was read the first time and passed.

On motion, ordered that Mr. Battle have leave of absence from the service of this House for this day.

The engrossed bill to regulate the emancipation of slaves, was read the first time, passed, and, on motion, made the order of the day for to-morrow.

On motion of Mr. Barnhardt,

Resolved, That the committee on Education be instructed to inquire into the expediency of appropriating a part of the Literary Fund for the education of poor and indigent children in the several counties in this State; and that they report a plan to carry the same into effect, either by bill or otherwise.

Mr. Bass, with leave, presented a bill to amend an act, passed in the year 1827, chapter 72, entitled an act to compel the County Court of Nash to appoint a committee of Finance; and Mr. Walker, of Randolph, presented a bill authorising Thomas Hancock, late sheriff of Randolph county, to collect the arrearages of taxes for the year 1826. The said bills were respectively read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed resolution in favor of John Leatherwood, of Haywood county, was read, concurred in, and ordered to be enrolled.

Mr. Shipp, with leave, presented a bill authorising the Court of Equity to grant administration in certain cases. The said bill was read the first time and passed.

Mr. Newland, with leave, presented a bill to amend an act, passed in the year 1741, chapter 30, entitled an act for the better observation of the Lord's day, commonly called Sunday, and for the suppression of vice and immorality. The said bill was read the first time and rejected.

Mr. Nash, from the Judiciary committee, to whom was recommitted the bill to amend the law with respect to the collection of debts from the estates of deceased persons, reported that the committee according to order, had considered the said bill, and instructed him to report it to the House, without amendment, and to recommend its passage. The said bill was read, and, on the motion of Mr. Wyche, amended, and, on motion, ordered to be laid on the table.

Mr. Swain, with leave, presented a bill to incorporate the French Broad Bridge Company. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Swain,

Resolved, That the committee on Claims be instructed to inquire into the facts connected with the claim of James Kerkin-lale upon the State for constructing and keeping in repair a turnpike road in the county of Buncombe; and that the committee have leave to report a bill for his relief, if, upon examination, they should believe it just.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution in favor of Thomas Phelps, reported that the committee, according to order, had considered the said resolution, and instructed him to report it to the House with a recommendation that it be passed. The said resolution was read the first time and passed.

Mr. Shipp, with leave, presented a bill to amend an act, entitled an act appointing commissioners to erect a building in the town of Lincolnton for the accommodation of jurors. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resolution in favor of John Black, Sheriff of Cumberland county, was read the second time and passed.

Mr. Bozman presented the certificate of the County Court of Pleas and Quarter Sessions of Chowan county, allowing Eleanor Truelove a pension of ninety dollars for the present year. The said certificate was countersigned by order of the House by the Speaker, and sent to the Senate.

The bill regulating the mode of trial in the Superior, and appeals to the Supreme Court, was read the third time, amended and passed, and,

on motion, ordered to be engrossed and sent to the Senate for concurrence.

Mr. Gaston, with leave, presented a bill respecting the Newbern Academy. The said bill was read the first, second and third times, passed, and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

Mr. Swain presented the petition of sundry citizens of Buncombe county, on the subject of the Buncombe Turnpike Company. The said petition was read, and, on the motion of Mr. Swain, referred to the committee on Internal Improvements.

Mr. Nash, from the Judiciary committee, to whom were referred the following resolutions, to wit: a resolution instructing said committee to report a bill requiring executors to give bond and security in certain cases; also a resolution requiring said committee to inquire into the expediency of ascertaining by law the liabilities of the securities to guardian bonds in certain cases; and also the expediency of passing a law, authorising merchants to retail spiritous liquors without license; also requiring them to report on the expediency of amending the law as it respects the outlawry of runaway slaves; also to inquire into the expediency of extending the time of staying executions on justices' judgments, having had the same under consideration, reported that the committee instructed him to state that it is inexpedient to legislate on the several subjects embraced in said resolutions. The question to concur with the report was determined in the affirmative.

Mr. Nash, from the same committee, to whom was referred the bill amendatory of the several acts of Assembly, prescribing the manner in which lands under execution shall be sold, reported that the committee instructed him to report that it is not expedient to change the law as it now stands on that subject. The question to concur with the report was determined in the affirmative.

Mr. Nash, from the same committee, to whom was referred a resolution requiring them to inquire into the expediency of establishing a Medical Board, reported that the committee had considered the said resolution, and instructed him to ask to be discharged from the further consideration thereof, as not coming correctly within the sphere of their inquiries. The question thereon was determined in the affirmative.

Mr. Nash, from the same committee, to whom was referred the bill to declare the effect of a nolle prosequi upon an indictment, reported that the committee, according to order, had the bill under consideration, and instructed him to return it to the House with an amendment, and to recommend its passage. The said bill was read the second time and amended in conformity with the report, and passed.

The bill for revising and digesting the public statute laws of this State was read the second time and passed.

The bill more effectually to enforce the payment of taxes from free negroes and mulattoes in certain cases, was read the second time and passed.

The bill requiring the oaths of two disinterested witnesses for the removal of suits, was read the second time and rejected—yeas 32. nays 91. The yeas and nays called for by Mr. Cooper.

Those who voted in the affirmative, are Messrs. Allison, Bass, Blackwood, Bogle,

Bozman, B. S. Brittain, M. Brittain, Calloway, Clayton, Gary, Gordon, Graham, Jarman, H. C. Jones, Kerr, D. Latham, T. Latham, Loretz, Mitchell, G. T. Moore, A. C. Moore, M'Neill, Newland, Potter, Rainey, Rhodes, Shipp, Simpson, Tyson, Underwood, J. Webb, Wyche.

Those who voted in the negative, are Messrs. Alexander, Alford, Ball, Barnhardt, Bethell, Blackledge, Boykin, Borden, Branch, Brooks, Bynum, Byrum, Clement, Cooper, Cox, Davenport, Dickinson, Dozier, Eccles, Edmonston, Fleming, Foy, Gaston, Gibson, Gillespie, Gregory, Hall, Hampton, Hancock, Harper, Hellen, Hester, Jasper, W. G. Jones, W. Jones, Kendall, Kilpatrick, Larkins, Lilly, Martin, Mendenhall, Montgomery, Mhoon, Morris, Moye, M'Keill, M'Lean, M'Millan, Nash, Nelson, Nicholson, Pierce, Pool, Purcell, Riddick, Rogers, Rogerson, Ruffin, Saintclair, Sasser, Sanderson, Sharpe, L. R. Simmons, B. T. Simmons, N. G. Smith, T. B. Smith, J. Smith, Sprulli, Stedman, Stephens, Stockard, Styron, Vail, H. Waddell, Wadsworth, J. Walker, R. Walker, H. Walker, Ward, Watford, Watson, T. Webb, Webster, Whitfield, Whitaker, Wilder, E. Williams, A. Williams, Wilkinson, Wilson, Wright.

Mr. Bynum gave notice that he should, on to-morrow, move for an alteration and amendment of so much of the rules of the House as requires all petitions to be read to the House before acted upon.

Mr. Vail moved that the House adjourn until to-morrow morning, 9 o'clock. The question thereon was determined in the negative.

Mr. Borden moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was determined in the negative.

Mr. Bateman moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was determined in the affirmative—yeas 61, nays 55. The yeas and nays demanded by Mr. Bethell.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Bateman, Blackledge, B. S. Brittain, M. Brittain, Calloway, Clayton, Davenport, Dickinson, Eccles, Edmonston, Foy, Gary, Gibson, Gillespie, Graham, Gregory, Hampton, Hellen, Hester, W. Jones, T. Latham, Lilly, Loretz, Martin, Mendenhall, Mitchell, Mhoon, Morris, M'Neill, Nash, Newland, Nicholson, Pool, Potter, Purcell, Rhodes, Saintclair, Sharpe, Shipp, Simpson, N. G. Smith, Sprulli, Stedman, Stockard, Styron, Swain, Tyson, Vail, H. Waddell, A. Waddell, J. Walker, R. Walker, Wheeler, Whitfield, Whitaker, E. Williams, A. Williams, Wright, Wyche.

Those who voted in the negative, are Messrs. Ball, Barnhardt, Bass, Bethell, Blackwood, Bogle, Borden, Boykin, Branch, Brooks, Bryan, Byrum, Clement, Cooper, Cox, Dozier, Fleming, Gordon, Hancock, Harper, Jarman, W. G. Jones, Kendall, Kerr, Kilpatrick, Larkins, D. Latham, Montgomery, G. T. Moore, Moye, M'Keill, M'Lean, M'Millan, Nelson, Pierce, Riddick, Rogers, Rogerson, Ruffin, Sasser, Sanderson, L. R. Simmons, B. T. Simmons, Stephens, Underwood, H. Walker, Ward, Watford, Watson, J. Webb, T. Webb, Webster, Wilder, Wilkinson, Wilson.

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

TUESDAY, DECEMBER 16, 1828.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill to amend an act, passed in 1823, entitled an act to amend and extend the provisions of an act, entitled an act to promote agriculture and domestic manufactures; a bill appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town; a bill to extend the provisions of an act, passed in the year 1822, entitled an act granting further time to perfect titles to land within this State; a bill to allow compensation to jurors of the original pannel in the county of Buncombe; a bill to regulate costs in petitions for dower and partition; a bill to amend an act, passed in 1821, entitled an act to promote the administration of justice in this State, by requiring the produc-

tion of papers in certain cases; a resolution in favor of Pleasant Callicott; and a resolution in favor of John Gambell, sheriff of Ashe county; in which they ask the concurrence of this House.

Mr. Jasper, with leave, presented a bill to require the sheriff of Hyde county to sell the old public buildings of said county. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed bill appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town; also the engrossed bill to allow compensation to jurors of the original pannel in the county of Buncombe, were respectively read the first, second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend an act, passed in the year 1823, entitled an act to amend and extend the provisions of an act, entitled an act to promote agriculture and family domestic manufactures; also the engrossed bill to amend an act, passed in the year 1821, entitled an act to promote the administration of justice in this State, by requiring the production of papers in certain cases; also the engrossed bill to extend the provisions of an act, passed in the year 1822, entitled an act granting further time to perfect titles to land within this State; and also the engrossed bill to regulate costs in petitions for dower and partition, were respectively read the first time and passed.

Mr. Swain, with leave, presented a bill concerning the hands liable to work on the Buncombe turnpike road. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Allison presented the petition of Joseph Byers and others, of the county of Iredell, praying that the said Byers be authorised to erect a gate on a public road passing through his lands, free of tax. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution in favor of W. P. Martin, reported that the committee had considered the said resolution, and instructed him to return it to the House, with an amendment. The report as amended was read the first time and passed.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Wake county on behalf of Herod Howington, reported that the committee had considered the said petition, and instructed him to recommend that it be rejected. The question to concur with the report was determined in the affirmative.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution in favor of Christopher Bottles, reported that the committee had considered the said resolution, and instructed him to ask that they be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

Mr. Alexander, from the select committee, to whom was referred the bill to provide for the draining of Mattamuskeet lake, reported that the committee had, according to order, considered the said bill, and instruct-

ed him to report it to the House, and to recommend that it be passed into a law. The report was read, and, on the motion of Mr. Potter, ordered to be laid on the table.

The engrossed resolution in favor of John Gambell, sheriff of Ashe county, was read the first time and passed.

The engrossed resolution in favor of Pleasant Callicott, was read and concurred in, and, on motion, ordered to be enrolled.

Mr. Nicholson, with leave, presented a bill to incorporate the Richmond Rockingham Manufacturing Company. The said bill was read the first time and passed.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill prescribing the manner in which field officers and general officers shall be recommended to the General Assembly.

Mr. Bynum, in pursuance to his notification of yesterday, presented the following resolution, to wit:

That all 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 of which shall be verbally made by the introducer; and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise; but shall be referred, or lie on the table, and be taken up in the order they were read; and that no bill, resolution, petition or memorial shall be placed out of the possession of the House within the limited time prescribed for the reconsideration of the same, unless by special direction of the House.

The question to concur with the resolution was determined in the negative.

Received from his Excellency the Governor, by his Private Secretary, the following communication:

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN,—I transmit to you the account of Governor Iredell while acting ex officio as guardian of James N. Forsythe, with the accompanying vouchers; by which it will appear that he has purchased, under the resolution of the General Assembly in the year 1785, for the benefit of Mr. Forsythe, four shares of stock in the State Bank of North Carolina, and paid over to me in cash fifty-seven dollars and twenty-five cents, the balance remaining in his hands.

It is desirable that the account should be examined, and, if found to be correct, approved at as early a period as practicable.

There is also the sum of ten dollars, for dividend on the four shares of State stock, now standing to the credit of the Governor of the State, as guardian, &c. on the Books of that Bank.

I also enclose you a letter from the President of the Dismal Swamp Canal Company, under a resolution of the Board of Directors of that company, on a matter affecting very materially the best interests of the company, and involving a question of much importance; but which is deemed not within the controul of the Executive.

I have the honor to be, with the highest respect, your ob't serv't.

JOHN OWEN.

Executive Department, Raleigh, December 16, 1828.

On motion of Mr. Spruill, ordered that the message be sent to the Senate, proposing that so much thereof as relates to the guardianship of James N. Forsythe, be referred to the committee of Finance, and that relating to the Dismal Swamp Canal Company to the committee on Internal Improvements.

The bill for revising and digesting the public statute laws of this State, was read the third time. Mr. Calloway moved to amend the bill. The question thereon was determined in the negative. Mr. Potter moved that the bill be indefinitely postponed. The question thereon was determined in the affirmative—yeas 70, nays 57. The yeas and nays demanded by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Alford, Ball, Barnhardt, Bass, Battle, Bethell, Blackwood, Bogle, Boykin, Bozman, Branch, Brooks, Bynum, Byrum, Callo-way, Clement, Cooper, Cox, Dickinson, Dozier, Ellis, Fisher, Fleming, Gibson, Gordon, Hampton, Hancock, Hester, Jarman, W. G. Jones, W. Jones, Kendall, Larkins, D. Latham, Loretz, G. T. Moore, Mhoon, Morris, Moye, M'Lean, Pierce, Potter, Riddick, Rogerson, Saintclair, Sanderson, Sharpe, L. R. Simmons, B. T. Simmons, J. Smith, Stedman, Stephens, Stockard, Styron, Underwood, Vail, Wadsworth, R. Walker, H. Walker, Ward, Watford, Watson, J. Webb, Webster, Whitfield, Whitaker, Wilder, A. Williams, Wilkinson, Wright.

Those who voted in the negative, are Messrs. Alexander, Blackledge, Borden, B. S. Brittain, M. Brittain, Bryan, Clayton, Davenport, Eceles, Edmonston, Foy, Gary, Gillespie, Graham, Gregory, Hall, Harper, Hellen, Hodges, Jasper, H. C. Jones, Kerr, Kilpatrick, T. Latham, Lilly, Martin, Mendenhall, Mitchell, Montgomery, A. C. Moore, M'Keill, M'Millan, M'Neill, Nash, Nelson, Pool, Purcell, Rainey, Rhodes, Rogers, Ruffin, Sasser, Shipp, Simpson, N. G. Smith, T. B. Smith, Spruill, Swain, Tyson, H. Waddell, A. Waddell, J. Walker, T. Webb, Wheeler, E. Williams, Wilson, Wyche.

The House then, on the motion of Mr. Alexander, adjourned until to-morrow morning, 10 o'clock.

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WEDNESDAY, DECEMBER 17, 1828.

Mr. Shipp, with leave, presented a bill allowing patrollers compensation for their services; and Mr. Hancock, with leave, presented a bill compelling the sheriffs to advertise the several elections in this State. These bills were read each the first time and passed, and the former referred to Messrs. Shipp, Swain, Wyche, Ruffin and Gary.

The resolution in favor of John Black, sheriff of Cumberland county, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Mendenhall, with leave, presented a bill, in pursuance to a petition, to incorporate Horney's gold mines, in the county of Guilford. The said bill was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill requiring the county trustee of Chatham to pay the jurors of said county, and for other purposes; a bill to secure to Rachael Blackwood, of Person county, such property as she may hereafter acquire; a bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county; and a bill to alter and amend the act of 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians; and asking the concurrence of this House.

The report of the Adjutant General was returned from the Senate, endorsed, read and the Roster ordered to be printed as proposed by this House

The certificate of the County Court of Chowan county, in favor of Eleanor Truelove, allowing her a pension of ninety dollars for the present year, was returned from the Senate, countersigned by the Speaker of that House.

The engrossed bill requiring the county trustee of Chatham to pay the jurors of said county, and for other purposes; also the bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county; and also the bill to alter and amend the act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, were severally read the first time and passed.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution instructing the committee to inquire into the facts connected with the claim of James Kerkindale, reported that the committee had considered the said resolution, and instructed him to ask that they be discharged from the further consideration thereof. The report was read and concurred in.

The report of the select committee on the accounts of the Clubfoot and Harlows Creek Canal Company, was read and ordered to be returned to the Senate.

Mr. Bozman, with leave, presented a bill to authorise the wardens of the poor in the county of Chowan, with the consent of the County Court, to purchase lands and erect buildings for the reception of the poor thereof, and for other purposes. The said bill was read the first time and passed.

The bill for the relief of Thomas Marshall, sheriff of Carteret county, was read the second time and passed.

The resolution in favor of Thomas Philips, was read the second time and passed.

Mr. Brittain, with leave, presented a bill, in pursuance to a petition, to authorise James Bedford, of Burke county, to erect two gates across the road leading from Rutherfordton, up Cane creek, to Morganton. The said bill was read the first time and passed.

Mr. Wyche, from the committee of Finance, to whom was referred the resolution instructing them to inquire into the expediency of increasing the tax on all equestrian performers, itinerant stage players, rope dancers, wire dancers, exhibitors of natural or artificial curiosities, and jugglers, reported that the committee had considered the said resolution, and directed him to report that it is inexpedient to increase the tax. The report was read and concurred in.

Mr. Nelson, from the select committee to whom was referred the memorial of sundry citizens of Craven county, reported a bill, in pursuance to the memorial, to prevent free negroes, mulattoes and other free persons of colour from having guns and ammunition, except under certain circumstances, and recommended its passage. The said bill was read the first time and passed.

Mr. Latham, of Martin, with leave, presented a bill to repeal an act, passed in the year 1826, entitled an act to dispense with jurors at June term of the County Courts for the county of Martin. The said bill was read, and, on motion, ordered to be laid on the table.

Mr. Nash, from the committee to whom was referred the bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery, reported that the committee had considered the said bill, and instructed him to return it to the House, with several amendments, and to recommend its passage. The bill and amendments were read, and, on motion, ordered to be laid on the table.

Mr. Nash, from the same committee, to whom was referred the resolution directing them to inquire whether any, and if any, what alteration or amendment is necessary in the law as it now stands on the subject of the trial of persons charged with a capital offence, reported a bill on the subject, entitled a bill respecting mistrials in criminal cases. The said bill

was read the first time and passed, and, on motion, made the order of the day for Saturday next.

The bill for the relief of sundry persons engaged in surveying the Cherokee lands, was read the second time and passed.

Mr. Eccles, from the committee on Internal Improvements, to whom was referred the bill to provide for obtaining statistical information as to the resources of North Carolina, reported the bill without amendment. The said bill was read the second time and passed.

The bill to erect that section of country commonly called the Cherokee purchase, into a distinct county, was read the first time and passed, and, on motion, made the order of the day for Friday next.

The resolution in favor of William P. Martin, was read the second time, amended, and passed.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution directing them to inquire into the expediency of so amending the law now in force, as to give to administrators, with the will annexed, the same power as to the sale of real estate as is possessed by executors, reported that it is not expedient to legislate on the subject. The question to concur with the report was determined in the affirmative.

Mr. Wyche, from the committee of Finance, to whom was referred the resolution instructing them to inquire into the expediency of revising and amending the revenue laws, so as to impose a certain per cent on the amount of the capital stock in trade, reported that it is inexpedient to legislate further on the subject. The question thereon was determined in the negative, and, on motion, the report ordered to be laid on the table.

The engrossed bill to regulate the emancipation of slaves, was read, and, on motion, referred to the committee on the Judiciary.

Mr. Fisher, with leave, presented a bill to consolidate the several Banks of this State, and to establish a new Bank, to be called the Bank of the State of North Carolina. On motion, ordered that the said bill be printed and laid on the table.

On motion of Mr. Mhoon, ordered that the committee of Propositions and Grievances be excused from the consideration of the petition of Silas Smith; and that he have leave to withdraw his petition and accompanying documents.

The engrossed bill to secure to Rachel Blackwell, of Person county, such property as she may hereafter acquire, was read the first time and rejected.

Mr. Eccles, with leave, presented a bill to alter and amend the several acts of Assembly establishing jail limits, so far as respects the county of Cumberland. The said bill was read the first time and rejected.

Mr. Sanderson, from the committee to whom was recommitted the bill to exempt from execution a part of the real and personal estate of debtors, reported that the committee had, according to order, had the said bill again under consideration, and directed him to report a new bill, entitled a bill to regulate the sale of lands, and to protect from execution a certain part of the freehold of the citizens of North Carolina; and that it be substituted in lieu of the one recommitted. On motion, ordered that the said bill be printed, one copy for each member of the Assembly, and that it be laid on the table.

The bill concerning the payment of pilots in certain cases, was read the second time, and, on the motion of Mr. Bateman, postponed indefinitely.

The resignations of Abram Brower, Colonel Commandant of the 2d regiment of the Randolph county militia; Seymore Summersett, of Columbus county; and William Moore, of Stokes county, Justices of the Peace, were read and accepted.

The bill more effectually to enforce the payment of taxes from free negroes and mulattoes in certain cases, was read the third time and passed—yeas 75, nays 42. The yeas and nays demanded by Mr. Bass.

Those who voted in the affirmative, are Messrs. Alford, Allison, Ball, Bass, Battle, Bateman, Bethell, Bogle, Bozman, Branch, B. S. Brittain, M. Brittain, Brooks, Bryan, Byrum, Calloway, Clayton, Davenport, Dickinson, Dozier, Ellis, Fisher, Fleming, Gordon, Graham, Hester, Hodges, Jarman, Jasper, W. G. Jones, W. Jones, Kendall, Kilpatrick, Larkins, D. Latham, T. Latham, Martin, Mitchell, Montgomery, G. T. Moore, Moye, M'Keill, M'Neill, Nelson, Newland, Pierce, Pool, Purcell, Riddick, Rhodes, Rogerson, Ruffin, Sasser, Sanderson, Sharpe, Shipp, J. Smith, Spruill, Stedman, Stephens, Stockard, Tyson, Wadsworth, R. Walker, Ward, Watford, Watson, J. Webb, T. Webb, Webster, Wheeler, Whitfield, Wilder, A. Williams, Wright.

Those who voted in the negative, are Messrs. Alexander, Barnhardt, Blackledge, Boykin, Clement, Cooper, Cox, Eccles, Edmonston, Gary, Gibson, Gillespie, Gregory, Hall, Hampton, Hancock, Harper, Lilly, Loretz, Mendenhall, Mhoon, Morris, M'Lean, M'Millan, Nash, Nicholson, Potter, Rainey, Rogers, Saintclair, L. R. Simmons, Simpson, N. G. Smith, Underwood, Vail, H. Waddell, H. Walker, Whitaker, E. Williams, Wilkinson, Wilson, Wyche.

On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to authorise a Lottery for the benefit of Taylor Lodge, No. 69, in the town of Beaufort, was read the second time and rejected—yeas 43, nays 71. The yeas and nays demanded by Mr. Moye.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Bateman, Blackledge, Bogle, Borden, Boykin, B. S. Brittain, Bryan, Bynum, Edmonston, Foy, Gillespie, Gordon, Graham, Gregory, Hall, Hellen, Jasper, W. Jones, Kilpatrick, Larkins, D. Latham, Loretz, Martin, G. T. Moore, Rhodes, Rogers, Rogerson, Saintclair, Sasser, Sanderson, Shipp, T. B. Smith, Stedman, Styron, Swain, Tyson, Vail, Watford, Wheeler, E. Williams, Wright.

Those who voted in the negative, are Messrs. Ball, Barnhardt, Bass, Battle, Bethell, Branch, M. Brittain, Brooks, Byrum, Callaway, Clayton, Clement, Cooper, Cox, Davenport, Dozier, Eccles, Ellis, Fisher, Fleming, Gary, Gibson, Hampton, Hancock, Harper, Hester, Hodges, W. G. Jones, Kendall, Kerr, T. Latham, Lilly, Mendenhall, Mitchell, Montgomery, Mhoon, Morris, Moye, M'Keill, M'Lane, M'Millan, M'Neill, Nicholson, Pierce, Pool, Potter, Ruffin, Sharpe, L. R. Simmons, B. T. Simmons, Simpson, N. G. Smith, J. Smith, Spruill, Stephens, Stockard, Underwood, H. Waddell, Wadsworth, R. Walker, H. Walker, Ward, Watson, J. Webb, T. Webb, Webster, Wilder, A. Williams, Wilkinson, Wilson, Wyche.

The bill requiring registers and clerks of the County Courts to keep their offices at the Court Houses, was read the second time, amended and passed—yeas 60, nays 49. The yeas and nays demanded by Mr. M'Lane.

Those who voted in the affirmative, are Messrs. Bass, Battle, Bateman, Bethell, Blackledge, Blackwood, Bogle, Branch, B. S. Brittain, M. Brittain, Brooks, Byrum, Calloway, Clayton, Davenport, Edmonston, Ellis, Gibson, Gillespie, Gordon, Graham, Hellen, W. G. Jones, W. Jones, Kendall, Kerr, Kilpatrick, Larkins, T. Latham, Lilly, Loretz, Martin, Mendenhall, Mitchell, G. T. Moore, Mhoon, M'Keill, M'Millan, M'Neill, Newland, Nicholson, Pool, Saintclair, Shipp, Simpson, N. G. Smith, T. B. Smith, Spruill, Stedman, Styron, Tyson, Wadsworth, R. Walker, H. Walker, Ward, Watford, J. Webb, Whitaker, A. Williams, Wyche.

Those who voted in the negative, are Messrs. Alford, Ball, Barnhardt, Boykin, Bryan, Clement, Cooper, Cox, Dickinson, Dozier, Fleming, Foy, Gary, Hampton, Hancock, Harper, Hester, Jasper, D. Latham, Montgomery, Morris, Moye, M'Lane,

Nelson, Pierce, Potter, Rhodes, Rogers, Ruffin, Sasser, Sanderson, Sharpe, L. R. Simmons, B. T. Simmons, J. Smith, Stephens, Stockard, Underwood, Vail, Watson, T. Webb, Webster, Wheeler, Whitfield, Wilder, E. Williams, Wilkinson, Wilson, Wright.

The House then, on the motion of Mr. Spruill, adjourned until tomorrow morning, 10 o'clock.

THURSDAY, DECEMBER 18, 1828.

Mr. Clement, with leave, presented a bill empowering the County Courts to regulate the fees of jailors. The said bill was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill to secure to Lucinda Julin, of Randolph county, such property as she may hereafter acquire; a bill to alter the names of Sidney S. Gay, Samuel C. Gay, Mary G. Gay, and Fadeus H. Gay, of Wake county, and to legitimate them; a bill to alter the time of holding the Court of Pleas and Quarter Sessions of the County of Chowan; a bill to repeal an act, passed in the year 1826, chapter 145, entitled an act to amend the sale law in Rutherford county; a bill to compel the clerk of the Superior Court of Nash county to keep his office at the Court House in said county, or within the town of Nashville; a bill concerning the poor of Moore county; a bill in aid of the Clubfoot and Harlows Creek Canal Company; a resolution surrendering the right of the State of North-Carolina to take stock of the Roanoke Navigation Company; a resolution directing a survey between Lumber and Cape-Fear rivers; and a resolution in favor of Isaiah Spears, of Cabarrus county; in which they ask the concurrence of this House.

The engrossed bill concerning the poor of Moore county; also the engrossed bill to alter the names of Sidney S. Gay, Samuel C. Gay, Mary G. Gay, and Fadeus C. Gay, of Wake county, and to legitimate them; also the engrossed bill to repeal an act, passed in the year 1826, chapter 145, entitled an act to amend the sale law in Rutherford county; and also the engrossed bill to alter the time of holding the Court of Pleas and Quarter Sessions for the county of Chowan, were respectively read the first time and passed.

On motion of Mr. Mendenhall, ordered that a message be sent to the Senate, proposing to ballot immediately for a major of Cavalry, attached to the 8th brigade and 4th division of the militia, to supply the vacancy occasioned by the resignation of Nathan Wright, and informing that the name of Allen Peoples is in nomination for the appointment.

The engrossed resolution surrendering the right of the State of North-Carolina to take shares in the stock of the Roanoke Navigation Company; also the engrossed resolution in favor of Isaiah Spears, of Cabarrus county, were read, concurred in, and ordered to be enrolled.

Mr. Spruill, from the committee of Claims, to whom was referred the memorial of William H. Haywood, junior, reported that the committee, according to order, had examined the subject matter, and directed him to report a resolution in his favor, and to recommend its passage. The said resolution was read the first time and passed.

On motion of Mr. Mhoon,

Resolved, That the Library committee be instructed to take into consideration that

part of the late Governor's message which relates to the disposition of the acts of Congress, to inquire into the manner in which they have heretofore been distributed, and the propriety of ordering a distribution of those now remaining in the Executive office, accordingly.

Mr. Wyche, from the committee of Finance, to whom was referred the bill to authorise the issuing of Treasury notes, and for appropriating the same to the several counties in this State, reported that the committee had considered the said bill, and directed him to return it to the House, and to ask that the committee be discharged from the further consideration thereof. The report was read, concurred in, and the bill, on the motion of Mr. Brittain, of Burke, postponed indefinitely.

On motion of Mr. A. Williams,

Resolved, That Tuesday evening next be set apart for the appointment of Field Officers and Justices of the Peace.

Mr. Fleming, with leave, presented a bill appointing Solomon Graves commissioner to superintend the building a Court House in Surry county. The said bill was read the first time and passed.

Mr. Boykin, from the Military committee, to whom was referred the bill requiring the Major General of the 4th division to review the regiment of Rowan at the usual places for holding regimental musters, reported that the committee had, according to order, considered the said bill, and instructed him to return it to the House without amendment. The said bill was read the second time and passed.

Mr. Swain, with leave, presented a bill to repeal an act, passed in the year 1824, regulating the mode of electing wardens of the poor and directing their duties, so far as the same relates to the county of Buncombe. Mr. Hodges, with leave, presented a bill directing the manner in which wardens of the poor in the county of Cumberland shall hereafter be elected, and for other purposes. Mr. Foy, with leave, presented a bill for the better apprehension of runaway slaves in the county of Onslow. These bills were respectively read the first time and passed.

On motion of Mr. Bynum,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of amending the law relative to the election of constables, so as to require them to be elected by the voters of the several districts in each county; and that they report by bill or otherwise.

The question to concur with the resolution was determined in the negative.

On motion of Mr. Newland,

Resolved, That a select committee be appointed to inquire into the expediency of making some appropriation for improving the road leading from Lincolnton to Morganton, passing through the Laurel Gap of the South Mountain, in Burke county; and that they report by bill or otherwise.

Resolved, That Messrs. Newland, Brittain, of Burke, Calloway, Cooper and Underwood form the committee.

On motion of Mr. Stedman,

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

Mr. Nash, from the Judiciary committee, to whom was referred the resolution to inquire into the expediency of so amending the law in relation to justices' executions, as to give to the first levy a priority of lien, reported a bill in pursuance to the object of the resolution, entitled a bill in relation to justices' executions. The said bill was read the first time and passed.

On motion of Mr. Cox,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of altering or amending the law, as it now exists, so that all debts that are due from deceased persons' estates shall be considered of one dignity, where the claim or claims shall be established to be just to the satisfaction of the executors or administrators; and that they report by bill or otherwise.

On motion of Mr. Ellis,

Resolved, That from and after Monday next, this House hold evening sessions for the purpose of disposing of private business.

Mr. Hancock presented the following resolution:

Resolved, That there be no bill of a private nature introduced in this House from and after Saturday next, except at an evening session; and that this House agree to hold three evening sessions next week, viz: on Monday evening, Wednesday and Saturday evenings, for the purpose of acting on private bills, and electing public officers.

The question to concur with the resolution was determined in the negative.

Mr. Jones, of Wake, presented the petition of Stephen Pearson; which was read and referred to the committee of Claims.

Mr. Mendenhall presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law for the confirmation of such grants of land to surveyors and deputy surveyors, as have been issued upon surveys fairly made, and without fraud by the deputy surveyors of this State; and that they report by bill or otherwise.

On motion, ordered that the said resolution be laid on the table.

Mr. Spruill, from the committee of Claims, to whom was referred a resolution in favor of William Robinson, reported that the committee had, according to order, considered the said resolution, and instructed him to recommend that it be rejected. The report was read, and, on the motion of Mr. Vail, recommitted to the same committee.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Joseph Byers, and other citizens of Iredell and Lincoln counties, reported unfavorably to the prayer of the petition, and recommended its rejection. The question to concur with the report was determined in the affirmative.

The engrossed bill to compel the Clerk of the Superior Court of Nash county to keep his office at the Court House in said county, or within the town of Nashville, was read, and, on motion, ordered to be laid on the table.

Mr. Wyche, from the committee to whom was referred the bill more effectually to enforce the payment of taxes on Stud Horses and Jack Asses, reported that the committee had considered the said bill, and instructed him to recommend its rejection. The question to concur with the report, was determined in the affirmative.

Received from his Excellency the Governor, the following communication:

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN,—I transmit to you the account of Mr. Muse, Private Secretary of Governor Iredell, with the accompanying vouchers; by which it will appear that the resolution of the last Legislature, making an appropriation for the purchase of furniture for the Government House, and for cleaning out the well, has been complied with.

I have the honor to be, &c.

JOHN OWEN.

Executive Department, December, 1828.

On motion, ordered that the said communication be sent to the Senate, with a proposition that it be referred to the committee of Finance.

A message from the Senate:—We agree to your proposition to refer so much of the Governor's message as relates to the guardianship of

James Forsythe to the committee of Finance; but we do not agree to refer so much of said message as relates to the Dismal Swamp Canal Company to the committee on Internal Improvements: we propose that that part of the message be referred to a select joint committee. The Senate have rejected the engrossed bill, entitled a bill to prevent frauds in deeds of trust and mortgages. We propose that the joint select committee, to whom was referred the resolution instructing them to inquire into the expediency of having a route for a road laid off from Fayetteville to Wilkesborough, and to whom was referred the petition of sundry citizens of Wilkes and Ashe, praying assistance to keep open the stage road from Wilkesborough to the Tennessee line, be discharged from the further consideration of these subjects; and that they be referred to the committee on Internal Improvements. The said message was read and concurred in.

The engrossed bill in aid of the Clubfoot and Harlow's Creek Canal Company, was read the first time and passed, and, on motion, made the order of the day for Monday next.

Mr. Hancock, with leave, presented a bill to authorise certain persons therein mentioned to sell spirituous liquors. The said bill was read the first time and rejected.

The engrossed bill to secure to Lucinda Julin, of Randolph county, such property as she may hereafter acquire; and the engrossed resolution directing a survey between Lumber and Cape Fear rivers, were read the first time and rejected.

The resignations of Hugh Walker, Lieutenant Colonel of the second regiment of the Randolph county militia; Josiah Powell, Major of the Columbus county militia; and Wilson S. Hill, justice of the peace for Rockingham county, were presented, read and accepted.

The House resolved itself into a committee of the Whole, Mr. Alexander in the Chair, on the bill to vest the right of electing Sheriffs in the several counties within this State in the free white men thereof; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Alexander reported that the committee of the Whole, according to order, had the said bill under consideration, and directed him to return it to the House without amendment. The said bill was read the second time. Mr. Harper moved that the said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 55, nays 73. The yeas and nays demanded by Mr. Ellis.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Barnhardt, Bateman, Borden, Bozman, Bryan, Bynum, Byrum, Cox, Ellis, Fisher, Foy, Gaston, Gillespie, Graham, Gregory, Harper, Hester, H. C. Jones, Kerr, T. Latham, Mendenhall, Mitchell, Montgomery, Mhoon, Moye, M'Keill, M'Lean, M'Millan, Nash, Pierce, Rainey, Riddick, Rhodes, Rogers, Rogerson, Sasser, Sanderson, Sharpe, L. R. Simmons, Simpson, Spruill, Stephens, Swain, H. Waddell, J. Walker, R. Walker, Ward, Watford, T. Webb, Wheeler, Whitfield, E. Williams, Wyche.

Those who voted in the negative, are Messrs. Allison, Ball, Bass, Battle, Bethell, Blackledge, Blackwood, Bogle, Boykin, Branch, B. S. Brittain, M. Brittain, Brooks, Calloway, Clayton, Clement, Cooper, Davenport, Dickinson, Dozier, Edmonston, Fleming, Gary, Gibson, Gordon, Hall, Hampton, Hancock, Hellen, Hodges, Jasper, W. G. Jones, W. Jones, Kendall, Larkins, D. Latham, Lilly, Loretz, Martin, G. T. Moore, Morris, M'Neill, Nelson, Newland, Nicholson, Pool, Potter, Purcell, Ruffin, Saintclair, Shipp, B. T. Simmons, N. G. Smith, T. B. Smith, J. Smith, Stedman, Stockard, Styron, Tyson, Underwood, Vail, A. Waddell, Wadsworth, H. Walker, Watson, J. Webb, Webster, Whitaker, Wilder, A. Williams, Wilkinson, Wilson, Wright.

Mr Bynum moved to amend the said bill by striking out the word *while* in the first section. The question thereon was determined in the negative—yeas 51, nays 73. The yeas and nays were moved for by Mr. Gaston.

Those who voted in the affirmative, are Messrs. Alford, Barnhardt, Bass, Blackledge, Bogle, Borden, Boykin, Bozman, Brooks, Bynum, Byrum, Cooper, Ellis, Gaston, Gillespie, Hampton, Hancock, Harper, Hester, W. G. Jones, H. C. Jones, D. Latham, T. Latham, Lilly, Loretz, Mendenhall, M'Keill, M'Millan, Nash, Nicholson, Riddick, Rogers, Rogerson, Ruffin, Sharpe, Shipp, Simpson, N. G. Smith, Spruill, Stephens, Vail, R. Walker, H. Walker, Watford, J. Webb, T. Webb, Whitfield, E. Williams, A. Williams, Watson, Wyche.

Those who voted in the negative, are Messrs. Alexander, Allison, Ball, Battle, Bateman, Bethell, Blackwood, Branch, B. S. Brittain, M. Brittain, Bryan, Calloway, Clement, Cox, Davenport, Dickinson, Dozier, Edmonston, Fisher, Fleming, Foy, Gary, Gordon, Graham, Gregory, Hellen, Hodges, Jasper, W. Jones, Kendall, Kerr, Larkins, Martin, Mitchell, Montgomery, G. T. Moore, Mhoon, Morris, Moye, M'Lean, M'Neil, Nelson, Newland, Pierce, Pool, Potter, Purcell, Rainey, Rhodes, Saintclair, Sasser, Sanderson, L. R. Simmons, B. T. Simmons, T. B. Smith, J. Smith, Stedman, Stockard, Styron, Swain, Tyson, Underwood, H. Waddell, A. Waddell, Wadsworth, Ward, Watson, Webster, Wheeler, Whitaker, Wilder, Wilkinson, Wright.

Mr Montgomery moved to amend the bill, by adding the words Clerks of the County Courts. The question thereon was determined in the negative—yeas 21, nays 97. The yeas and nays moved for by Mr. Bynum.

Those who voted in the affirmative, are Messrs. Allison, Borden, Bozman, Ellis, Gordon, W. G. Jones, Kerr, Montgomery, M'Keill, Pierce, Rhodes, Rogers, Ruffin, Saintclair, Sasser, Sanderson, Sharpe, Shipp, L. R. Simmons, Stephens, Wheeler.

Those who voted in the negative, are Messrs. Alexander, Alford, Ball, Barnhardt, Bass, Battle, Bateman, Bethell, Blackledge, Blackwood, Bogle, Boykin, Branch, B. S. Brittain, M. Brittain, Brooks, Bynum, Byrum, Callaway, Clayton, Clement, Cooper, Cox, Davenport, Dozier, Edmonston, Fisher, Fleming, Foy, Gary, Gaston, Gibson, Gillespie, Graham, Gregory, Hampton, Harper, Hester, Hellen, Jasper, H. C. Jones, W. Jones, Kendall, Saintclair, D. Latham, T. Latham, Lilly, Loretz, Martin, Mendenhall, Mitchell, G. T. Moore, Mhoon, Morris, Moye, M'Lean, M'Millan, M'Neil, Nash, Nelson, Newland, Nicholson, Pool, Potter, Purcell, Rainey, Riddick, B. T. Simmons, Simpson, N. G. Smith, T. B. Smith, J. Smith, Spruill, Stedman, Stockard, Styron, Swain, Tyson, Underwood, Vail, H. Waddell, A. Waddell, Wadsworth, H. Walker, Ward, Watford, Watson, J. Webb, T. Webb, Webster, Whitfield, Whitaker, Wilder, A. Williams, Wilkinson, Wilson, Wright.

The said bill was then put on its passage, and the question, shall the said bill pass its second reading? was determined in the affirmative—yeas 63, nays 59. The yeas and nays moved for by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Allison, Ball, Bass, Battle, Bethell, Blackwood, Blackledge, Bogle, Boykin, Branch, B. S. Brittain, M. Brittain, Brooks, Clayton, Clement, Cooper, Davenport, Dozier, Edmonston, Fleming, Gary, Gibson, Hellen, Hodges, Jasper, W. Jones, Kendall, Larkins, D. Latham, Lilly, Loretz, Martin, G. T. Moore, Morris, M'Neil, Nelson, Newland, Nicholson, Pool, Potter, Purcell, Shipp, B. T. Simmons, N. G. Smith, T. B. Smith, J. Smith, Stedman, Stockard, Styron, Tyson, Underwood, Vail, A. Waddell, Wadsworth, Watson, J. Webb, Webster, Whitaker, Wilder, A. Williams, Wilkinson, Wilson, Wright.

Those who voted in the negative, are Messrs. Alexander, Alford, Barnhardt, Bateman, Borden, Bozman, Bynum, Byrum, Callaway, Cox, Ellis, Fisher, Foy, Gaston, Gillespie, Gordon, Graham, Gregory, Hampton, Harper, Hester, W. G. Jones, H. C. Jones, Kerr, T. Latham, Mendenhall, Mitchell, Montgomery, Mhoon, Moye, M'Keill, M'Lean, M'Millan, Nash, Pierce, Rainey, Riddick, Rhodes, Rogers, Rogerson, Ruffin, Saintclair, Sasser, Sanderson, Sharpe, L. R. Simmons, Simpson, Spruill, Stephens, Swain, H. Waddell, J. Walker, R. Walker, Ward, Watford, T. Webb, Wheeler, Whitfield, Wyche.

Mr. Potter moved while the House was voting on the above bill that the 10th rule for the government of the House be suspended, so as to permit a member without the bar of the House at the time the question was stated, to vote. The Speaker decided that the motion was out of order, as the 32th rule provides "that no standing rule or order shall be rescinded, altered or suspended, without one day's notice given of the motion thereof." From the decision of the Chair Mr. Potter appealed to the House; and the question, is the decision of the Chair correct? was determined in the affirmative.

The House then on the motion of Mr. Rainey, adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 19, 1828.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill to provide for the repairing of the State House and railing round the public square; a bill to appropriate eight thousand nine hundred and twenty dollars for improving the navigation of the Cape Fear river below Wilmington; in which they ask the concurrence of this House.

The bill to appropriate eight thousand nine hundred and twenty dollars for improving the navigation of the Cape Fear river below Wilmington, was read the first time, passed, and, on motion, made the order of the day for Tuesday next.

A message from the Senate, informing that Mr. Shuford and Mr. Smith of Person attend this House as a committee on their part to conduct the balloting for Major of Cavalry attached to the 8th brigade. On motion, ordered that the Senate be informed by message that Mr. Mendenhall and Mr. Gary form the committee on the part of this House to conduct the balloting for Major of Cavalry attached to the 8th brigade.

The bill to provide for the repairing of the State House and railing round the public square, was read the first time and passed.

The bill for the relief of sundry persons engaged in surveying the Cherokee lands, was read the third time, passed and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

The resignation of Lunsford W. Scott, Major of the 2d regiment of the Halifax county militia, was read and accepted.

The House, on motion, resolved itself into committee of the Whole on the bill to erect that section of country, called the Cherokee Purchase, into a separate county, Mr. Gaston in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and the Chairman, Mr. Gaston, reported that the committee of the Whole, according to order, had the said bill under consideration, and instructed him to report it to the House without amendment. The said bill, thereupon, was read the second time, and, on the motion of Mr. Gaston, amended by an additional section, "that all lands within the county hereby erected, which have been or may be purchased from the State, but not granted, shall be deemed liable to taxation in the same manner as lands entered, but not granted, are by the laws of the State." The question, shall the said bill pass its second reading, as amended? was determined in the affirmative—yeas 65, nays 62. The yeas and nays moved for by Mr. Branch.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bethell, Blackwood, Bogle, Borden, B. S. Brittain, M. Brittain, Brooks, Callaway, Clayton, Clement, Eccles, Edmonston, Fisher, Fleming, Gaston, Gibson, Gordon, Graham, Hampton, Hancock, Hester, Hodges, Jasper, H. C. Jones, Kendall, Lilly, Loretz, Martin, Mendenhall, Mitchell, G. T. Moore, A. C. Moore, Morris, M'Lean, M'Millan, M'Neill, Nash, Newland, Nicholson, Potter, Purcell, Rainey, Ruffin, Saintclair, Shipp, Simpson, N. G. Smith, J. Smith, Stephens, Stockard, Styron, Swain, Tyson, H. Waddell, A. Waddell, Wadsworth, J. Walker, H. Walker, J. Webb, E. Williams, A. Williams.

Those who voted in the negative, are Messrs. Ball, Bass, Battle, Bateman, Blackledge, Boykin, Branch, Bryan, Bynum, Byrum, Cooper, Cox, Davenport, Dickinson, Dozier, Ellis, Foy, Gary, Gillespie, Gregory, Harper, W. G. Jones, W. Jones, Kerr, Larkins, D. Latham, T. Latham, Montgomery, Mhoon, Moye, M'Keill, Nelson, Pierce, Pool, Riddick, Rhodes, Rogers, Rogerson, Sasser, Sanderson, Sharpe, L. R. Simmons, T. B. Simmons, T. B. Smith, Spruill, Stedman, Underwood, Vail, R. Walker, Ward, Watford, Watson, T. Webb, Webster, Wheeler, Whitfield, Whitaker, Wilder, Wilkinson, Wilson, Wright, Wyche.

The House then, on the motion of Mr. Vail, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 20, 1828.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution in favor of Isaac Baxter, sheriff of Currituck county, reported that the committee had, according to order, considered the said resolution, and instructed him to return it to the House, with an amendment, and to recommend that it be passed. The amendment was read and concurred in, and the resolution, as amended, was read the first time and passed.

Mr. Spruill, from the same committee, to whom was referred the resolution in favor of Richard Smith, reported that the committee, according to order, had considered the said resolution, and instructed him to ask that the committee be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill appointing commissioners to lay off and establish the dividing line between the first and second regiments of the militia of Cumberland county; also the engrossed resolution in favor of William Harris and James Allen, of Montgomery county; and also the engrossed resolution in favor of Calvin Blackman, sheriff of Wayne county; and asking the concurrence of this House.

The engrossed bill to incorporate the Edgecomb Manufacturing Company, was read the first time and passed.

The engrossed resolution in favor of Calvin R. Blackman, sheriff of Wayne county, was read the first time and passed.

The engrossed resolution in favor of William Harris and James Allen, of Montgomery county, was read the first time, passed, and, on motion, ordered to be laid on the table.

Mr. Mendenhall, from the committee appointed to conduct the balloting for major of cavalry attached to the 8th brigade of the militia, report-

ed that the committee had performed that duty, and that on examining the ballots, it appeared Allen Peebles had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Shipp, with leave, presented a bill to regulate the fees of clerks and sheriffs. The said bill was read the first time and passed, and, on motion, ordered to be printed, one copy for each member of the Assembly, and be referred to the Judiciary committee.

Mr. Swain, with leave, presented a bill for the better regulation of the town of Ashville, in Buncombe county; which was read the first time and passed.

The message from the Governor, relating to the account of John B. Muse, Private Secretary of Governor Iredell, for articles of furniture for the government house, was returned from the Senate, endorsed "read and referred as by the House of Commons."

The engrossed bill appointing commissioners to lay off and establish the dividing line between the first and second regiments of the militia of Cumberland county, was read the first time and passed.

Mr. Alexander presented the following resolution:

Whereas it appears, from the books of the Comptroller, that John Sloan, sheriff of Mecklenburg, was a defaulter in the collection of the tax of 1827, and thereby incurred a penalty of four hundred dollars and his commissions and pay for settling his public tax account; and it appears also from the books of the Treasury office, that the said John paid, on the 27th of October, 1828, in the Public Treasury, the sum of 1740 dollars, 70 cents, which sum is more than he would have been liable to pay but from his failing to settle on the first of October, 1828:

Be it therefore resolved, That the said John be released from the penalty so incurred; and that he be permitted to settle his account with the Comptroller in the same manner as if the account had been settled on the first of October last.

The said resolution was read the first time and passed, and, on motion, referred to the committee of Finance.

Mr. Vail, with leave, presented a bill requiring all guardian bonds to be made payable to the Governor. The said bill was read and ordered to be laid on the table.

The resignation of Andrew Hughes, justice of the peace for Orange county, was read and accepted.

The bill to amend the law with respect to the collection of debts from the estates of deceased persons, was read the second time, amended and passed.

A message from the Senate, proposing that the two Houses ballot on Tuesday morning next for a brigadier general of the 4th brigade, to supply the vacancy occasioned by the death of General Person, and informing that the name of John A. Cameron is in nomination for the appointment. The message was concurred in, and the Senate informed by message that the name of John B. Kelly is added to the nomination.

The bill to place the class of people called Quakers, Moravians, Menonists and Dunkards on equal footing with the other freemen of this State, was read the second time and rejected—yeas 59, nays 63. The yeas and nays moved for by Mr. Bass.

Those who voted in the affirmative, are Messrs. Alford, Ball, Bass, Battle, Bateman, Bethell, Blackwood, Boykin, Branch, Brooks, Bryan, Callaway, Clement, Cooper, Cox, Davenport, Dozier, Edmonston, Ellis, Fisher, Fleming, Foy, Gordon, Hancock, Harper, Hester, Hodges, Jasper, Kendall, Kerr, Kilpatrick, D. Latham, T. Latham, Lilly, Mitchell, G. T. Moore, Nelson, Purcell, Ruffin, Sanderson, Sharpe, Simmons, N. G.

Smith, T. B. Smith, Stedman, Stockard, Tyson, Underwood, A. Waddell, Wadsworth, R. Walker, Ward, Watford, J. Webb, Webster, Wilder, A. Williams, Wilkinson, Wright.

Those who voted in the negative, are Messrs Alexander, Allison, Barnhardt, Blackledge, Bogle, Borden, B. S. Brittain, M. Brittain, Bynum, Byrum, Clayton, Dickinson, Eccles, Gary, Gaston, Gibson, Gillespie, Graham, Gregory, Hall, Hampton, Hellen, H. C. Jones, W. Jones, Larkins, Loretz, Mendenhall, Montgomery, Mhoon, Morris, Moye, M'Keill, M'Lane, M'Millan, M'Neill, Newland, Nicholson, Pierce, Pool, Potter, Rancy, Riddick, Rogers, Rogerson, Saintelair, Sasser, Shipp, Simpson, J. Smith, Spruill, Stephens, Swain, Vail, J. Walker, H. Walker, Watson, T. Webb, Wheeler, Whitfield, Whitaker, E. Williams, Wilson, Wyche.

Mr. Jones, of Rowan, presented the following resolution:

Whereas, a bill to compel Quakers, Moravians, Menonists and Dunkards to pay a tax in lieu of doing military duty, hath been rejected by this House; and whereas, said bill is accompanied with a memorial from the religious society of Friends of Guilford county, in which the right to make their society perform military duty is denied to the Assembly, and lest a false opinion may thence go abroad,

Be it therefore resolved, That it is the sense of this House, that they have such right, but that it is inexpedient to exercise it at this time.

Mr. Cooper moved that the said resolution be postponed indefinitely. The question thereon, was determined in the affirmative.

The House then, on the motion of Mr. Hellen, adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 22, 1828.

Mr. Mhoon, with leave, presented a bill for the better regulation of the fisheries on Salmon creek, in Bertie county, and amendatory of an act, passed in the year 1822, concerning the same. The said bill was read the first time and passed.

Mr. Hodges presented the certificate of the clerk of the County Court of Cumberland county, allowing Ann Morrison, widow of Alexander Morrison, deceased, a pension of forty dollars for the present year. On motion, ordered that the certificate be countersigned by the Speaker and sent to the Senate.

Mr. Hodges also presented the certificate of the clerk of the same County Court, allowing Lucy Shaw a pension of twenty pounds for the present year. The said certificate was also countersigned by the Speaker and sent to the Senate.

A message from the Senate, informing that they had passed the following engrossed bills and a resolution, to wit: a bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover, Camden, Washington and Craven counties, in granting licenses to retail spiritous liquors; a bill to authorise the County Court of Person to establish a poor house in said county; and a resolution in favor of William Huggins, Sheriff of Jones county; in which they ask the concurrence of this House.

The bill to authorise the County Court of Person to establish a poor house in said county; also the bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover, Camden, Washington and Craven counties, in granting licences to retail spiritous liquors, were respectively read the first time and passed.

The resolution in favor of William Huggins, Sheriff of Jones county, was read the first time and passed.

Mr. Gregory, with leave, presented a bill to amend the militia laws

of this State, so far as regards the companies of Cavalry; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill in addition to the acts respecting divorce and alimony; also the engrossed bill more effectually to enforce the payment of taxes from free negroes and mulattoes, in certain cases, with amendments in each, and asking the concurrence of this House. The amendments were read and concurred in, and the Senate informed thereof by message.

The message from the Governor, relative to the accounts of Mr. Muse, Private Secretary to Governor Iredell, was returned from the Senate, endorsed, read and referred as by the House of Commons.

Mr. Mitchell, with leave, presented a bill appointing commissioners on the road from Ashe Court House to the head of the Yadkin river, and making an appropriation to the said road. Mr. Alexander presented a bill to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus counties. Mr. Bazman presented a bill to authorise the trustees of the town of Edenton to dispose of certain lots in said town. Mr. Brittain, of Burke, presented 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 the year 1826, chapter 36. These bills were respectively read the first time and passed.

The bill to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Bogle, with leave, presented a bill to prevent a sacrifice of real estate, and for other purposes. The said bill was read the first time, passed, and, on motion, referred to the committee on the Judiciary.

Mr. Newland, from the select committee, to whom was referred a resolution, instructing them to inquire into the expediency of making some appropriation for improving the road from Lincolnton to Morganton, passing through the Laurel Gap of the South Mountain, reported that the committee had, according to order, considered the said resolution, and instructed him to report a bill in pursuance to the object of said resolution, entitled a bill for the improvement of the road leading from Morganton to Lincolnton, and to recommend its passage. The said bill was read the first time and passed.

The bill to declare the effect of a nolle prosequi upon an indictment, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Whitaker

Resolved, That the Public Treasurer be directed to pay to the firm of Webb & Rand the sum of twenty-four dollars and ninety-five cents, being the value of work done by them for the use of the State.

On motion, ordered that the said resolution be referred to the committee of Claims

The resignations of Gideon Seawell, major of the 44th regiment of the 4th brigade; Calvin R. Blackman, Major of the Wayne county militia; and William Walker, justice of the peace for Rockingham county, were read and accepted.

Mr. Spruill, from the committee, to whom was referred so much of the Governor's message as relates to the Banks within this State, reported that the committee had considered the subject, and instructed him to report a bill, and to recommend its passage, imposing a penalty of per cent. on all the Banks of this State, which may after the day of next, refuse to pay specie on demand for their notes. And Mr. Potter, on behalf of the minority of said committee, presented a counter report. The said reports were read, and, on motion, ordered to be printed, under the direction of the committee, with all the accompanying testimony and documents, three copies for each member of the Assembly.

Mr. Graham presented the petition of the Justices of the Peace for Rutherford county, praying to be released from the payment of a judgment obtained against them in the Superior Court of Wake county. The said petition was read and ordered to be sent to the Senate, with a message proposing to refer it to a select joint committee of three persons from each House; and on the part of this House to Messrs. Graham, Blackledge and Potter.

The bill requiring registers, clerks of the Superior and County Courts and clerks and masters in equity to keep their offices at the court houses, was read the third time and passed—yeas 66, nays 58. The yeas and nays demanded by Mr. Cox.

Those who voted in the affirmative, are Messrs. Alexander, Bass, Battle, Bateman, Bethell, Blackledge, Blackwood, Bogle, B. S. Brittain, Brooks, Byrum, Calloway, Clayton, Davenport, Eccles, Edmonston, Fisher, Gillespie, Gordon, Graham, Hampton, Hellen, Hodges, W. Jones, Kendall, Kerr, Larkins, Lilly, Loretz, Mendenhall, Mitchell, G. T. Moore, Mhoon, McNeill, McMillan, McNeill, Nash, Newland, Nicholson, Pool, Purcell, Rainey, Rhodes, Rogerson, Ruffin, Saintclair, Shipp, L. R. Simmons, Simpson, N. G. Smith, T. B. Smith, Spruill, Stedman, Stephens, Swain, Tyson, H. Waddell, A. Waddell, Wadsworth, J. Walker, R. Walker, Ward, J. Webb, A. Williams, Wilson, Wyche.

Those who voted in the negative, are Messrs. Alford, Allison, Ball, Barnhardt, Borden, Boykin, Bozman, Bryan, Bynum, Clement, Cooper, Cox, Dickinson, Dozier, Ellis, Fleming, Foy, Gary, Gaston, Gibson, Gregory, Hall, Hancock, Harper, Hester, Jasper, H. C. Jones, Kilpatrick, D. Latham, T. Latham, Montgomery, Morris, Moye, McLean, Nelson, Pierce, Rogers, Sasser, Sanderson, Sharpe, Simmons, J. Smith, Stockard, Styron, Underwood, Vail, H. Walker, Watford, Watson, T. Webb, Webster, Wheeler, Whitfield, Whitaker, Wilder, E. Williams, Wilkinson, Wright.

On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Nash from the Judiciary committee, to whom was recommitted the bill to amend an act, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed, passed in the year 1826, reported the bill with sundry amendments. The said bill, as amended, was read the third time. Mr. Blackledge moved that it be postponed indefinitely. The question thereon was determined in the negative—yeas 24, nays 95. The yeas and nays demanded by Mr. Blackledge.

Those who voted in the affirmative, are Messrs. Allison, Barnhardt, Blackledge, Bynum, Byrum, Clement, Fisher, Hampton, Hodges, H. C. Jones, W. Jones, Lilly, Mendenhall, Sharpe, Simpson, Swain, Underwood, Wadsworth, H. Walker, J. Webb, T. Webb, Wheeler, Whitaker, Wilkinson.

Those who voted in the negative, are Messrs. Alexander, Alford, Ball, Bass, Battle, Bateman, Bethell, Blackwood, Bogle, Borden, Boykin, Bozman, B. S. Brittain, Brooks, Bryan, Calloway, Clayton, Cooper, Cox, Davenport, Dickinson, Dozier, Eccles, Edmonston, Ellis, Fleming, Foy, Gary, Gibson, Gillespie, Gordon, Graham, Gregory, Hall, Hancock, Harper, Hellen, Hester, Jasper, Kendall, Kilpatrick, Larkins, D. Latham, T. Latham, Loretz, Mitchell, Montgomery, G. T. Moore, Mhoon, Morris, Moye, McNeill, McLean, McMillan, McNeill, Nash, Nelson, Nicholson, Pierce, Pool, Purcell, Rainey,

Rhodes, Rogers, Rogerson, Ruffin, Saintclair, Sasser, Sanderson, Shipp, L. R. Simmons, B. T. Simmons, N. G. Smith, J. Smith, Spruill, Stedman, Stephens, Stockard, Styron, Tyson, Vail, H. Waddell, A. Waddell, J. Walker, Ward, Watford, Watson, Webster, Whitfield, Wilder, E. Williams, A. Williams, Wilson, Wright, Wyche.

The bill was then put on its passage, and the question, shall the said bill pass its third reading? was determined in the affirmative—yeas 93, nays 30. The yeas and nays demanded by Mr. Bynum.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Ball, Bass, Battle, Bateman, Bethell, Blackwood, Borden, Boykin, Bozman, Branch, B. S. Brittain, M. Brittain, Brooks, Bryan, Clayton, Cooper, Cox, Davenport, Dickinson, Dozier, Eccles, Edmonston, Ellis, Fleming, Foy, Gibson, Gillespie, Gordon, Graham, Gregory, Hall, Hancock, Harper, Hellen, Hester, Jasper, Kendall, Kerr, Kilpatrick, Larkins, D. Latham, T. Latham, Loretz, Mitchell, Montgomery, G. T. Moore, Mhoon, Moye, M'Keill, M'Lean, M'Millan, M'Neill, Nash, Nelson, Newland, Nicholson, Pierce, Purcell, Rainey, Rhodes, Rogers, Rogerson, Ruffin, Sasser, Sanderson, Shipp, L. R. Simmons, B. T. Simmons, N. G. Smith, J. Smith, Spruill, Stedman, Stephens, Stockard, Tyson, H. Waddell, A. Waddell, J. Walker, R. Walker, Ward, Watford, Watson, Webster, Wheeler, Whitfield, Wilder, E. Williams, A. Williams, Wilson, Wright, Wyche.

Those who voted in the negative, are Messrs. Allison, Barnhardt, Blackledge, Bogle, Bynum, Byrum, Calloway, Clement, Fisher, Gary, Hampton, Hodges, H. C. Jones, W. Jones, Lilly, Mendenhall, Morris, Saintclair, Sharpe, Simpson, Styron, Swain, Underwood, Vail, Wadsworth, H. Walker, J. Webb, T. Webb, Whitaker, Wilkinson.

On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to vest the right of electing Sheriffs in the several counties within this State in the free white men thereof, was read the third time, amended, and rejected—yeas 53, nays 71. The yeas and nays called for by Mr. Sharpe.

Those who voted in the affirmative, are Messrs. Allison, Bass, Blackledge, Blackwood, Bogle, Boykin, B. S. Brittain, M. Brittain, Brooks, Clayton, Clement, Cooper, Davenport, Dozier, Edmonston, Fleming, Gibson, Hall, Hellen, Hodges, Jasper, W. Jones, Kendall, D. Latham, Lilly, Loretz, G. T. Moore, Morris, M'Neill, Nelson, Newland, Nicholson, Pool, Potter, Purcell, Saintclair, Shipp, B. T. Simmons, N. G. Smith, T. B. Smith, J. Smith, Stockard, Styron, Tyson, Underwood, Vail, A. Waddell, Wadsworth, J. Webb, Webster, Whitaker, A. Williams, Wright.

Those who voted in the negative, are Messrs. Alexander, Alford, Ball, Barnhardt, Battle, Bateman, Bethell, Borden, Bozman, Branch, Bynum, Byrum, Cox, Eccles, Ellis, Fisher, Gary, Gaston, Gillespie, Gordon, Graham, Gregory, Hampton, Hancock, Harper, Hester, W. G. Jones, H. C. Jones, Kerr, Kilpatrick, Larkins, T. Latham, Mendenhall, Mitchell, Montgomery, Mhoon, Moye, M'Keill, M'Lean, M'Millan, Nash, Pierce, Rainey, Riddick, Rhodes, Rogers, Rogerson, Ruffin, Sasser, Sanderson, Sharpe, L. R. Simmons, Simpson, Spruill, Stedman, Stephens, Swain, H. Waddell, J. Walker, R. Walker, H. Walker, Ward, Watford, Watson, T. Webb, Wheeler, Wilder, E. Williams, Wilkinson, Wilson, Wyche.

The House then, on the motion of Mr. Rainey, adjourned until tomorrow morning, 10 o'clock.

TUESDAY, DECEMBER 23, 1828.

On motion of Mr. Eccles, ordered that a message be sent to the Senate, informing that the name of Henry W. Ayre is added to the nomination for Brigadier General, to supply the vacancy occasioned by the death of General Person.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill to amend an act, passed in the year 1823, entitled an act to amend an act, passed in the year 1819, to create a fund for internal improvement, and to establish a board for the government thereof; a bill to validate the grants issued by the Secretary of State on surveys made and signed by deputy surveyors previous to the

year 1820; a bill to authorise the Board of Internal Improvements to have a road made from Ebenezer Pettigrew's Canal to Cahoon's Lake, in Tyrrell county; a bill to regulate the damages on protested bills of exchange; a resolution in favor of Alanson Nash; and a resolution in favor of John Millivee, of Mecklenburg county; and asking the concurrence of this House.

The engrossed bill to authorise the Board for Internal Improvements to have a road made from Ebenezer Pettigrew's Canal to Cahoon's Lake, in Tyrrell county; also the engrossed bill to regulate the damages on protested bills of exchange; also the engrossed bill to validate the grants issued by the Secretary of State on surveys made and signed only by deputy surveyors previous to the year 1820; also the engrossed bill to amend an act, passed in 1823, chapter 1235, entitled an act to amend an act, passed in the year 1819, to create a fund for internal improvements, and to establish a board for the government thereof, were respectively read the first time and passed.

A message from the Senate, informing that Mr. M'Neil and Mr. M'Dearmid attend this House as a committee on their part to conduct the balloting for Brigadier General of the 4th brigade. On motion, ordered that the Senate be informed by message that Mr. Eccles and Mr. Walker of Wilmington form the committee on the part of this House to superintend the balloting for Brigadier General.

The engrossed resolution in favor of the State Engineer, Alanson Nash, was read the first time and passed.

The engrossed resolution in favor of John Millevee, of Mecklenburg county, was read the first time and rejected.

Mr. Wyche, from the committee of Finance, to whom was referred the message of his Excellency Governor Owen relative to the expenditure of three hundred and fifty dollars paid to the Secretary of the late Governor Iredell in pursuance to a resolution of the last General Assembly, to be laid out in the purchase of furniture for the Government House, reported that the committee had examined the account and vouchers, and found them to be correct; and that the money had been expended as directed by the resolution. The report was read, and, on motion, ordered to be laid on the table.

Mr. Spruill, with leave, presented a bill for revising, digesting and amending the laws relating to executors and administrators. The said bill was read the first time and passed.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Abraham Brandon, of Rowan county, praying to be placed on the pension list, reported favorably to the prayer of the petition, recommending the passage of a resolution placing him on the pension list, and allowing him a pension of fifty dollars annually. The question to concur with the report was determined in the negative.

Mr. Cooper, with leave, presented a bill amendatory of an act, passed in the year 1826, chapter 37, entitled an act for the better regulation of the Courts of Pleas and Quarter Sessions of Martin county; which was read the first time and passed.

The resignations of William Jackson, colonel commandant of the 44th regiment, in the 4th brigade; and Daniel Rogerson, colonel commandant of the 4th regiment of the first brigade, were read and accepted.

Mr. Eccles, from the committee appointed to conduct the balloting for brigadier general for the 4th brigade, reported that the committee had performed that duty, and that it appeared, from an examination of the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, informing that the name of Thomas Boykin is added to the nomination for brigadier general for the 4th brigade, and that of Henry W. Ayre withdrawn.

On motion, ordered that William L. Hall have leave of absence for the remainder of the session.

The bill in aid of the Clubfoot and Harlows Creek Canal Company, was read the second time. Mr Potter moved to amend the said bill by adding the words, after the word "dollars," "upon receiving satisfactory security for the payment of the same on demand, with interest." The question thereon was determined in the negative—yeas 34, nays 83. The yeas and nays demanded by Mr. Dozier.

Those who voted in the affirmative, are Messrs. Ball, Battle, Bogle, Branch, Brooks, Byrum, Cooper, Dozier, Ellis, Fleming, W. Jones, Loretz, G. T. Moore, Moye, Potter, Sharpe, L. R. Simmons, B. T. Simmons, N. G. Smith, T. B. Smith, J. Smith, Stedman, Stephens, Stockard, Underwood, Wadsworth, H. Walker, Watford, Watson, J. Webb, Webster, Whitaker, Wilder, Wright.

Those who voted in the negative, are Messrs. Alexander, Alford, Allison, Bass, Bateman, Bethell, Borden, Bozman, B. S. Brittain, M. Brittain, Bryan, Bynum, Callaway, Clayton, Clement, Davenport, Dickinson, Eccles, Edmonston, Fisher, Foy, Gary, Gibson, Gillespie, Gordon, Graham, Gregory, Hall, Hampton, Hancock, Harper, Hellen, Hester, Hodges, Jasper, W. J. Jones, H. C. Jones, Kendall, Kilpatrick, Larkins, D. Latham, T. Latham, Lilly, Martin, Mendenhall, Mitchell, Montgomery, A. C. Moore, Mhoon, Morris, M'Keill, M'Lean, M'Millan, M'Neil, Nash, Newland, Pierce, Pool, Purcell, Rainey, Rogers, Ruffin, Saintclair, Sasser, Sanderson, Shipp, Simpson, Spruill, Styron, Swain, Vail, H. Waddell, A. Waddell, J. Walker, Ward, T. Webb, Wheeler, Whitfield, E. Williams, A. Williams, Wilkinson, Wilson, Wyche.

The bill thereupon was put on its passage, and the question, shall the said bill pass its second reading? was determined in the affirmative—yeas 78, nays 38. The yeas and nays demanded by Mr. Potter.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bass, Bateman, Bethell, Borden, Bozman, B. S. Brittain, Bryan, Callaway, Clayton, Clement, Davenport, Eccles, Edmonston, Fisher, Fleming, Foy, Gary, Gibson, Gillespie, Gordon, Graham, Gregory, Hall, Hampton, Hancock, Hellen, Hester, Hodges, Jasper, W. G. Jones, H. C. Jones, Kendall, Kilpatrick, Larkins, D. Latham, T. Latham, Lilly, Martin, Mendenhall, Mitchell, Montgomery, A. C. Moore, Mhoon, M'Keill, M'Lean, M'Millan, M'Neil, Nash, Newland, Nicholson, Pierce, Pool, Purcell, Rainey, Rogers, Ruffin, Saintclair, Sanderson, Shipp, Simpson, T. B. Smith, Spruill, Styron, Swain, H. Waddell, A. Waddell, J. Walker, T. Webb, Wheeler, Whitfield, E. Williams, A. Williams, Wilson, Wyche.

Those who voted in the negative, are Messrs. Ball, Bogle, Branch, M. Brittain, Brooks, Byrum, Cooper, Dickinson, Dozier, Ellis, Harper, W. Jones, Loretz, G. T. Moore, Morris, Moye, Potter, Rhodes, Sasser, Sharpe, L. R. Simmons, B. T. Simmons, N. G. Smith, J. Smith, Stedman, Stephens, Stockard, Underwood, R. Walker, H. Walker, Watford, Watson, J. Webb, Webster, Whitaker, Wilder, Wilkinson, Wright.

The House then, on the motion of Mr. Montgomery, adjourned until 3 o'clock, P. M.

The bill for the relief of Thomas Marshall, sheriff of Carteret county; and Stephen Owen, sheriff of Beaufort county; also the bill requiring the major general of the 4th division to review the regiments of Rowan county at the usual places of their regimental masters; also the bill for the pet-

ter regulation of the town of Asheville, in Buncombe county, were respectively read, the two former for their second and third readings, the latter for its third reading, were passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resolution in favor of Thomas Phillips; also the resolution in favor of W. P. Martin, were read each the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill appointing commissioners to lay off and establish the dividing line between the first and second regiments of the militia of Cumberland county; also the bill to alter the time of holding the Court of Pleas and Quarter Sessions for the county of Chowan; also the bill to repeal an act, passed in the year 1824, regulating the mode of electing wardens of the poor, and directing their duties, so far as the same relates to the county of Buncombe; also the bill appointing Solomon Graves commissioner to superintend the building a court house in Surry county; also the bill directing the manner in which wardens of the poor in the county of Cumberland shall hereafter be elected, and for other purposes, were severally read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to repeal an act, passed in the year 1826, chapter 145, entitled an act to amend the sale law in Rutherford county; also the bill concerning the poor of Moore county; also the bill to alter the names of Sidney S. Gay, Samuel C. Gay, Mary G. Gay, Fadius H. Gay, of Wake county, and to legitimate them; also the bill concerning the County Courts of Lenoir; also the bill requiring the county trustee of Chatham to pay the jurors of said county, and for other purposes, were severally read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had rejected the engrossed bill to amend an act, passed in the year 1827, chapter 72, entitled an act to compel the County Court of Nash to appoint a committee of Finance; and that the Senate concur in the proposition of this House to recommend this evening field officers and justices of the peace.

The bill to authorise the trustees of the academy in the town of Edenton to dispose of certain lots in said town; also the bill to authorise James Bedford, of Burke county, to erect two gates across the road leading from Rutherfordton, up Cane creek, to Morganton, were each read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing of their assent to refer the petition of the justices of Rutherford county to a select joint committee of three members of each House, and to Messrs. Shuford, Williams of Bertie, and Hunt, on their part.

Mr. Mitchell, with leave, presented a bill to alter the time of holding the County Court of Ashe. The said bill was read the first, second and third times, passed, ordered to be engrossed and sent to the Senate for concurrence.

The resolution in favor of Isaac Baxter, Sheriff of Currituck county, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resolution in favor of Calvin R. Blackman, Sheriff of Wayne county, was read the second time and passed.

On motion of Mr. Alexander,

Resolved, That William R. Hill be appointed Librarian to the State Library for the ensuing year, and that he be allowed the sum of one hundred dollars per annum, to be paid by the Public Treasurer, for his services aforesaid.

Resolved, That the said Hill add to the list deposited with the Secretary of State such Books as may hereafter be purchased.

The said resolution was read the first time and passed.

The bill for the better apprehension of runaway slaves in the county of Onslow, was read, and referred to Messrs. Foy, Cox, Borden, Nelson, Gillespie, Kerr and M'Millan.

The bill to authorise the wardens of the poor in the county of Chowan, with the consent of the County Court, to purchase lands and erect buildings for the reception of the poor thereof, and for other purposes, was read, and, on motion, ordered to be laid on the table.

The certificates of the Clerk of the County Court of Cumberland in favor of Lucy Shaw and Ann Morrison, were returned from the Senate, countersigned by the Speaker.

The House then, on the motion of Mr. Cox, adjourned until to-morrow morning, 10 o'clock.

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WEDNESDAY, DECEMBER 24, 1828.

The bill in aid of the Clubfoot and Harlows Creek Canal Company, was read the third time. Mr. Potter moved that the House resolve itself into a committee of the Whole on the said bill. The question thereon was determined in the negative. Mr. Potter moved to amend the bill by striking out the latter part thereof, and inserting the following amendment: "Be it further enacted, that before the Treasurer shall pay the said sum, it shall be his duty to take bond and sufficient security, payable to the Governor, that the said sum of six thousand dollars shall be paid in ten years with interest from the date thereof." The question thereon was determined in the affirmative. The bill was then put on its passage, and the question, shall the said bill pass? was determined in the affirmative. Ordered that it be sent to the Senate, asking the concurrence of that House with the amendment.

A message from the Senate, proposing to ballot immediately for Brigadier General of the 4th brigade, and informing that the name of John A. Cameron is withdrawn from the nomination. The message was concurred in, and the Senate informed by message that Mr. Montgomery and Mr. Bethell attend the Senate as a committee on the part of this House to conduct the balloting. A message from the Senate, informing that Mr. Royal and Mr. M'Neill form the committee on their part to conduct the balloting for Brigadier General.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill making it the duty of the officers of the second regiment of militia of Rutherford county to hold their regimental musters at the house of John Reynolds; and a bill concerning the town of Tarborough; and asking the concurrence of this House.

Mr. Watford, with leave, presented a bill for the better regulation of the town of Windsor. Mr. Swain presented a bill to prescribe the mode by which bastard children shall hereafter be legitimated. Mr. Vail presented a bill to amend the inspection laws of this State, passed in the

years 1784 and 1796. Mr. Fisher presented a bill to incorporate the Clatham Iron Manufacturing Company. Mr. Spruill presented a bill directing the time and place of selling land under execution in the county of Halifax. These bills were respectively read the first time and passed.

The engrossed resolution in favor of Calvin R. Blackman, Sheriff of Wayne county, was read the third time, passed, and ordered to be enrolled.

The engrossed bill making it the duty of the officers of the second regiment of militia of Rutherford county to hold their regimental musters at the house of John Reynolds; also the engrossed bill concerning the town of Tarborough, were read each the first time and passed.

Mr. Hampton, with leave, presented a bill to compel sheriffs and constables, whenever they shall levy an execution upon any personal property, to deliver a written notice to the defendant of the same. The said bill was read the first time, passed, and, on motion, referred to the committee on the Judiciary.

The bill requiring all guardian bonds to be made payable to the Governor, was read the first time and passed.

The engrossed bill making it the duty of the officers of the second regiment of militia of Rutherford county to hold their regimental musters at the house of John Reynolds, was read, and, on the motion of Mr. Graham, postponed indefinitely.

Mr. Stockard presented the petition of Frances H. Dilliard, praying to have property secured to her from the claim or disposition of her husband. On motion, ordered that the said petition be referred to the committee of Propositions and Grievances.

The bill to amend the laws regulating the sale of lands and slaves so far as respects the county of Montgomery, was read the second time, amended and passed.

The House resolved itself into a committee of the Whole on the bill to authorise and direct the Supreme Court to be holden in the several places therein directed, and to advance the administration of justice in the trial of Equity causes, Mr. Graham in the Chair; and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the committee, according to order, had the said bill under consideration, and directed him to report it to the House with sundry amendments. The amendments were read and concurred with, and the bill, as amended, read the second time and passed.

Mr. Montgomery, from the committee appointed to conduct the balloting for Brigadier General of the 4th brigade, reported that the committee had performed that duty, and that on examining the ballots, it appeared Thos. Boykin had a majority of the whole number, and was duly elected. The question to concur with the report, was determined in the affirmative.

The bill to erect that section of country, commonly called the Cherokee purchase, into a separate county, was read the third time and passed—yeas 63, nays 61. The yeas and nays called for by Mr. Nelson.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bethell, Blackwood, Bogle, Borden, B. S. Brittain, M. Brittain, Brooks, Callo-way, Clayton, Clement, Eccles, Edmonston, Fisher, Fleming, Gaston, Gibson, Gordon, Graham, Hampton, Hancock, Hester, Hodges, Jasper, H. C. Jones, Kendall, Lilly, Loretz, Martin, Mendenhall, Mitchell, G. T. Moore, A. C. Moore, Morris, M'Lean,

M'Millan, M'Neill, Nash, Newland, Nicholson, Potter, Purcell, Rainey, Ruffin, Saintclair, Shipp, Simpson, N. G. Smith, J. Smith, Stockard, Styron, Swain, Tyson, H. Waddell, Wadsworth, J. Walker, H. Walker, J. Webb, E. Williams, A. Williams.

Those who voted in the negative, are Messrs. Ball, Bass, Battle, Bateman, Boykin, Bozman, Branch, Bryan, Bynum, Byrum, Cooper, Cox, Davenport, Dickinson, Dozier, Foy, Gary, Gillespie, Harper, Hellen, W. Jones, Kerr, Kilpatrick, Larkins, D. Latham, T. Latham, Montgomery, Mhoon, Moye, M'Keill, Nelson, Pierce, Pool, Riddick, Rhodes, Rogers, Rogerson, Sasser, Sanderson, Sharpe, L. R. Simmons, B. T. Simmons, Spruill, Stedman, Stephens, Underwood, Vail, R. Walker, Ward, Watford, Watson, T. Webb, Webster, Whitfield, Wheeler, Whitaker, Wilder, Wilkinson, Wilson, Wright, Wyche.

The bill for the improvement of the road leading from Morganton to Lincolnton was read the second time and passed—yeas 60, nays 52. The yeas and nays called for by Mr. Nelson.

Those who voted in the affirmative, are Messrs. Alexander, Allison, Barnhardt, Bateman, Bethell, Blackwood, Bogle, Boykin, B. S. Brittain, M. Brittain, Brooks, Calloway, Clayton, Clement, Cooper, Davenport, Eccles, Edmonston, Fleming, Gary, Gaston, Gordon, Graham, Hampton, Hancock, Hellen, Hester, Jasper, Kendall, Larkins, Lilly, Loretz, Martin, Mitchell, Montgomery, Mhoon, Morris, M'Millan, M'Neill, Nash, Newland, Rainey, Ruffin, Saintclair, Sanderson, Shipp, Simpson, N. G. Smith, Stockard, Swain, Tyson, Vail, A. Waddell, J. Walker, H. Walker, J. Webb, Wheeler, Whitfield, E. Williams, A. Williams.

Those who voted in the negative, are Messrs. Alford, Ball, Bass, Battle, Branch, Bryan, Byrum, Cox, Dickinson, Dozier, Ellis, Foy, Gibson, Gillespie, Harper, Hodges, W. G. Jones, W. Jones, Kilpatrick, D. Latham, T. Latham, G. T. Moore, A. C. Moore, Moye, M'Keill, Nelson, Nicholson, Pierce, Pool, Potter, Purcell, Rogers, Rogerson, Sharpe, Simmons, T. B. Smith, J. Smith, Stedman, Stephens, Underwood, Wadsworth, R. Walker, Ward, Watford, Watson, T. Webb, Webster, Whitaker, Wilder, Wilkinson, Wilson, Wyche.

The House then, on the motion of Mr. Swain, adjourned until 4 o'clock, P. M.

The engrossed bill to authorise the County Court of Person to establish a poor house in said county, was read the second and third times, passed, and ordered to be enrolled.

The bill to alter the times of holding the Superior Courts of Mecklenburg and Cabarrus counties, was read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The resolution in favor of William Huggins, Sheriff of Jones county, was read the second time and passed.

The engrossed bill concerning the town of Tarborough, was read the second and third times, passed, and ordered to be enrolled.

The resolution in favor of William Harris and James Allen, of Montgomery county, was read the first time and passed.

On motion of Mr. Watson,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law, which shall secure to the Sheriffs and Jailors their fees for the arrest and imprisonment of defendants in writs of *capias ad satisfaciendum*, where the said defendants shall be insolvent.

The bill for the better regulation of the town of Windsor, was read the second time and passed.

The bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover, Camden, Washington and Craven counties in granting licenses to retail spiritous liquors, was read the second time, amended, and passed.

Mr. Borden presented the following resolution:

Whereas, it is the duty of all Christians to attend divine worship on all occasions set a-

part for the celebration of the same; but more especially on the Anniversary of the birth of the Saviour of mankind: Therefore

Resolved, That when this House adjourn, it adjourns until Friday morning, 10 o'clock.

The question thereon was determined in the negative—yeas 39, nays 59. The yeas and nays called for by Mr. Gibson.

Those who voted in the affirmative, are Messrs. Alexander, Bass, Borden, Boykin, Bozman, B. S. Brittain, M. Brittain, Callaway, Eccles, Edmonston, Foy, Gillespie, Hester, W. G. Jones, W. Jones, Larkins, Lilly, Mendenhall, G. T. Moore, A. C. Moore, Mhoon, Rainey, Rhodes, Ruffin, Saintclair, Shipp, Sasser, Simpson, T. B. Smith, Spruill, Swain, Underwood, Vail, J. Walker, T. Webb, Whitfield, Whitaker, Wilder, A. Williams.

Those who voted in the negative, are Messrs. Allison, Ball, Barnhardt, Battle, Bethell, Blackwood, Bogle, Branch, Brooks, Bryan, Byrum, Clayton, Clement, Cooper, Cox, Dickinson, Dozier, Ellis, Fleming, Gary, Gibson, Gordon Graham, Hampton, Hancock, Harper, Kendall, Kerr, D. Latham, F. Latham, Loretz, Morris, Moye, M'Keill, M'Lean, Nicholson, Pierce, Purcell, Riddick, Rogers, Rogerson, Sanderson, Sharpe, L. R. Simmons, B. T. Simmons, J. Smith, Stedman, Stephens, Stockard, H. Walker, Ward, Watford, Watson, J. Webb, Webster, E. Williams, Wilkinson, Wilson, Wright.

The House then, on the motion of Mr. Nash, adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 25, 1828.

Mr. Wyche, from the committee of Finance to whom was referred the resolution to exempt John Sloan, Sheriff of Mecklenburg county, from the payment of the penalty incurred for his failing to settle his accounts with the Comptroller in due time, reported that the committee had considered the resolution, and directed him to report it to the House with a recommendation that it be passed. The report was concurred in, and the resolution read the second time and passed.

Mr. Wilson, with leave, presented a bill to repeal an act, passed in 1827, chapter 37, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, so far as respects the county of Perquimons. The said bill was read the first time and passed.

Mr. Bozman, with leave, presented a bill to incorporate Zerubabel Chapter, No. 11, Edenton. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resignations of S. F. Sawyer, Major of the Chowan militia; Thomas S. Hargis, of Orange county; John Holliday, of Greene county; and Nicholas Lee, of Johnston county, justices of the peace, were read and accepted.

The House then on the motion of Mr. Bateman, adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 26, 1828.

The engrossed bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery, was read the third time, amended and passed. On motion, ordered that the said bill be sent to the Senate, asking the concurrence of the Senate with the amendments.

The resolution in favor of William Huggins, Sheriff of Jones county, was read the third time, passed, and ordered to be enrolled.

Mr. Nash, from the Judiciary committee, to whom were referred two several resolutions, requiring them to inquire into the expediency of providing by law some mode whereby the accounts of executors, administrators and guardians may be finally settled, and the securities of the latter discharged and secured from further liability, reported that as there is a bill now pending before the House embracing these subjects, they pray to be discharged from any further consideration thereof.

Mr. Nash, from the same committee, to whom was referred so much of the Governor's message as relates to the inconvenience by the shortness of their Superior Courts in the western parts of the State, reported that the committee, according to order, had considered the subject, and as there is a bill to establish a session of the Supreme Court at Salisbury, which, if passed into a law, will in a great degree remove the grievance complained of, and therefore directed him to ask that the committee be discharged from the further consideration thereof. The questions to concur with the said reports, were determined in the affirmative.

Mr. Spruill, from the committee of Claims, to whom was recommitteed a resolution in favor of William Robinson, reported that the committee had the resolution under consideration, and instructed him to recommend that it be rejected.

Mr. Spruill, from the same committee, to whom was referred the resolution in favor of Webb & Rand, reported that the committee had considered the said resolution, and instructed him to recommend its rejection. The questions to concur with the said reports were determined in the affirmative.

Mr. Montgomery presented the memorial of James Grant, Comptroller of the public accounts, praying, for reasons stated in his petition, to be allowed a clerk. On motion, ordered that the said memorial be sent to the Senate, with a message, proposing that it be referred to a select joint committee, and informing that Messrs. Montgomery, Fisher, J. Walker and Mitchell form the committee on the part of this House.

A message from the Senate, informing that they do not agree to the amendments made in the engrossed bill, entitled a bill in aid of the Clubfoot and Harlows Creek Canal Company; and the bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county; and informing that they had passed the engrossed bill to amend an act, passed in the year 1821, entitled an act to incorporate a company entitled the Roanoke Inlet Company, and for other purposes; and also the engrossed bill to regulate the payment of salaries to the officers of State, and asking the concurrence of this House.

The engrossed bill to amend an act, passed in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes; also the engrossed bill to regulate the payment of salaries to the officers of State, were read the first time and passed.

On motion of Mr. Wyche, ordered that Mr. Bass have leave of absence from the service of this House for this day and to-morrow.

The bill for the better regulation of the fisheries on Salmons creek, in Bertie county, and amendatory of an act, passed in the year 1822, concerning the same, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill supplementary to the several acts now in force for the relief of insolvent debtors, and further to mitigate the severity of executions, was read the second time, amended and passed.

The bill to amend the inspection laws of this State, passed in the years of 1784 and 1796, was read the second time and passed.

Mr. Alexander moved that the House recede from their amendment made in the engrossed bill in aid of the Clubfoot and Harlows Creek Canal Company. The question thereon was determined in the affirmative—yeas 63, nays 54. The yeas and nays demanded by Mr. Cooper.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Bateman, Bethell, Borden, Boykin, B. S. Brittain, Bryan, Bynum, Callaway, Clayton, Cox, Eccles, Edmonston, Fisher, Fleming, Foy, Gibson, Gillespie, Gordon, Graham, Hancock, Hellen, Jasper, W. G. Jones, Kilpatrick, Larkins, D. Latham, T. Latham, Martin, Mendenhall, Mitchell, Montgomery, A. C. Moore, Mhoon, M'Keill, M'Lean, M'Millan, Nash, Nicholson, Pierce, Pool, Rainey, Rogers, Ruffin, Sasser, Sanderson, Shipp, Simpson, T. B. Smith, Spruill, Styron, Swain, H. Waddell, A. Waddell, J. Walker, Ward, Webster, Whitfield, E. Williams, Wilson, Wyche.

Those who voted in the negative, are Messrs. Ball, Barnhardt, Battle, Blackwood, Bogle, Branch, Brittain, Brooks, Byrum, Clement, Cooper, Davenport, Dickinson, Dozier, Ellis, Gary, Hampton, Harper, Hodges, W. Jones, Kendall, Lilly, Loretz, G. T. Moore, Morris, Moye, M'Neill, Potter, Purcell, Riddick, Saintclair, Sharpe, L. R. Simmons, B. T. Simmons, N. G. Smith, J. Smith, Stedman, Stephens, Stockard, Tyson, Underwood, Vail, Wadsworth, R. Walker, H. Walker, Watford, Watson, J. Webb, T. Webb, Whitaker, Wilder, A. Williams, Wilkinson, Wright.

On motion, ordered that the engrossed bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county, be laid on the table.

Mr. Nash, from the Judiciary committee, to whom was referred a bill to prevent the emancipation of slaves; and also a bill to regulate the emancipation of slaves, reported that the committee had considered the said bills, and instructed him to report that it is not expedient to pass into a law the first, and to report the second to the House with several amendments. The question to concur with the first member of the report was determined in the affirmative. Mr. Bethell moved that the second, "the bill to regulate the emancipation of slaves," be postponed indefinitely. The question thereon was determined in the affirmative—yeas 68, nays 54. The yeas and nays called for by Mr. Bethell.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Battle, Bateman, Bethell, Blackwood, Bozman, Branch, B. S. Brittain, Brooks, Byrum, Callaway, Clayton, Dickinson, Dozier, Eccles, Edmonston, Gibson, Gordon, Graham, Hellen, Hodges, Jasper, W. G. Jones, W. Jones, Larkins, T. Latham, Lilly, Loretz, Martin, Mendenhall, A. C. Moore, Moye, M'Keill, M'Lean, M'Neill, Potter, Purcell, Rainey, Riddick, Ruffin, Sasser, Sharpe, L. R. Simmons, B. T. Simmons, Simpson, J. B. Smith, J. Smith, Stedman, Stockard, Styron, Tyson, Underwood, A. Waddell, Wadsworth, J. Walker, R. Walker, H. Walker, Ward, Watford, J. Webb, T. Webb, E. Williams, Wilkinson, Wilson, Wright, Wyche.

Those who voted in the negative, are Messrs. Ball, Barnhardt, Bogle, Borden, Boykin, M. Brittain, Bryan, Bynum, Clement, Cooper, Cox, Davenport, Ellis, Fisher, Fleming, Foy, Gary, Gaston, Gillespie, Hampton, Hancock, Harper, Kenuall, Kilpatrick, D. Latham, Mitchell, Mont-

gomery, G. T. Moore, Mhoon, Morris, M'Millan, Nash, Nelson, Newland, Nicholson, Pierce, Pool, Rogers, Rogerson, Saintclair, Sanderson, Shipp, N. G. Smith, Spruill, Stephens, Swain, Vail, H. Waddell, Watson, Webster, Whitfield, Whitaker, Wilder, A. Williams.

Mr. Mitchell moved that the House do reconsider the vote of rejection of the bill to prevent the emancipation of slaves. The question thereon was determined in the negative.

The House then, on the motion of Mr. Swain, adjourned until 4 o'clock, P. M.

The bill for the better regulation of the town of Windsor, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Wyche, ordered that a message be sent to the Senate, informing that Messrs. Wyche, Gary, Pierce, Nash and Spruill form the select committee on the part of this House on the memorial of the President of the Dismal Swamp Canal Company.

The bill to repeal an act, passed in 1827, chapter 56, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, as far as respects the county of Perquimons, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Mitchell,

Resolved, That the Public Treasurer be directed to pay to David Sands thirty dollars, on account of the purchase money of land for that amount paid by him a second time.

Ordered that the said resolution be referred to the committee of Claims.

The bill directing the time and place of selling land under execution in the county of Halifax, was read the second and third times, and amended to embrace the counties of Northampton and Hertford, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Hester, with leave, presented a bill to establish separate elections in the county of Person; which was read the first, second and third times, passed, and ordered to be sent to the Senate for concurrence.

On motion, ordered that the Senate be informed by message that this House adhere to their amendment made in the engrossed bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county.

The bill for the improvement of the road leading from Morganton to Lincolnton, was read the third time and rejected—yeas 50, nays 71. The yeas and nays demanded by Mr. Ellis.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bateman, Blackwood, Bogle, B. S. Brittain, M. Brittain, Brooks, Bynum, Callaway, Clayton, Clement, Davenport, Eccles, Edmonston, Fisher, Fleming, Gary, Graham, Hampton, Hellen, H. C. Jones, Kendall, Lilly, Loretz, Martin, Mendenhall, Mitchell, Mhoon, M'Lean, M'Millan, M'Neill, Nash, Newland, Purcell, Rainey, Saintclair, Shipp, N. G. Smith, T. B. Smith, Swain, Tyson, H. Waddell, A. Waddell, J. Walker, H. Walker, J. Webb, A. Williams.

Those who voted in the negative, are Messrs. Ball, Battle, Bethell, Borden, Boykin, Branch, Bryan, Byrum, Cooper, Cox, Dickinson, Dozier, Ellis, Foy, Gaston, Gibson, Gillespie, Harper, Hester, Hodges, W. G. Jones, W. Jones, Kerr, Larkins, D. Latham, T. Latham, Montgomery, G. T. Moore, A. C. Moore, Morris, Moye, M'Keil, Nelson, Nicholson, Pierce, Pool, Potter, Riddick, Rhodes, Rogers, Rogerson, Ruffin, Sasser, Sanderson, Sharpe, L. R. Simmons, B. T. Simmons, Simpson, J. Smith, Spruill, Stedman, Stephens, Stockard, Underwood, Vail, Wadsworth, R. Walker, Ward, Watford, Watson, T. Webb, Webster, Wheeler, Whitfield, Whitaker, Wilder, E. Williams, Wilkinson, Wilson, Wright & Wyche.

Received from his Excellency the Governor the following communication:

To the honorable the General Assembly of the State of North Carolina.

GENTLEMEN,—I had the honor to transmit to you on the 16th instant a letter from the President of the Dismal Swamp Canal Company, on the subject of an alleged nuisance created by the erection of a bridge across the Pasquotank river between the counties of Pasquotank and Camden.

Since which time I have received a communication from his Excellency the Governor of Virginia, on the same subject; which I deem it my duty also to lay before you.

You will also perceive, from the communication from Governor Giles, that no time was lost in endeavoring to furnish the information asked of him by my predecessor under a resolution of the last General Assembly, relative to the two Lunatic Hospitals in the State of Virginia.

All the information received by this Department upon that subject from the Executive of Virginia, is herewith transmitted.

I have also received from Doctor Mease, a distinguished philanthropist of the city of Philadelphia, as in connexion with this subject, a report on punishments and prison discipline by the commissioners appointed to revise the penal code of Pennsylvania.

I also transmit to you such resignations as have been received since the meeting of the Legislature.

I have the honor to be, gentlemen, with high consideration, your ob't servant.

JOHN OWEN.

Executive Department, Raleigh, Dec'r 24, 1828.

On motion, ordered that so much of said message as relates to the erection of the Bridge across Pasquotank river, be referred to the joint select committee on that subject; and that so much thereof as relates to the Penitentiary and Lunatic Asylum, be referred to the joint select committee on that subject, and be sent to the Senate for concurrence.

The House then, on the motion of Mr. Swain, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 27, 1828.

Mr. Wyche, from the committee to whom was referred the accounts of the late Governor, James Iredell, as Guardian ex officio of James Forsythe, reported that the committee had examined the accounts, and instructed him to report a resolution on the subject, and to recommend its passage. The resolution reported was read and concurred in, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Nash, from the Judiciary committee, to whom was recommended the bill concerning the registration of grants, reported that the committee had, according to order, the said bill under consideration, and instructed him to return it to the House without amendment. The said bill was read the second time and passed.

Mr. Nash, from the same committee, to whom were referred several resolutions requiring them to inquire into the expediency of passing a law securing to jailors and sheriffs their fees for the arrest and imprisonment of insolvent debtors; and also to compel constables to return warrants within the district in which defendants live; and also to make all debts of the same dignity in the distribution of the assets of a deceased person's estate, reported that in the opinion of the committee, it is not expedient to legislate on any of the subjects embraced in said resolutions, and pray to be discharged from the further consideration thereof. The report was read and concurred in.

Mr. Nash, from the same committee, to whom was referred the resolution directing them to inquire into the expediency of establishing separate

and distinct Courts of Equity, reported that the committee do not deem it expedient to legislate on the subject at this time, and pray to be discharged from the further consideration thereof. The report was read and concurred in.

Mr. Nash, from the same committee, to whom was referred the bill to compel Sheriffs and Constables, when they levy an execution on any personal property, to give notice thereof to the defendant, reported that, in the opinion of the committee, it is not expedient or necessary to pass said bill. The report was read, concurred in, and the bill read and rejected.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, as far as it is the dividing line between the counties of Sampson and Cumberland; also a bill supplementary to an act, passed in the year 1826, chapter 133, for the better regulation of the town of Greensborough, in Guilford county; and a bill to restore to credit Silas Bond, of Martin county; in which they ask the concurrence of this House.

A message from the Senate, informing that they had passed the engrossed bill for the relief of Thomas Marshall, Sheriff of Carteret county, and Stephen Owens, Sheriff of Beaufort county, with an amendment, and asking the concurrence of this House: and that they agree to the amendment made in this House to the engrossed bill to erect that section of country commonly called the Cherokee purchase, into a separate county. On motion, ordered that the said bill be enrolled.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill regulating the mode of trial in the Superior, and appeal to the Supreme Court; and also they had rejected the engrossed bill to declare the effect of a nolle prosequi upon an indictment; and also informing that they had passed the engrossed bill to amend an act, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed, with several amendments, and asking the concurrence of this House.

On motion, ordered that the Senate be informed by message, that this House concur in the amendments made by the Senate in the engrossed bills for the relief of Thomas Marshall, Sheriff of Carteret county, and Stephen Owens, Sheriff of Beaufort county; also in the bill to amend an act, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed.

The engrossed bill to restore to credit Silas Bond, of Martin county; also the bill supplementary to an act, passed in the year 1826, chapter 133, for the better regulation of the town of Greensborough, in Guilford county; also the bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, as far as it is the dividing line between the counties of Sampson and Cumberland; also the bill to authorise the commissioners of navigation of the port of Wilmington to regulate quarantine in said port, were respectively read the first time and passed.

Mr. Shipp, with leave, presented a bill regulating the appointment of Clerks of the County and Superior Courts, and County Solicitors within this State. The said bill was read the first time and passed.

On motion of Mr. Walker, of Wilmington,

Resolved, That the Public Treasurer pay to Gabriel Holmes, Sheriff of New Han-

over county, the amount of his milage in settling as Sheriff aforesaid, for the last fiscal year; and that the Public Treasurer be allowed for the the same in the settlement of his public accounts.

On motion, ordered that the said resolution be referred to the committee of Claims..

Mr. Spruill, from the select joint committee, to whom was recommitted the memorial of the Tuscarora Nation of Indians, with instructions to ascertain and report the nature, extent and validity of the Indian claim, reported that the committee had, according to order, reconsidered the memorial, and instructed him to report a bill in pursuance of the prayer of the memorial, entitled a bill concerning the lands formerly occupied by the Tuscarora Tribe of Indians, lying in Bertie county, on the north side of the Roanoke river. The said bill was read the first time and passed.

Mr. Nash, from the committee on the Judiciary, to whom was referred the bill to regulate the fees of Clerks and Sheriffs, reported the bill to the House, with a recommendation that it be passed into a law. The said bill was read the first time and passed.

Mr. Brittain, of Haywood, with leave, presented a bill for the relief of sundry purchasers of Cherokee lands. The said bill was read the first time and passed, and, on motion, referred to Messrs. B. S. Brittain, Swain, Spruill, Alexander and Bateman.

Mr. Nash, from the Judiciary committee, to whom was referred the bill to prevent a sacrifice of real estate, and for other purposes, reported that the committee, according to order, had considered the said bill, and instructed him to report that it is not expedient to pass it. Mr. Nash, from the same committee, to whom were referred certain resolutions requiring them to inquire into the cause of the delay of justice, and to provide a remedy for the same, and also to compel more rigidly the attendance of witnesses in such cases, reported that the committee had considered both resolutions, and instructed him to report that it is too late in the session to legislate on the first, and to ask that the committee be discharged from the further consideration of the latter. The questions to concur with the reports were determined in the affirmative.

The bill to consolidate the several Banks of this State, and to establish a new Bank, to be called the Bank of the State of North Carolina, was read the first time and passed, and, on motion, made the order of the day for Wednesday next.

The bill to amend the inspection laws of this State, passed in the years 1784 and 1796, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resolution in favor of John Sloan, sheriff of Mecklenburg county, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing of the assent of that House to the reference of the memorial of James Grant to a select joint committee, and informing that Messrs. Matthews, Ruffin, Spaight and Hunt form the committee on their part; and that Messrs. Bailey, Williams of Beaufort, Askew of Bertie, Walton and Riddick form the committee on their part on so much of the Governor's message of the 16th as relates to the Dismal Swamp Canal Company; and concurring with the reference made of the Governor's message of the day before yesterday by this House.

The House then, on the motion of Mr. Underwood, adjourned until 4 o'clock P. M.

The bill supplementary to an act, passed in the year 1826, chapter 133, for the better regulation of the town of Greensborough, in Guilford county, was read the second and third times, passed, and ordered to be enrolled.

Mr. Gillespie, with leave, presented a bill to amend an act, passed in the year 1786, entitled an act to lay off the town of Serecta, on the north east branch of the Cape Fear river, and to appoint commissioners for the same. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river so far as it is the dividing line between the counties of Sampson and Cumberland, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, asking the concurrence of that House with the amendment.

Mr. Spruill, from the committee of Claims, to whom was referred a resolution in favor of David Sands, reported that the committee had considered the said resolution, and instructed him to return it to the House, with a recommendation that it be passed. The said resolution was read the first time and passed.

Mr. Spruill, from the same committee, to whom was referred a resolution in favor of Gabriel Holmes, reported that its object is reasonable, and recommended its passage. The said resolution was read the first time and passed.

Mr. Spruill, from the same committee, to whom was referred the petition of Stephen Pearson, reported unfavorably to the prayer thereof, and asked to be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

The bill to restore Silas Bond, of Martin county, to credit, was read the second and third times, passed and ordered to be enrolled.

Mr. Shipp, with leave, presented a bill to amend an act to extend and improve the roads leading from Wilkesborough to the Tennessee line, passed in the year 1823. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Mitchell, with leave, presented a bill to authorise Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road. The said bill was read the first time and passed.

The bill to compel the Clerk of the Superior Court of Nash county to keep his office at the court house in said county, or within the town of Nashville, was read the first, second and third times and passed. Ordered that the said bill be enrolled.

The resolution in favor of William Harris and James Allen, of Montgomery county, was read the second time and passed.

The bill to revive an act, passed in the year 1805, chapter 36, entitled an act to amend an act of Assembly now in force, for the regulation of the town of Morganton, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Potter, ordered that the reports of the committee on the Banks be made the order of the day for Monday next, and that they have precedence of all other orders of that day.

The bill to authorise the wardens of the poor in the counties of Chowan and Hertford, with the consent of the County Courts, to purchase lands and erect buildings for the reception of the poor thereof, and for other purposes; also the bill amendatory of an act, passed 1826, chapter 37, entitled an act for the better regulation of the Courts of Pleas and Quarter Sessions of Martin county, were read each the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Cooper, ordered that the bill to repeal an act, passed 1826, entitled an act to dispense with the jurors at the June term of the County Courts for the county of Martin, be laid on the table without day.

The engrossed bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire; and also the engrossed bill to secure to Susannah Mary Hauser, of Stokes county, such property as she may hereafter acquire, were respectively read, and, on motion, postponed indefinitely.

The resignations of Joseph Neal, major of the third regiment of the Burke militia; Anderson Paschal, of Granville county; and James Blackman, of Columbus county, justices of the peace, were read and accepted.

A message from the Senate, proposing to raise a committee of Conference on the disagreeing votes of the two Houses on the amendment proposed to the engrossed bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county, and informing that Messrs. Spaight and Miller form the committee on their part. The message was concurred in, and the Senate informed by message that Messrs. Gillespie and Wright form the committee on the part of this House.

A message from the Senate, proposing to refer the petition of sundry citizens of the State of Tennessee, on the subject of a silver mine, to a select joint committee of three persons from each House, and informing that Messrs. Love, Harden and Burgin, form the committee on their part. The said petition being read, the message was concurred in, and a committee appointed, consisting of Messrs. Swain, Fisher and Edmonston to join the committee appointed by the Senate.

Mr. Nash, from the Judiciary committee, to whom were referred certain resolutions requiring them to inquire what further provision ought to be made by law, in order to make it the duty of the trustees of the University to make to the Legislature an annual report of the funds of that institution, and of its situation; and also to inquire into the expediency of appropriating a part of the Literary Fund for the education of poor and indigent children in this State, reported that the committee, on examining the laws heretofore passed on the subject embraced in the first resolution, find that they are amply sufficient, and that a further legislation on the subject is unnecessary; upon the second resolution the committee had turned its attention, and instructed him to ask that they be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing that the two Houses on Tuesday morning next, ballot for Counsellors of State for the ensuing year:

The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they do not concur in the recommendation made in this House of Caleb R. Phillips as a justice of the peace for Ashe county. On motion, ordered that the Senate be informed by message that this House recede from the nomination of Caleb R. Phillips as a justice of the peace for Ashe county.

Mr. Nash, from the committee on the Judiciary, to whom was referred certain resolutions, directing them to inquire into the expediency of repealing an act, passed in 1820, directing the County Courts to pay fees to certain officers therein named; and also into the expediency of making provision by law for the relief of insolvent debtors confined in jail for the fine and costs, reported that the committee, after due consideration, deem it inexpedient to repeal the said act, and pray to be discharged from the further consideration thereof. The committee on the second resolution directed him to report a bill, entitled a bill for the relief of insolvent debtors, and to recommend its passage. The report was read, concurred in, and the bill reported read the first time and passed.

The bill to provide for the draining Mattamuskeet Lake, was read the second time, and, on the motion of Mr. Potter, postponed indefinitely—yeas 86, nays 32 The yeas and nays moved for by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Alford, Allison, Ball, Barnhardt, Battle, Blackwood, Bogle, Boykin, Bozman, Branch, M. Brittain, Bynum, Byrum, Calloway, Cooper, Dickinson, Dozier, Ellis, Fleming, Foy, Gary, Gibson, Gillespie, Gordon, Hampton, Hancock, Hellen, Harper, Hester, Hodges, W. G. Jones, W. Jones, Kendall, Loretz, Martin, Mendenhall, Mitchell, Montgomery, A. C. Moore, Mhoon, Morris, Moye, M'Keill, M'Lean, M'Neill, Nash, Nicholson, Pierce, Potter, Purcell, Rainey, Riddick, Rhodes, Rogers, Rogerson, Sasser, Sharpe, L. R. Simmons, B. T. Simmons, Simpson, N. G. Smith, T. B. Smith, J. Smith, Spruill, Stedman, Stephens, Stockard, Tyson, Underwood, Vail, Wadsworth, R. Walker, H. Walker, Ward, Watford, Watson, J. Webb, Webster, Whitfield, Whitaker, Wilder, A. Williams, Wilkinson, Wilson, Wright, Wyche.

Those who voted in the negative, are Messrs. Alexander, Bateman, Bethell, Borden, B. S. Brittain, Bryan, Clayton, Clement, Davenport, Eceles, Edmonston, Fisher, Gaston, Graham, Jasper, H. C. Jones, Kerr, Kilpatrick, Larkins, D. Latham, T. Latham, Lilly, M'Millan, Pool, Ruffin, Saintclair, Shipp, Styron, Swain, J. Walker, T. Webb, E. Williams.

Mr. Spruill, Chairman of the committee of Claims, reported that they had acted on all the business referred to them, and asked that they be discharged. The question thereon was determined in the affirmative.

The House then, on motion, adjourned until Monday morning, 9 o'clock.

MONDAY, DECEMBER 29, 1823.

Mr. Wyche, from the committee of Finance, to whom was referred the report of the Governor, Public Treasurer and Secretary of State, appointed by a resolution of the last General Assembly to examine the accounts relating to the expenditure for the reception of General La Fayette, in the year 1825, reported that the committee, according to order, had considered the said report, and directed him to report a resolution authorising the Comptroller to cancel and balance the account on the books of his office, of Hutchins G. Burton, late Governor, for expenditures incurred for the reception of General La Fayette, in the year 1825. The report was concurred in, and the resolution reported read and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed resolution in favor of William Harris and James Allen, of Montgomery county, was read the third time and amended. On motion, ordered that it be sent to the Senate, asking their concurrence with the amendment.

Mr. Smith, of Anson, presented the following resolution:

Whereas, as the practice of shaving notes is found to be injurious to the citizens of this State, it prevents money being loaned at lawful interest, and causes property to sell far below its value: Therefore

Resolved, That a select committee be appointed to inquire into the expediency of passing a law to prevent the same; and that they report by bill or otherwise.

The question on the above resolution was determined in the negative.

Mr. Vail presented the memorial of sundry citizens of the town of Plymouth, praying to be authorised to sell a certain lot in said town, and to apply the money in the purchase of a fire engine. Ordered that the said memorial be referred to the committee of Propositions and Grievances.

Mr. Saintclair, with leave, presented a bill to amend an act, passed in the year 1814, entitled an act concerning Divorce and Alimony. The said bill was read the first time and rejected.

The bill to authorise and direct the Supreme Court to be holden in the several places therein directed, and to advance the administration of justice in the trial of Equity causes, was read the third time. Mr. Bynum moved to amend the bill in the following words, to wit: "Be it further enacted, that a Supreme Court shall be held in the town of Windsor, in the county of Bertie, on the first Monday in January, in each and every year, for the counties of Camden, Carteret, Currituck, Perquimons, Chowan, Gates, Hertford, Bertie, Washington, Martin, Northampton, Halifax, Hyde, Beaufort, Pasquotank and Tyrrell; which said Court shall continue in session for six weeks, if the business thereof shall so require. And be it further enacted, that it shall be the duty of the Sheriff of Bertie, either in person or by his deputy, to attend the sittings of the Supreme Court to be holden in Windsor, for which service he shall receive the sum of one dollar per day for each day he may attend said Court, to be paid by the Treasurer of the State, upon the presentation of the certificate of the Clerk of said Court." The question to concur with the amendment was determined in the negative—yeas 32, nays 90. The yeas and nays called for by Mr. Alexander.

Those who voted in the affirmative, are Messrs. Ball, Bass, Bynum, Byrum, Cooper, Davenport, Dickinson, Dozier, Ellis, Hellen, Kerr, Kilpatrick, Larkins, D. Latham, Mhoon, Moye, Riddick, Rhodes, Rogers, Rogerson, Sasser, Sharpe, L. R. Simmons, B. T. Simmons, Stedman, Stephens, Styron, Underwood, Watford, Webster, Wilkinson, Wilson.

Those who voted in the negative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bethell, Blackwood, Bogle, Borden, Boykin, Bozman, Branch, B. S. Brittain, M. Brittain, Brooks, Bryan, Calloway, Clayton, Clement, Eccles, Edmonston, Fisher, Fleming, Foy, Gary, Gaston, Gibson, Gillespie, Gordon, Graham, Hampton, Hancock, Harper, Hester, Hodges, Jasper, W. G. Jones, H. C. Jones, W. Jones, Kendall, Lilly, Loretz, Martin, Mendenhall, Mitchell, Montgomery, G. T. Moore, A. C. Moore, Morris, M'Keill, M'Lean, M'Millan, M'Neill, Nash, Nelson, Newland, Nicholson, Pierce, Pool, Potter, Purcell, Rainey, Ruffin, Saintclair, Sanderson, Shipp, Simpson, N. G. Smith, T. B. Smith, J. Smith, Spruill, Stockard, Swain, Tyson, Vail, H. Waddell, A. Waddell, Wadsworth, R. Walker, H. Walker, Ward, J. Webb, T. Webb, Wheeler, Whitfield, Whitaker, Wilder, E. Williams, A. Williams, Wright, Wyche.

The bill thereupon was put on its passage, and the question, shall the

said bill pass its third reading? was determined in the negative--yeas 57, nays 66. The yeas and nays moved for by Mr. Bass.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bethell, Blackwood, Bogle, Borden, Boykin, E. S. Brittain, M. Brittain, Caloway, Clayton, Clement, Dickinso, Edmonston, Fisher, Fleming, Gibson, Gordon, Graham, Hampton, Hancock, Hodges, Jasper, W. G. Jones, H. C. Jones, Kendall, Larkins, Lilly, Loretz, Martin, Mendenhall, Mitchell, G. T. Moore, A. C. Moore, Morris, M'Lean, M'Millan, Nash, Newland, Nicholson, Ramey, Ruffin, Saintclair, Shipp, Simpson, N. G. Smith, J. Smith, Swain, Tyson, A. Waddell, Wadsworth, H. Walker, J. Webb, Whitaker, A. Williams.

Those who voted in the negative, are Messrs. Ball, Bass, Battle, Branch, Brooks, Bryan, Bynum, Byrum, Cooper, Cox, Davenport, Dozier, Eccles, Ellis, Foy, Gary, Gaston, Gillespie, Harper, Hellen, Hester, W. Jones, Kerr, Kilpatrick, D. Latham, T. Latham, Montgomery, Mhoon, Moye, M'Keill, M'Neill, Nelson, Pierce, Pool, Potter, Purcell, Riddick, Rhodes, Rogers, Rogerson, Sasser, Sanderson, Sharpe, L. R. Simmons, B. T. Simmons, Spruill, Stedman, Stephens Stockard, Underwood, Vail, H. Waddell, J. Walker, R. Walker, Ward, Watford, T. Webb, Webster, Wheeler, Whitfield, Wilder, E. Williams, Wilkinson, Wilson, Wright, Wyche.

The House, on the motion of Mr. Potter, resolved itself into a committee of the Whole, on the report of the majority of the joint committee appointed on the subject of the Banks in this State, and the report of the minority of said committee on the same subject, Mr. Nash in the Chair; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Nash reported that the committee of the Whole, according to order, had the said reports under consideration, and made progress, and instructed him to ask leave to sit again. The question to concur with the report, was determined in the affirmative.

The House then, on the motion of Mr. Whitaker, adjourned until tomorrow morning, 10 o'clock.

TUESDAY, DECEMBER 30, 1828.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill explanatory of an act relating to bonds given by Sheriffs, Clerks of the Superior Courts and Courts of Pleas and Quarter Sessions, passed in the year 1810; a bill to improve the navigation of Perquimons river; a bill concerning the payment of pilots in certain cases; a bill to restore Andrew Walker, of Mecklenburg county, to credit; a resolution declaring the purchase made by James F. Taylor of a tract of land sold at the sale of the late Treasurer's property, null and void; and a resolution calling on the President and the Directors of the Yadkin Navigation Company for certain information; in which they ask the concurrence of this House.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill requiring Registers and Clerks of the Superior and County Courts, and Clerks and Masters in Equity to keep their offices at the Court Houses; and that they had passed the engrossed bill directing the place where the first regiment of the militia of Davidson shall hereafter hold their musters, and asking the concurrence of this House.

The engrossed bill designating the place where the first regiment of the militia of Davidson county, shall hereafter hold their musters; also the bill explanatory of an act relating to bonds given by Sheriffs, Clerks of the Superior Courts and Courts of Pleas and Quarter Sessions, passed A. D. 1810; also the bill to restore Andrew Walker, of Mecklenburg county, to credit, were respectively read the first time and passed.

The engrossed bill concerning the payment of pilots in certain cases; and the engrossed bill to improve the navigation of Perquimons river, were read each the first time and rejected.

Mr. Wilkinson, in pursuance to a petition, presented a bill to regulate the fisheries of Tar and Pamptico rivers. The said bill was read the first time and passed.

Mr. Foy, from the select committee, to whom was referred the bill for the better apprehension of runaway slaves in the county of Onslow, reported that the committee, according to order, had considered the said bill, and instructed him to return it to the House with several amendments, and to recommend its passage. The report was read, and, on the motion of Mr. Gaston, ordered to be laid on the table.

Mr. Cox, with leave, presented a bill to amend and explain an act, passed in the year 1784, for clearing out and improving the navigation of Trent river, in Jones county. The said bill was read the first time and passed.

Mr. Vail, who voted in the majority yesterday on the rejection of the bill to authorise and direct the Supreme Court to be holden in the several places therein directed, and to advance the administration of justice in the trial of Equity causes, moved that the House do reconsider that vote. The question thereon was determined in the negative—yeas 59, nays 66. The yeas and nays called for by Mr. Dozier.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bethell, Blackwood, Bogle, Borden, Boykin, Bozman, B. S. Brittain, M. Brittain, Callaway, Clayton, Clement, Dickinson, Edmonston, Fisher, Fleming, Gibson, Gordon, Graham, Hampton, Hancock, Hodges, Jasper, W. G. Jones, H. C. Jones, Kendall, Lilly, Loretz, Martin, Mendenhall, Mitchell, G. T. Moore, A. C. Moore, Morris, M'Lean, M'Millan, Nash, Newland, Nicholson, Rainey, Ruffin, Saintclair, Shipp, Simpson, N. G. Smith, J. Smith, Swain, Tyson, Vail, A. Waddell, Wadsworth, H. Walker, J. Webb, Whitaker, A. Williams, Wilson.

Those who voted in the negative, are Messrs. Ball, Bass, Battle, Branch, Brooks, Bryan, Bynum, Byrum, Cooper, Cox, Davenport, Dozier, Eccles, Ellis, Foy, Gary, Gaston, Gillespie, Gregory, Harper, Hellen, Hester, Kerr, Kilpatrick, Larkins, D. Latham, T. Latham, Montgomery, Mhoon, Moye, M'Keill, M'Neill, Nelson, Pierce, Pool, Purcell, Riddick, Rhodes, Rogers, Rogerson, Sasser, Sanderson, Sharpe, L. R. Simmons, B. T. Simmons, T. B. Smith, Spruill, Stedman, Stephens, Stockard, Underwood, H. Waddell, J. Walker, R. Walker, Ward, Watford, Watson, T. Webb, Webster, Wheeler, Whitfield, Wilder, E. Williams, Wilkinson, Wright, Wyche.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill to repeal an act, passed in 1827, chapter 36, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, so far as respects the county of Perquimons; and the bill for improving the navigation of creeks and rivers, in the county of Sampson, and of Black river, so far as it is the dividing line of the counties of Sampson and Cumberland, with amendments, and asking the concurrence of this House. The said amendments were read, concurred in, and the Senate informed thereof by message.

Mr. Fleming, with leave, presented a bill to regulate the salaries of the Judges of the Supreme Court. The said bill was read the first time and passed.

The engrossed resolution declaring the purchase made by James F. Taylor of a tract of land sold at the sale of the late Treasurer's property,

null and void; and the resolution calling on the President and Directors of the Yadkin Navigation Company for certain information, were respectively read and concurred in, and, on motion, ordered to be enrolled.

The Speaker laid before the House the memorial of Charles Manly, the Clerk Assistant, praying that the House, for the remainder of the Session, owing to his indisposition, should appoint an additional Assistant Clerk. The memorial being read, on the motion of Mr. Alexander,

Resolved, That the Principal Clerk of this House be authorised to employ an additional Assistant Clerk for the remainder of the Session.

The resignations of Thomas Boykin, Colonel Commandant of the 33d regiment of militia; and L. Cogdell, justice of the peace for Wayne county, were read and accepted.

Mr Gaston presented the following resolution:

Resolved, That a power to issue paper as a medium of circulation, and for the purpose of profit, unless restrained within narrow limits and controlled by strong checks, always has been, and always will be abused.

Resolved further, That in the charters of the Banks of this State, the limits imposed on such issues were too vague, and the checks too feeble—that a general readiness in the community to borrow, joined with the desire of profit on the part of the Stockholders, could not fail to produce an issue of paper out of proportion to the specie funds of the Banks, and beyond their ability promptly and regularly to redeem; and that the consequence has been a depreciation in the currency of the State, injurious to the interests of its citizens and the character of its public institutions, and leading to evasions and expedients in the managers of these institutions always disreputable, sometimes at variance with the provisions of their charters, and often oppressive to their customers.

Resolved further, That the Legislature of the State, by commanding the State Bank, with a capital of sixteen hundred thousand dollars and a power to contract debts not exceeding four millions eight hundred thousand dollars, to commence operations so soon as eighty-seven thousand five hundred dollars should be paid in—by authorising an extension of the capital stock of the Banks of Newbern and Cape Fear in the year 1814, when it was known that such an extension could not add to the specie in the vaults—by assigning to the State a large portion of the stock of each bank without any payment therefor—by making repeated emissions of Treasury notes not representing specie, but intended as a substitute for it in circulation—by paying these Treasury notes to the Banks as the price of a further portion of their stock, and authorising increased issues of paper on the faith thereof, has most efficaciously aided in producing the depreciation of the currency and its consequent mischiefs.

Resolved further, That every consideration of duty and of policy requires that this depreciation should be remedied as speedily as the exigencies of the country will permit—that the only effectual cure is to be found in the withdrawal from circulation of redundant issues, so that the residue shall not exceed the amount required and sustained by the business of the community—that this cure is in steady and certain progression, under the operation of powerful causes, which are beyond the control of this Legislature—that the Bank of the United States has already compelled the Bank of Cape Fear, the one more immediately within the sphere of its action, to become a specie-paying Bank—that it must shortly compel the other Banks of this State either to follow this example or to close their concerns, and that any Legislative interference to hasten either of these results is not only unnecessary, but must produce great impoverishment of debtors, a sacrifice of property, embarrassment of the public finances, and the general distress of the community.

Resolved further, That the true interests of the country demand that, instead of imposing penalties on the Banks to compel a rapid reduction of their issues, or of instituting prosecutions to effect a relinquishment of their franchises, the collection of their debts should be carried on with as much lenity and moderation as practicable; and the representatives of the State in the general meetings of the stockholders of the Banks be instructed to keep this object steadily in view, and promote it by all the means in their power.

Resolved further, That the Banks ought to be authorised to extinguish gradually such a portion of their respective capitals as is not needed for the support of a sound circulation, by receiving stock in payment of debts, upon terms which may consist with the rights of their creditors and the interests of the stockholders.

On motion, ordered that the said resolution be referred to the committee of the Whole on the subject of the Banks, and be printed, one copy for each member of this House.

Mr. Wyche presented the following resolution:

Whereas the several Banks of this State have made large issues of notes, which they were unable to pay with specie on demand, and in consequence of such issue and failure to pay, their notes have depreciated in value much to the injury of the credit of the State; and whereas the citizens of this State are now indebted to the Banks for an amount which cannot now be paid without general distress and ruin to many; and whereas the stockholders of the State Bank have determined to meet on the day of next, to decide on closing the business of said Bank without delay, which, in the present time of general depression, would be attended with ruin to many and wide spreading distress to the people generally:

Be it therefore resolved, That the officer and agent representing the State in the Board of Directors and in the meeting of Stockholders, be instructed, and they are hereby directed to use their influence to prevent the winding up the business of the State Bank too rapidly—to demand from its debtors not exceeding five per cent. at every renewal, if the safety of the Bank will permit—and to continue steadily to pursue such measures as will enable the Bank to resume specie payments without distress.

On motion, ordered that the said resolution be referred to the committee of the Whole on the subject of the Banks, and be printed, one copy for each member of the Assembly.

Mr. Wyche, with leave, presented a bill regulating the practices of the Banks in certain cases; and Mr. Potter, with leave, presented a bill concerning the Banks. The said bills were read, and, on motion, ordered to be referred to the committee of the Whole on the subject of the Banks, and be printed, one copy for each member of the Assembly.

The committee of the Whole, on motion, resumed the consideration of the report of the majority of the committee raised on the subject of the Banks in this State, and the report of the minority of said committee on the same subject; and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the committee had again the said reports under consideration, and instructed him to report that they had made progress, and to ask leave to sit again on said subject. The question to concur with the report was determined in the affirmative.

The House then, on motion, adjourned until to-morrow morning, 9 o'clock.

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WEDNESDAY, DECEMBER 31, 1828.

Mr. Brooks, with leave, presented a bill to compel the clerk of the County and Superior Courts, and register of the county of Chatham to keep their respective offices at Pittsborough in said county. Mr. Latham, of Beaufort, presented a bill to prevent the hauling of seines in Tranters creek. These bills were read the first time and passed.

Mr. Clayton presented the following resolution:

Resolved, That this House dispense with the rule requiring all public bills to be read on three several days.

On motion, ordered that the resolution be laid on the table for one day.

The Principal Clerk, in obedience to the resolution directing him to appoint an additional Clerk Assistant, reported that he had appointed George W. Haywood.

On motion of Mr. Jones, of Warren, ordered that Ransom Walker have leave of absence after this day, until the end of the session.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill to amend the practice in Courts of Equity; a bill to authorise the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient; a bill to compel the County Court of Lenoir to appoint a committee of Finance;

a bill to incorporate a Light Infantry Company in the town of Washington; a resolution appropriating a room opposite the Comptroller's room to the Adjutant General; and a resolution in relation to the documents of the Penitentiary and Lunatic Asylum; in which they ask the concurrence of this House.

The engrossed bill to incorporate a Light Infantry Company in the town of Washington; also the bill to compel the County Court of Lenoir to appoint a committee of Finance; also the bill to authorise the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient, were respectively read the first time and passed.

On motion, ordered that Mr. Watford and Mr. Jarman have leave of absence from the service of the House after to-morrow, until the end of the session.

The engrossed resolution in relation to documents of the Penitentiary and Lunatic Asylum; also the resolution appropriating the room opposite the Comptroller's room to the Adjutant General, were read, concurred in, and ordered to be enrolled.

The engrossed bill to amend the practice in Courts of Equity, was read, and, on motion, referred to Messrs. Gaston, Shipp, Nash, Alexander and Bynum.

Mr. Bozman, with leave, presented a bill to cede to the United States, an Island of Marsh for the purpose of erecting thereon a Light House. Mr. Potter, with leave, presented a bill for the relief of the people of North Carolina. These bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to repeal in part the 3rd section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State relative to the Infantry, and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the militia laws of this State; also the engrossed bill directing the time and place of selling land under execution in the counties of Halifax, Northampton and Hertford, with amendments, and asking the concurrence of this House; and informing that the Senate concur in the amendment made by the House of Commons in the engrossed resolution in favor of William Harris and James Allen, of Montgomery county, and that they do not agree to the amendments made by this House in the engrossed bill to amend the laws regulating the sale of lands and slaves so far as respects the county of Montgomery. On motion, ordered that the engrossed resolution in favor of William Harris and James Allen, of Montgomery county, be enrolled.

On motion, ordered that the Senate be informed by message that this House concur in the amendments made by the Senate in the engrossed bills to repeal in part the 3rd section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State relative to the Infantry, and to repeal the 9th and 10th sections of an act, passed in 1813, entitled an act to amend the militia laws of this State; and in the engrossed bill directing the time and place of selling land and slaves under execution in the counties of Halifax, Northampton and Hertford, and informing the Senate, that this House recede from their amendment made in the engrossed bill to amend the laws regulating the sale of lands and slaves so far as respects the county of Montgomery.

The Speaker laid before the House the following message from his Excellency the Governor:

To the honorable the General Assembly of the State of North Carolina.

GENTLEMEN,—As President ex officio of the Board of Trustees of the University of North-Carolina, I have the honor to submit the annual report of the Treasurer of that institution, made to the board at their late annual meeting.

I have the honor also to inform you that there are at present five vacancies in the Board of Trustees, occasioned by the death of Bartlett Yancey and James F. Taylor, the resignations of Nathaniel Macon and Leonard Henderson, and the removal of Francis L. Hawks.

With the highest consideration, your ob't servant.

JOHN OWEN.

Executive Office, Dec'r 30, 1828.

On motion, ordered that the said message and report be sent the Senate, with a proposition that the report be printed, one copy for each member of the Assembly.

Mr. Ball, with leave, presented a bill to amend the 12th section of an act, passed in the year 1818, entitled an act supplemental to an act concerning the Supreme Court. The said bill was read and ordered to be laid on the table.

Mr. Eccles, with leave, presented a bill to incorporate the Grand Royal Arch Chapter of North Carolina. The said bill was read the first time and passed.

Mr. Fisher presented the following resolution:

Resolved by the General Assembly, That the Governor of the State be, and is hereby requested to address a letter to the President of the United States, respectfully asking that he would order to this State a detachment from the corps of Topographical Engineers, for the purpose of making a survey, with a view of ascertaining the best line for a rail road from the town of Fayetteville to some point on the Yadkin above the Narrows, and from the Yadkin to the Catawba, so as to connect the valleys of the Catawba and Yadkin with the Cape Fear; and also to make an estimate of the cost of erecting such rail road.

On motion of Mr. Fisher, ordered that the said resolution be laid on the table.

Mr. Gillespie, from the committee of conference on the disagreeing votes of the two Houses on the bill to repeal the act, passed in the year 1827, entitled an act for the better regulation of the town of Kenansville, in the county of Duplin, reported that the committee, according to order, had met the conferees on the part of the Senate, and could not come to any agreement.

Mr. M. Brittain, from the select committee to whom was referred the bill for the relief of sundry purchasers of Cherokee lands, reported that the committee, according to order, had considered the said bill, and instructed him to report it to the House without amendment. The said bill was read the second time and passed.

Mr. Gregory, from the committee to whom was referred the memorial of James Grant, Comptroller of Public Accounts, reported that the committee had, according to order, considered the said memorial, and instructed him to report a bill in pursuance of the object of the memorial, entitled a bill to provide for the appointment of a clerk in the Comptroller's Department. The said bill was read the first time and, on motion, postponed indefinitely.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Frances M. Dilliard, reported that the committee had considered the said petition, and instructed him to recommend

that it be rejected. The question to concur with the report, was determined in the affirmative.

The bill concerning the registration of grants, was read the third time, and, on motion, postponed indefinitely.

The bill supplementary to the several acts now in force for the relief of insolvent debtors; and further, to mitigate the severity of executions, was read the third time. Mr. Gaston moved to amend the third section of said bill, by diminishing one half of the allowance made in beef, pork or bacon. The question thereon was determined in the affirmative. Mr. Webb, of Person, moved to amend the bill, by striking out the third section. The question thereon was determined in the negative. The bill was then put on its passage, and the question, shall the said bill pass its third reading? was determined in the affirmative—yeas 111, nays 9. The yeas and nays moved for by Mr. Sharpe.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Ball, Barnhardt, Bass, Battle, Bethell, Blackwood, Bogle, Boykin, Bozman, Branch, B. S. Brittain, M. Brittain, Brooks, Bynum, Byrum, Callaway, Clayton, Cooper, Cox, Davenport, Dickinson, Dozier, Eccles, Edmonston, Ellis, Fisher, Clement, Foy, Gary, Gaston, Gibson, Gordon, Graham, Gregory, Hampton, Hancock, Harper, Hodges, Jasper, W. G. Jones, H. C. Jones, W. Jones, Kendall, Kilpatrick, Larkins, D. Latham, T. Latham, Lilly, Loretz, Martin, Mitchell, Montgomery, G. T. Moore, A. C. Moore, Morris, Moye, M'Keill, M'Lean, M'Millan, M'Neill, Nash, Nelson, Newland, Nicholson, Pierce, Pool, Potter, Purcell, Rainey, Riddick, Rhodes, Rogerson, Rogers, Saintclair, Sasser, Sanderson, Shipp, L. R. Simmons, B. T. Simmons, Simpson, N. G. Smith, T. B. Smith, J. Smith, Spruill, Stedman, Stephens, Stockard, Tyson, Underwood, Vail, H. Waddell, Wadsworth, J. Walker, R. Walker, Ward, Watford, Watson, J. Webb, Webster, Whitaker, Whitfield, Wheeler, Wilder, E. Williams, A. Williams, Wilkinson, Wilson, Wright.

Those who voted in the negative, are Messrs. Bryan, Clement, Gillespie, Kerr, Mendenhall, Ruffin, Sharpe, H. Walker, T. Webb.

On motion, ordered that the said bill be engrossed, and sent to the Senate for concurrence.

The House then, on the motion of Mr. Clayton, adjourned until 4 o'clock, P. M.

The bill to compel the Clerks of the County and Superior Courts, and Register of the county of Chatham, to keep their respective offices at Pittsborough, in said county, was read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The Engrossed bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate a Light Infantry Company in the town of Washington, was read the second and third times, passed and ordered to be enrolled.

The bill to restore to credit Andrew Walker, of Mecklenburg county, was read the second time and rejected.

Mr. Swain, who voted in the majority in the vote of rejection of the bill to restore to credit Andrew Walker, of Mecklenburg county, moved that the House do reconsider that vote. The question thereon was determined in the affirmative. The said bill was then put on its passage, and the question, shall the said bill pass? was determined in the negative.

The bill to incorporate the Edgecomb Manufacturing Company, was read the second time. Mr. Potter moved to amend the bill, by adding a

section in the following words: "That if the corporation at any time shall contract debts over the amount of the Capital Stock, then and in that case the private property of the Stockholders shall be bound for such debts, to be collected from the Stockholders in proportion to the stock which each and every stockholder shall have vested in the company." The question to concur with the amendment, was determined in the negative. The bill, on the motion of Mr. Spruill, was amended, and put on its passage, and the question, shall the said bill pass? was determined in the affirmative.

The bill to prevent the hauling of seines in Trauter's Creek, was read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The engrossed bill to authorise the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient, was read the second time and rejected.

Mr. Wheeler, with leave, presented a bill for the better regulation of the militia of Hertford county, and the establishment of a separate corps of Infantry. The said bill was read the first time and rejected.

The bill to amend an act, entitled an act to amend the acts respecting lands sold for taxes, passed in the year 1819, chapter 1006 of the revised code, was read the second time and passed.

The engrossed bill to establish a Manufacturing Company in Randolph county, was read the second time, amended and passed.

The bill to incorporate Horney's Gold Mines in the county of Guilford, was read the second time, amended, and passed.

The bill to amend an act, passed in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes, was read the second time, amended, and passed.

The bill to incorporate the Chatham Iron Manufacturing Company, was read the second time and passed.

The bill to incorporate the Grand Royal Arch Chapter of North Carolina, was read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The bill to incorporate the Richmond Rockingham Manufacturing Company, was read the second time, amended, and passed.

The engrossed bill to compel the County Court of Lenoir to appoint a committee of Finance, was read the first, second and third times, passed, and ordered to be enrolled.

The bill to amend and explain an act, passed in 1784 for clearing out and improving the navigation of Trent river, in Jones county, was read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The bill to provide for obtaining statistical information, as to the resources of North Carolina, was read the third time, amended, and rejected — yeas 58, nays 64. The yeas and nays moved for by Mr. Ellis.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Barnhardt, Bass, Blackwood, Borden, Boykin, B. S. Brittain, M. Brittain, Bynum, Calloway, Clayton, Cox, Eccles, Fisher, Gary, Gibson, Graham, Gregory, Hampton, W. G. Jones, H. C. Jones, Kendall, Kilpatrick, Larkins, Lilly, Loretz, Mendenhall, G. T. Moore, M'Keill, M'Lean, M'Millan, M'Neill, Nash, Newland, Pool, Potter, Purcell, Rogers, Saintclair, Sasser, Sanderson, Shipp, N. G. Smith, Spruill, Styron, Swain, Tyson, Vail, H. Waddell, A. Waddell, Watson, T. Webb, Wheeler, Whitfield, A. Williams, Wilson, Wyche.

Those who voted in the negative, are Messrs. Allison, Ball, Battle, Bethell, Bogle,

Boziman, Branch, Brooks, Bryan, Byrum, Clement, Cooper, Davenport, Dickinson, Dozier, Edmonston, Ellis, Fleming, Foy, Gillespie, Gordon, Hancock, Harper, Hester, Hodges, Jasper, W. Jones, Kerr, D. Latham, T. Latham, Mitchell, Montgomery Mhoon, Morris, Moye, Nelson, Nicholson, Pierce, Rainey, Riddick, Rhodes, Rogerson, Ruffin, Sharpe, L. R. Simmons, B. T. Simmons, Simpson, T. B. Smith, J. Smith, Stedman, Stephens, Stockard, Underwood, Wadsworth, H. Walker, Ward, Watford, J. Webb, Webster, Whitaker, Wilder, E. Williams, Wilkinson, Wright.

The bill to incorporate the Fayetteville Manufacturing Company, was read the third time. Mr. Potter moved to amend the bill, by adding an additional section, in the following words: "And be it further enacted, that the individual property of the Stockholders and other members of the said corporation shall be bound by all contracts and engagements made and entered into by the said corporation, and it shall be in the option of persons contracting with said corporation, to proceed against the members of the corporation either as corporators or individuals." The question thereon was determined in the negative—yeas 36, nays 79. The yeas and nays called for by Mr. Brooks.

Those who voted in the affirmative, are Messrs. Ball, Bass, Battle, Bethell, Blackwood, Branch, Brooks, Bynum, Byrum, Calloway, Cooper, Davenport, Dickinson, Dozier, Fleming, Harper, Lilly, G. T. Moore, Potter, Rogerson, Saintclair, Sharpe, L. R. Simmons, B. T. Simmons, J. Smith, Stedman, Stephens, Tyson, Underwood, Wadsworth, Ward, Watford, Watson, Webster, Wilder, Wright.

Those who voted in the negative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bogle, Borden, Boykin, B. S. Brittain, M. Brittain, Bryan, Clayton, Clement, Cox, Eccles, Edmonston, Ellis, Foy, Gary, Gaston, Gibson, Gillespie, Gordon, Graham, Gregory, Hampton, Hancock, Hellen, Hester, Hodges, Jasper, W. G. Jones, H. C. Jones, W. Jones, Kendall, Kerr, Larkins, D. Latham, T. Latham, Martin, Mendenhall, Mitchell, Montgomery, A. C. Moore, Mhoon, Moye, M'Keill, M'Lean, M'Millan, M'Neill, Nash, Newland, Nicholson, Pierce, Pool, Purcell, Rainey, Rogers, Ruffin, Sasser, Simpson, N. G. Smith, T. B. Smith, Spruill, Stockard, Vail, H. Waddell, A. Waddell, J. Walker, H. Walker, J. Webb, T. Webb, Wheeler, Whitfield, Whitaker, E. Williams, A. Williams, Wilkinson, Wilson, Wyche.

Mr. Callaway moved to amend the bill by inserting the following section: "That the private property of each and every stockholder shall be bound for the debts of the corporation to the amount of the stock which each and every stockholder shall hold in the corporation." The question to concur with the amendment was determined in the negative. Mr. Vail offered the following section as an amendment to the bill: "And be it further enacted, that if the said corporation shall trade, deal or traffic in any article, or in any way not allowed by their charter, such corporators shall be liable to indictment in the Superior or County Court, and upon conviction, shall be imprisoned not less than sixty days, nor more than six months, and fined at the discretion of the Court." The said amendment was read and rejected. Mr. Bynum moved to limit the existence of the corporation to fifteen years. The question thereon was determined in the negative. Mr. Potter moved to amend the bill in the following words: "That if the corporation shall contract debts over the amount of their capital stock, that then and in that case the private property of the stockholders shall be bound for such debts, to be collected from the stockholders in proportion to the stock which each and every stockholder shall have vested in the company." The said amendment was read and rejected. Mr. Potter then moved that the further consideration of said bill be postponed indefinitely. The question thereon was determined in the negative—yeas 39, nays 78.

Those who voted in the affirmative, are Messrs. Ball, Bass, Battle, Bethell, Branch, *M.* Brittain, Brooks, Bynum, Byrum, Callaway, Cooper, Davenport, Dozier, Fleming, Happer, Hester, D. Latham, Loretz, Mitchell, Morris, Moye, Nelson, Potter, Riddick, Rogerson, Sharpe, Simmons, T. B. Smith, J. Smith, Stedman, Underwood, Wadsworth, Ward, Watford, Watson, Webster, Wilder, Wilkison, Wright.

Those who voted in the negative, are Messrs. Alexander, Alford, Barnhardt, Bogle, Borden, Boykin, B. S. Brittain, Bryan, Clayton, Clement, Cox, Dickinson, Eccles, Edmonston, Ellis, Gary, Gaston, Gibson, Gillespie, Gordon, Graham, Gregory, Hampton, Hancock, Hellen, Hodges, Jasper, W. G. Jones, H. C. Jones, Kendall, Kerr, Larkins, T. Latham, Lilly, Martin, Mendenhall, Montgomery, G. T. Moore, A. C. Moore, Mhoon, M'Keill, M'Lean, M'Millan, M'Neill, Nash, Newland, Nicholson, Pierce, Pool, Purcell, Rainey, Rhodes, Rogers, Ruffin, Saintclair, Sasser, Shipp, L. R. Simmons, Simpson, N. G. Smith, Spruill, Stephens, Stockard, Styron, Vail, H. Waddell, A. Waddell, J. Walker, H. Walker, J. Webb, T. Webb, Wheeler, Whitfield, Whitaker, E. Williams, A. Williams, Wilson, Wyche.

The bill was then put on its passage, and the question, shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

The House then, on the motion of Mr. Jones, of Rowan, adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 1, 1829.

On motion of Mr. Gary, ordered that Mr. Kilpatrick have leave of absence, after to-morrow, until the end of the session.

The bill to amend an act, entitled an act to amend the acts respecting lands sold for taxes, passed in the year 1819, chapter 1006 of the public laws; and the bill to incorporate the Edgecomb Manufacturing Company, were read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill to ratify and confirm the sale of the land and negroes conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Robards, commissioners on behalf of the State; a bill to appoint commissioners on the road from the Watauga, in Ashe county, to the head of John's river, in Burke county; a bill to establish Sandy Creek Academy, in Randolph county, and to incorporate the same; a bill to provide for the final settlement of executors and administrators; a bill to regulate the finances of Craven county; a bill to open a road from Lee's mills to the head of the New Land, in Washington county; a bill to authorise the payment of the purchase money on entries of land made in the year 1826, in all cases where surveys have been made and returned to the office of the Secretary of State; also a resolution instructing the Governor to make certain inquiries in relation to Miss Blakely; also a resolution in favor of John Barnett, sheriff of Person county; also a resolution in favor of Edward Griffin and his securities; and also a resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property; in which they ask the concurrence of this House.

The engrossed bill to authorise the payment of the purchase money on entries of land, made in the year 1826 in all cases where surveys have been made and returned to the office of the Secretary of State; also the bill to regulate the finances of Craven county; also the bill to appoint commissioners on the road from Watauga, in Ashe county, to the head of

John's river, in Burke county; also the bill to ratify and confirm the sale of land and negroes conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Robards, commissioners on behalf of the State; also the bill to establish Sandy Creek Academy, in Randolph county, and to incorporate the same, were read the first time and passed.

A message from the Senate, informing of the assent of that House to have printed the report of the Treasurer of the Board of Trustees of the University, one copy for each member of the Assembly.

The resignation of John Carrington, brigadier general of the sixth brigade of the militia, was read and accepted.

A message from the Senate, proposing to ballot immediately for a brigadier general of the 13th brigade of the militia, and informing that the name of Thomas Sanderson is in nomination for the appointment; and proposing further, to ballot immediately for brigadier general for the 6th brigade, and informing that the name of John Woods is in nomination for the appointment. On motion, ordered that the said message be laid on the table.

The resignation of James Somerville, justice of the peace for Warren county, was read and accepted.

The engrossed bill to establish a manufacturing company in Randolph county, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, asking their concurrence in the amendment.

The engrossed bill to provide for the final settlement of executors and administrators, was read the first time and passed.

The resolution instructing the Governor to make certain inquiries in relation to Miss Blakely, was read and concurred in, and ordered to be enrolled.

The resolution in favor of John Barnett, sheriff of Person county; also the resolution in favor of Edward Griffin and his securities, were read the first time and passed.

The resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property, was read the first time and passed.

The engrossed bill to open a road from Lee's mills to the head of the New Land, in Washington county, was read the first time and rejected.

The House, on the motion of Mr. Potter, resolved itself into a committee of the Whole, on the several reports and papers in relation to the several Banks; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Nash, the Chairman, reported that the committee of the Whole had again under consideration the several matters referred to them, and had made progress, and instructed him to ask leave to sit again on the said subjects. The question to concur with the report was determined in the affirmative.

The House then, on the motion of Mr. Branch, adjourned until to-morrow morning, 9 o'clock.

FRIDAY, JANUARY 2, 1829.

On motion, ordered that Mr. Ellis have leave of absence after Monday next, and Mr. Sasser after this day, to the end of the session.

Mr. Wyche, from the select joint committee, to whom was referred the message of the Governor communicating the remonstrance of the President of the Dismal Swamp Canal Company; and also another message communicating a letter from the Governor of Virginia on the same subject, reported that the committee, according to order, had considered the subject, and instructed him to report a bill to provide for the removal of an obstruction to the passage of masted vessels from the Dismal Swamp Canal to Albemarle Sound and to recommend its passage. The said bill was read the first time and passed.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the memorial of sundry citizens of Plymouth, reported unfavorable to the prayer of the memorial, and asked to be discharged from the further consideration thereof. The report was read and concurred in.

Mr. Potter, from the committee, to whom was referred the bill to reduce and fix the salaries of certain officers therein named, reported the said bill with sundry amendments. The said bill thereupon was read the second time. Mr. Rogerson moved that it be postponed indefinitely. The question thereon was determined in the affirmative—yeas 66, nays 55. The yeas and nays called for by Mr. Bass.

Those who voted in the affirmative, are Messrs. Alexander, Allison, Battle, Bethell, Bozeman, Branch, Bryan, Bynum, Byrum, Clayton, Cooper, Cox, Eccles, Ellis, Fisher, Foy, Gary, Gaston, Gibson, Gillespie, Graham, Gregory, Hellen, Hester, Hodges, Jasper, W. G. Jones, H. C. Jones, Larkins, T. Latham, Mendenhall, Montgomery, A. C. Moore, M'Keill, M'Millan, M'Neill, Nash, Nelson, Nicholson, Pierce, Pool, Purcell, Rancey, Rogers, Rogerson, Ruffin, Saintclair, Sasser, Sharpe, T. B. Smith, Spruill, Styron, Swain, Vail, H. Waddell, A. Waddell, J. Walker, Ward, T. Webb, Wheeler, Whitfield, E. Williams, Wilkinson, Wilson, Wright, Wyche.

Those who voted in the negative, are Messrs. Alford, Ball, Barnhardt, Bass, Blackwood, Bogle, Boykin, B. S. Brittain, M. Brittain, Brooks, Callaway, Clement, Davenport, Dickison, Dozier, Edmonston, Fleming, Gordon, Hampton, Hancock, Harper, W. Jones, Kendall, Kerr, D. Latham, Lilly, Loretz, Martin, Mitchell, G. T. Moore, Mhoon, Morris, Moye, M'Lean, Newland, Potter, Riddick, Rhodes, Shipp, L. R. Simmons, B. T. Simmons, Simpson, N. G. Smith, J. Smith, Stedman, Stephens, Stockard, Tyson, Underwood, Wadsworth, H. Walker, Watson, Webster, Wilder, A. Williams.

Mr. Gaston, from the select committee, to whom was referred the bill to amend the practice in Courts of Equity, reported the bill without amendment. On motion of Mr. Gaston, ordered that the said bill be made the order of the day for to-morrow.

The House then, on the motion of Mr. Wyche, adjourned until 3 o'clock, P. M.

The engrossed bill to appoint commissioners on the road from the Watauga, in Ashe county, to the head of John's river, in Burke county, was read the second and third times, passed, and ordered to be enrolled.

Mr. Webb, of Person, with leave, presented a bill supplemental to an act, passed this present Assembly, entitled an act to authorise the County Court of Person to establish a poor house in said county. The said bill was read the first and second times and passed.

On motion, ordered that Mr. Sanderson have leave of absence after this day, until the end of the session.

The engrossed bill to amend an act, passed in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes, was read the third time. Mr. Bynum moved to amend the bill by striking out the third section, and inserting in lieu the following amendment: "Resolved, that principles of justice require

that the expenditures made out of the Federal Treasury for objects of internal improvement, must and ought to be extended to all the States and proportioned among them in fair and just proportion, according to some uniform apportionment, and that each State in proportion to its relative size is justly entitled to have as much of the Federal revenue expended within its limits for purposes of internal improvement, as has or may be expended within any other of the States for the above mentioned purpose."

Resolved therefore, That our Senators and Representatives in Congress be instructed and required to demand of that body that proportion of the Federal revenue which has been set aside for the purposes of internal improvement to which the State of North-Carolina is entitled.

Resolved furthermore, That this General Assembly, in behalf of the people and Government of this State, do further instruct and request their Senators and Representatives in Congress assembled, most solemnly to protest against the claims or exercise of any power whatsoever on the part of the General Government to make internal improvements within the limits and jurisdiction of the several States, and particularly within the limits of the State of North-Carolina, and also against the claim or exercise of any power whatever, asserting or involving a jurisdiction over any part of the territory within the limits of this State, except over the objects and in the mode specified in the Constitution of the United States.

The question thereon was determined in the negative—yeas 17, nays 98. The yeas and nays moved for by Mr. Bynum.

Those who voted in the affirmative, are Messrs. Bass, Brooks, Bynum, W. G. Jones, W. Jones, G. T. Moore, A. Moore, Pierce, Sharpe, J. Smith, Stedman, Underwood, Wadsworth, J. Walker, Watson, Wilder, Wilkinson.

Those who voted in the negative, are Messrs. Alexander, Alford, Allison, Ball, Barnhardt, Battle, Bethell, Blackwood, Bogle, Borden, Boykin, Bozman, Branch, B. S. Brittain, M. Brittain, Bryan, Byrum, Callaway, Clayton, Cooper, Cox, Davenport, Dickinson, Dozier, Eccles, Edmonston, Ellis, Fisher, Fleming, Foy, Gary, Gaston, Gibson, Gillespie, Gordon, Gregory, Hampton, Hancock, Harper, Hester, Hodges, H. C. Jones, Kendall, Kerr, Larkins, D. Latham, T. Latham, Lilly, Loretz, Martin, Mendenhall, Mitchell, Montgomery, Mhoon, Morris, Moye, M'Keill, M'Lane, M'Millan, M'Neill, Nash, Nelson, Newland, Nicholson, Pool, Purcell, Potter, Rainey, Riddick, Rogers, Ruffin, Saintclair, Shipp, L. R. Simmons, B. T. Simmons, Simpson, N. G. Smith, T. B. Smith, Spruill, Stephens, Styron, Swain, Tyson, Vail, H. Waddell, A. Waddell, H. Walker, Ward, J. Webb, T. Webb, Webster, Wheeler, Whitaker, E. Williams, A. Williams, Wilson, Wright, Wyche.

The bill was then put on its passage, and the question, shall the said bill pass? was determined in the affirmative—yeas 94, nays 24. The yeas and nays moved for by Mr. Bynum.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Ball, Barnhardt, Battle, Bethell, Blackwood, Bogle, Borden, Boykin, Bozman, Branch, B. S. Brittain, M. Brittain, Brooks, Byrum, Callaway, Clayton, Clement, Cooper, Cox, Davenport, Dickinson, Dozier, Eccles, Edmonston, Ellis, Fisher, Foy, Gary, Gaston, Gibson, Gillespie, Gordon, Gregory, Hampton, Hancock, Harper, Hester, H. C. Jones, Kendall, Kerr, Larkins, D. Latham, T. Latham, Lilly, Loretz, Martin, Mendenhall, Mitchell, Montgomery, Mhoon, Moye, M'Keill, M'Lean, M'Willan, M'Neill, Nash, Nelson, Newland, Nicholson, Pierce, Pool, Potter, Purcell, Rainey, Riddick, Rogers, Ruffin, Saintclair, Shipp, B. T. Simmons, Simpson, N. G. Smith, Spruill, Stedman, Swain, Tyson, Vail, H. Waddell, A. Waddell, J. Walker, J. Webb, T. Webb, Webster, Wheeler, Whitfield, Whitaker, E. Williams, A. Williams, Wilson, Wright, Wyche.

Those who voted in the negative, are Messrs. Bass, Bryan, Bynum, Fleming, Hodges, W. G. Jones, W. Jones, G. T. Moore, A. C. Moore, Rhodes, Sharpe, L. R. Simmons, T. B. Smith, J. Smith, Stephens, Stockard, Styron, Underwood, Wadsworth, H. Walker, Ward, Watson, Wilder, Wilkinson.

On motion, ordered that the said bill be enrolled

Mr. Wyche gave notice that he should move to-morrow for the suspen-

sion of the rule requiring public bills to be read on three several days, so far as the said rule applies to the bill relative to the bridge on Pasquotank river.

On motion of Mr. Alexander, the House resolved itself again into a committee of the Whole on the several bills and papers referred to them in relation to the Banks, Mr. Nash in the Chair; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Nash reported that the committee of the Whole, according to order, had considered the several papers submitted to them, and directed him to report to the House the resolution of the minority of the select joint committee on the Banks, and the bill offered by Mr. Potter, directing a prosecution against the several Banks of this State, and regulating the proceedings therein, and to restore and preserve the character of the circulating medium, with several amendments. The said amendments were read and concurred in. Mr. Rainey then moved that the said bill be indefinitely postponed. The question thereon was determined in the negative. The said bill, as amended, was then put on its passage, and the question, shall the said bill pass its first reading? was determined in the affirmative—yeas 66, nays 54. The yeas and nays moved for by Mr. Simpson.

Those who voted in the affirmative, are Messrs. Alexander, Allison, Ball, Barnhardt, Bass, Battle, Blackwood, Bogle, Boykin, Branch, B. S. Brittain, M. Brittain, Brooks, Bynum, Byrum, Clement, Cooper, Davenport, Dickinson, Dozier, Edmonston, Fisher, Fleming, Gary, Hampton, Hester, Hodges, Jasper, Kerr, Larkins, D. Latham, Lilly, Loretz, Martin, Montgomery, G. T. Moore, A. C. Moore, Morris, M'Keill, M'Lean, M'Neill, Pierce, Pool, Potter, Riddick, Rhodes, Rogers, Rogerson, Saintclair, Shipp, B. T. Simmons, Simpson, N. G. Smith, J. Smith, Stedman, Stockard, Underwood, Wadsworth, Watson, J. Webb, Webster, Wheeler, A. Williams, Wilkinson, Wilson, Wright.

Those who voted in the negative, are Messrs. Alford, Bethell, Borden, Bozman, Bryan, Calloway, Clayton, Cox, Eccles, Ellis, Foy, Gaston, Gibson, Gillespie, Graham, Gregory, Hancock, Harper, Hellen, W. G. Jones, H. C. Jones, W. Jones, Kendall, T. Latham, Mendenhall, Mitchell, Mhoon, M'Millan, Moye, Nash, Nelson, Newland, Nicholson, Pierce, Ramey, Ruffin, Sharpe, L. R. Simmons, Spruill, Stephens, Swain, Tyson, Vail, H. Waddell, A. Waddell, J. Walker, H. Walker, Ward, T. Webb, Whitfield, Whitaker, Wilder, E. Williams, Wyche.

On motion, ordered that the said bill be printed and made the order of the day for Monday next.

Whereupon the House, on the motion of Mr. Saintclair, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 3, 1829.

Mr. Battle, with leave, presented a bill to establish Rocky Mount Academy, in the county of Nash, and to incorporate the trustees thereof. Mr. Walker, of Wilmington, presented a bill to regulate the granting badges by the commissioners of Wilmington, to restrain slaves to whom badges may have been, or may hereafter be granted for working in improper places, and for other purposes. Mr. Saintclair presented a bill to amend an act, passed in the year 1825, entitled an act to amend the several acts of Assembly, passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's Ford, in the county of Wilkes, and for other purposes; and also to amend an act of the General Assembly now in force, relative to the public

roads in the county of Wilkes. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill to provide for the protection of the arsenal, and safe keeping of the public arms, and for other purposes; a bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned; a bill more effectually to punish persons who may attempt to poison others; a resolution in favor of Benjamin Brittain and Isham Matthews; a bill to lay out and improve a road from Nicholas Nall's, in Moore county, to Wilkesborough; a bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes; a bill to amend the laws regulating the inspection of flour in the town of Fayetteville; a bill to amend an act, passed in the year 1784, chapter 221, concerning inspectors and unmerchantable commodities; and a resolution in favor of James Bryson, jun'r; in which they ask the concurrence of this House.

The bill more effectually to punish persons who attempt to poison others; the bill to appoint commissioners in the county of Chowan for the purposes hereafter mentioned; the bill supplemental to the act erecting the county of Macon; a bill to provide for the protection of the Arsenal and safe keeping of the public arms, and for other purposes; the bill to amend an act, passed in 1784, chapter 221, concerning inspectors and unmerchantable commodities; and the resolution in favor of Benjamin Brittain and Isham Matthews, were respectively read the first time and passed.

The resolution in favor of James Bryson, jun'r, was read, concurred in, and ordered to be enrolled.

The bill to amend the laws regulating the inspection of flour in the town of Fayetteville, was read the first time, amended and passed.

The bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, was read the first time and passed.

A message from the Senate, informing of their concurrence with the amendment made in the engrossed bill to establish a manufacturing company in Randolph county. On motion, ordered that the said bill be enrolled.

On motion of Mr. Alexander, ordered that a message be sent to the Senate, proposing to ballot immediately for five Trustees of the University, and informing that Hugh Waddell, John Giles, John L. Bailey, Hardy Croom, William S. Mhoon, David Outlaw, Cadwallader Jones and John M. Morehead are in nomination for the appointments.

On motion of Mr. Fisher,

Resolved by the General Assembly, That the Public Printer is hereby required annually to deposite in the Library ten copies of the Acts of Assembly, five copies of the Comptroller's Report, and twenty copies of all other Reports printed by either House; and that it shall be the duty of the Librarian to cause the same to be bound in volumes of convenient size, for the use of the General Assembly.

Resolved, That the board of accounts, appointed by the act of the last General Assembly, chapter 29, be, and they are hereby authorised and directed to make a fair and equitable allowance to said printers for printing reports for the use of the two Houses, and for the purpose aforesaid.

The House, on motion of Mr. Wyche, proceeded to consider his mo-

tion of yesterday, to suspend the rule directing that all public bills be read on three several days, as it applies to the bill for the removal of an obstruction to the passage of masted vessels from the Dismal Swamp Canal to Albemarle Sound. The question, two thirds of the House concurring, was determined in the affirmative. The said bill thereupon was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, proposing to strike out from the recommendation for Justices of the Peace for the county of Hertford the names of John G. Wilson and Elisha H. Sharpe, and to add thereto the name of Kensey Jordan. The message was concurred in, and the Senate informed thereof by message.

Mr. Newland, with leave, presented a bill to appoint commissioners on the road leading from Morganton to Avery's turnpike road, in Burke county. The said bill was read the first time and passed.

Mr. Harper, with leave, presented a bill to alter the name of Blake Ballard, of Greene county, and to legitimate him. The said bill was read the first time and rejected.

The resignations of Benjamin W. Murphey, major of the 27th regiment of the militia; W. C. Cole, major of the 1st regiment of the Stokes county militia; and Horace B. Satterwhite, justice of the peace for the county of Wilkes, were presented, read and accepted.

The bill to incorporate Horney's Gold Mines, in the county of Guilford; also the bill to incorporate the Chatham Iron Manufacturing Company, were read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The House then, on the motion of Mr. Wheeler, adjourned until 3 o'clock, P. M.

The bill to incorporate the Richmond Rockingham Manufacturing Company, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Swain, ordered that Mr. Gibson have leave of absence from the House after this day, until the end of the Session.

The bill to authorise Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road, was read the second time and passed.

The bill supplemental to an act, passed this present General Assembly, entitled an act to authorise the County Court of Person to establish a poor house in said county, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The bill to incorporate the Belfont Cotton Manufacturing Company, in the county of Beaufort, was read the second time and passed.

The bill for the better apprehension of runaway slaves in the county of Onslow, was read the second time, and, on the motion of Mr. Pool, postponed indefinitely.

On motion of Mr. Potter, the name of Willis W. Boddie, of Nash county, was withdrawn from the nomination for Trustee of the University.

Mr. Clayton moved that the House do now consider the resolution offered by him on the 31st December, to dispense with the rule requiring all public bills to be read on three several days. The said resolution was accordingly considered, and rejected.

Mr. Wright, with leave, presented a bill to amend an act, passed A. D. 1827, entitled an act for the better regulation of the town of Kenansville, in Duplin county. The said bill was read the first, second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of the Roanoke river, was read the second time and passed.

The resolution in favor of Edward Griffin and his securities, was read the second time and passed.

The engrossed bill to regulate the finances of Craven county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to establish Sandy Creek Academy, in Randolph county, and to incorporate the same, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to lay out and improve a road from Nicholas Nall's, in Moore county, to Wilkesborough, was read the first time. Mr. Ellis moved that the said bill be indefinitely postponed. The question thereon was determined in the affirmative—yeas 59, nays 40. The yeas and nays called for by Mr. Hampton.

Those who voted in the affirmative, are Messrs. Alford, Ball, Barnhardt, Bass, Battle, Branch, Bryan, Bynum, Byrum, Cooper, Cox, Dozier, Ellis, Gary, Gaston, Gillespie, Harper, Jasper, W. G. Jones, W. Jones, D. Latham, T. Latham, Montgomery, Mhoon, Morris, Moye, M'Keill, Nelson, Pierce, Pool, Riddick, Rhodes, Rogerson, Sharpe, L. R. Simmons, B. T. Simmons, Simpson, N. G. Smith, T. B. Smith, J. Smith, Spruill, Stedman, Stephens, Stockard, Styron, Underwood, Ward, Watson, T. Webb, Webster, Wheeler, Whitfield, Whitaker, Wilder, E. Williams, Wilkinson, Wilson, Wright, Wyché.

Those who voted in the negative, are Messrs. Alexander, Allison, Bogle, Boykin, B. S. Brittain, M. Brittain, Brooks, Calloway, Clayton, Clement, Eccles, Edmonston, Fisher, Fleming, Gordon, Gregory, Hampton, Hancock, Hester, Kendall, Larkins, Lilly, Loretz, Mendenhall, Mitchell, G. T. Moore, M'Lean, M'Neill, Newland, Nicholson, Potter, Purcell, Ruffin, Saintclair, Tyson, H. Waddell, A. Waddell, H. Walker, J. Webb, A. Williams.

Whereupon, on the motion of Mr. Bass, the House adjourned until Monday, 10 o'clock.

MONDAY, JANUARY 5, 1829.

On motion, ordered that Mr. Ball and Mr. B. T. Simmons have leave of absence from this day, until the end of the session.

The bill respecting mistrials in criminal cases, was read the second time, and, on the motion of Mr. Gaston, ordered to be laid on the table without day.

The resolution in favor of Edward Griffin and his securities, was read the third time and passed. Ordered that the said resolution be enrolled.

The bill to regulate the fees of clerks and sheriffs was read the third time, amended and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing of the assent of that House to the amendment made in the engrossed bill to amend an act, passed in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills and a resolution, to wit: a bill to settle and declare

what buildings and out houses are, and shall be deemed to be parcel of the dwelling house; a bill for the purpose of collecting of matter connected with the Penitentiary system and Lunatic Asylum, and with other purposes; a bill for the limitation of writs of error for matters of fact, and bills of review; and a resolution in favor of Archibald Lamon, late Sheriff of Nash county; in which they ask the concurrence of this House.

The engrossed bill for the limitation of writs of error for matters of fact and bills of review; also the bill for the purpose of collecting information of matters connected with the Penitentiary system and Lunatic Asylum, and with other purposes, were read the first time and passed.

Mr. Wyche presented the following resolution:

Whereas, it appears from the arrangement made between the executors of the late John Haywood, Esquire, and the Attorney General, there is among the bonds and demands which the Executor George W. Haywood has assigned to the State and reported as being filed in the Treasury a demand against Docter Fabius Haywood, on account of money paid by said Executors on a note to which his testator was security for said Fabius Haywood:

Be it resolved, That the said demand be referred to a select committee of three, with instructions to inquire and to report what proceedings shall be taken towards the collection of the same.

The question to concur with the resolution, was determined in the affirmative. Ordered that the said resolution be referred to Messrs. Wyche, Swain and Spruill.

The engrossed resolution in favor of Archibald Lamon, late Sheriff of Nash county, was read the first time and passed.

The engrossed bill to settle and declare what buildings and out houses are, and shall be deemed to be parcel of the dwelling house, was read the first time and rejected.

The resignation of Thomas Person, justice of the peace for the county of Wayne, was read and accepted.

A message from the Senate, informing that they had passed the engrossed resolution concerning the adjournment of the two Houses. The resolution being read, Mr. Fisher moved that it lie on the table. The question thereon was determined in the affirmative—yeas 68, nays 44. The yeas and nays moved for by Mr. Bethell.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bass, Battle, Blackwood, Bogle, Boykin, Bozman, Branch, B. S. Brittain, M. Brittain, Brooks, Byrum, Bynum, Callaway, Clement, Cooper, Davenport, Dozier, Edmonston, Fisher, Fleming, Foy, Gary, Gaston, Graham, Gregory, Hampton, Hester, Hodges, Jasper, H. C. Jones, Larkins, D. Latham, T. Latham, Lilly, Loretz, Martin, G. T. Moore, Morris, M'Keill, M'Lean, M'Millan, M'Neill, Pierce, Pool, Rhodes, Rogers, Saintclair, Shipp, N. G. Smith, T. B. Smith, J. Smith, Styron, Tyson, Vail, H. Waddell, A. Waddell, Ward, Watson, J. Webb, Webster, Wheeler, Whitfield, Whitaker, Wilder.

Those who voted in the negative, are Messrs. Bethell, Borden, Bryan, Clayton, Cox, Dickinson, Gillespie, Hansock, Harper, W. G. Jones, W. Jones, Kendall, Kerr, Mendenhall, Mitchell, Montgomery, Mhoon, Moye, Nash, Nelson, Newland, Nicholson, Purcell, Rainey, Riddick, Rogerson, Ruffin, Sharpe, L. R. Simmans, Simpson, Spruill, Stedman, Stephens, Stockard, Underwood, Wadsworth, J. Walker, H. Walker, T. Webb, E. Williams, Wilkinson, Wilson, Wright, Wyche.

A message from the Senate, informing that they had rejected the engrossed bill to incorporate Horney's Gold mines in the county of Guilford; and proposing that the two Houses ballot to morrow morning for Counsellors of State for the ensuing year, and informing that George W. Jeffreys, Isaac T. Avery, William B. Lockhart, Gideon Alston,

Archibald M'Bride, George L. Davidson, Nathan B. Whitfield, Thomas Kenan, Alexander Gray and Alfred Jones are in nomination for the appointments. The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing of their assent to ballot for Trustees of the University, and that Messrs. Scott and Alexander attend this House as a committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that Mr. Ruffin and Mr. Montgomery form the committee to conduct the balloting for Trustees of the University on the part of this House.

The engrossed bill to incorporate the Belfont Cotton Manufacturing Company, in the county of Beaufort, was read the third time and passed. Ordered that the said bill be sent to the Senate, asking their concurrence with an amendment made by this House therein.

The engrossed bill to appropriate eight thousand nine hundred and twenty dollars for improving the navigation of the Cape-Fear river below Wilmington, was read the second time and passed. Ordered that the said bill be read the third time. The question, shall the said bill pass its third reading? was determined in the affirmative—yeas 75, nays 41. The yeas and nays moved for by Mr. Cooper.

Those who voted in the affirmative, are Messrs. Alexander, Allison, Alford, Barnhardt, Bethell, Blackwood, Borden, Boykin, Bozman, B. S. Brittain, M. Brittain, Brooks, Calloway, Clayton, Clement, Eccies; Edmonston, Fisher, Fleming, Foy, Gaston, Gillespie, Graham, Gregory, Hampton, Hancock, Hellen, Hodges, Jasper, W. G. Jones, H. C. Jones, Kendall, Kerr, Larkins, T. Latham, Loretz, Martin, Mendenhall, Mitchell, Montgomery, G. T. Moore, Morris, M'Keill, M'Milan, M'Neill, Nash, Newland, Nicholson, Pierce, Pool, Purcell, Rainey, Ruffin, Saintclair, Shipp, Simpson, N. G. Smith, Spruill, Stockard, Styron, Swain, Tyson, Underwood, Vail, H. Waddell, A. Waddell, J. Walker, H. Walker, T. Webb, Wheeler, E. Williams, A. Williams, Wilson, Wright, Wyche.

Those who voted in the negative, are Messrs. Bass, Battle, Bogle, Branch, Bryan, Bynum, Byrum, Cooper, Cox, Davenport, Dickinson, Dozier, Gary, Harper, Hester, D. Latham, Lilly, A. C. Moore, Mhoon, Moye, Nelson, Potter, Riddick, Rhodes, Rogers, Rogerson, Sharpe, L. R. Simmons, T. B. Smith, J. Smith, Stedman, Stephens, Wadsworth, Ward, Watson, J. Webb, Webster, Whitfield, Whitaker, Wilder, Wilkinson.

On motion, ordered that the said bill be enrolled.

The House then, on the motion of Mr. Alexander, adjourned until 3 o'clock, P. M.

Mr. Montgomery, from the committee appointed to conduct the balloting for Trustees of the University, reported that the committee had performed that duty, and that it appeared, on examining the ballots, John L. Bailey, John M. Morehead, Hugh Waddell, William L. Mhoon and John Giles had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The bill to establish Rocky Mount Academy, in the county of Nash, and to incorporate the trustees thereof, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The House again resolved itself into a committee of the Whole, Mr. Spruill in the Chair, on the bill directing a prosecution against the several

Banks of this State, and regulating the proceedings therein, and to restore and preserve the character of the circulating medium; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Spruill reported that the committee of the Whole, according to order, had considered the said bill, and directed him to report it to the House, with amendments. The amendments were read and concurred in, and the title amended to read "a bill to direct a prosecution against the State Bank, and regulating the proceedings therein, and to restore and preserve the character of the circulating medium." Mr. Nash moved that the further consideration of said bill be postponed until to-morrow. The question thereon was determined in the negative. The bill, thereupon, as amended, was put on its passage, and the question, shall the said bill pass its second reading? was determined in the affirmative—yeas 62, nays 54. The yeas and nays moved for by Mr. Gary.

Those who voted in the affirmative, are Messrs. Alexander, Allison, Barnhardt, Bass, Battle, Bateman, Blackwood, Bogle, Boykin, Branch, B. S. Brittain, M. Brittan, Brooks, Bynum, Byrum, Clement, Cooper, Davenport, Dozier, Edmonston, Fisher, Fleming, Gary, Hampton, Hodges, Jasper, D. Latham, Lilly, Loretz, Martin, Montgomery, G. T. Moore, A. C. Moore, Mhoon, Morris, M'Keill, M'Neill, Pierce, Pool, Potter, Riddick, Rogers, Rogerson, Saintclair, Shipp, L. R. Simmons, N. G. Smith, T. B. Smith, J. Smith, Stedman, Stockard, Styron, Underwood, Vail, Wadsworth, Watson, J. Webb, Webster, Wheeler, A. Williams, Wilkinson, Wilson.

Those who voted in the negative, are Messrs. Alford, Bethell, Blackledge, Borden, Bozeman, Bryan, Callaway, Cox, Dickinson, Eccles, Foy, Gaston, Gillespie, Graham, Gregory, Hancock, Harper, Hester, W. G. Jones, H. C. Jones, W. Jones, Kendall, Kerr, Larkins, T. Latham, Mendenhall, Mitchell, Moye, M'Millan, Nash, Nelson, Newland, Nicholson, Purcell, Rainey, Ruffin, Sharpe, Simpson, Spruill, Stephens, Swain, Tyson, H. Waddell, A. Waddell, J. Walker, H. Walker, Ward, T. Webb, Whitfield, Whitaker, Wilder, E. Williams, Wright, Wyche.

On motion of Mr. Potter, ordered that the said bill be printed, one copy for each member of the Assembly, and made the order of the day for to-morrow.

The bill to regulate the granting of badges by the commissioners of Wilmington, to restrain slaves to whom badges may have been, or may hereafter be granted for working in improper places, and for other purposes; also the bill to alter and amend the act of 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, were read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Wyche, ordered that the report of the select committee on the memorial of the representatives of the Tuscarora nation of Indians, be entered on the Journals.

The bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of the Roanoke river; also 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 the year 1826, chapter 36; also the bill to authorise Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road, were respectively read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to appoint commissioners on the road leading from Morganton to Avery's turnpike road, in Burke county; also the bill to amend an act,

passed in the year 1825, entitled an act to amend the several acts of Assembly, passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's Ford, in the county of Wilkes, and for other purposes; and also the bill to amend an act, passed in the year 1826, entitled an act to amend the several acts of the General Assembly now in force, relative to the public roads in the county of Wilkes; also the bill to amend the militia laws of this State, so far as regards the companies of cavalry, were respectively read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, asking the concurrence of that House with the amendment.

The engrossed bill to authorise the payment of the purchase money on entries of land made in the year 1826, in all cases where surveys have been made and returned to the office of the Secretary of State, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, asking the concurrence of that House with the amendment.

The resolution in favor of John Gambell, sheriff of Ashe county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to validate the grants issued by the Secretary of State on surveys made and signed only by deputy surveyors, previous to the year 1820, was read the second and third times, amended and passed. Also the engrossed bill to restrain the justices of the County Courts of Pleas and Quarter Sessions of New-Hanover, Camden, Washington and Craven counties, in granting licenses to retail spiritous liquors, was read the the third time, amended and passed. Ordered that the said bills be sent to the Senate, with a message, asking the concurrence of that House with the amendments.

The bill to prescribe the mode by which bastard children shall hereafter be legitimated; also the bill requiring all guardian bonds to be made payable to the Governor; also the bill authorising the Court of Equity to grant administration in certain cases; also the bill empowering the County Courts to regulate the fees of jailors, were respectively read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The bill to amend the act, passed in the year 1823, entitled an act to amend and extend the provisions of an act to promote agriculture and family domestic manufactures; also the bill to regulate costs in petitions for dower and partition, were read the second and third times, passed, and ordered to be enrolled.

The bill in relation to justices' executions, was read the second and third times, amended and passed. Also the bill regulating the inspection of fish for the town of Murfreesborough, in the county of Hertford, was read the second and third times and passed. Ordered that the said bills be engrossed and sent to the Senate for concurrence.

The bill appointing commissioners on the road from Ashe court house to the head of the Yadkin river, and making an appropriation to the said

road; also the bill to prevent free negroes, mulattoes and other free persons of color from having guns and ammunition, except under certain circumstances, were read each the second time, the former rejected, and the latter postponed indefinitely.

Mr. Saintclair suggested that there was not a quorum of the House in attendance, and that fact being ascertained, a call of the House was commanded, for the purpose of compelling the attendance of absent members; but before the call and subsequent proceedings therein were gone through with, Mr. Alexander moved that, as a majority of the House were now in attendance, further proceedings under the call be dispensed with. The question thereon was determined in the affirmative.

And the House then, on motion, adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 6, 1829.

On motion of Mr. Newland, ordered that Mr. Gordon have leave of absence after this day, until the end of the Session.

Mr. Walker, of Warren, who had leave of absence for the remainder of the Session, returned, and took his seat.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill concerning the wardens of the poor of the county of Lincoln; a bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions of Duplin county, and for other purposes; a bill to authorise and direct the Supreme Court to be holden in the several places therein directed; and a resolution instructing the Board of Internal Improvement to make certain inquiries; in which they ask the concurrence of this House.

A message from the Senate, informing that Mr. Smith, of Davidson, and Mr. Patterson attend this House as a committee on their part to conduct the balloting for Counsellors of State for the ensuing year. On motion, ordered that the Senate be informed by message, that Mr. Pierce and Mr. Newland form the committee on the part of this House to conduct the balloting for Counsellors of State for the ensuing year; and that the name of William Dickson is added to the nomination.

The resolution instructing the Board of Internal Improvement to make certain inquiries, was read, concurred in, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to provide for the removal of an obstruction to the passage of masted vessels from the Dismal Swamp Canal to Albemarle Sound, with an amendment, and asking the concurrence of this House. The amendment was read, concurred in, and the Senate informed thereof by message.

The bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of Duplin county, and for other purposes; also the bill concerning the wardens of the poor of the county of Lincoln, were read the first time and passed.

A message from the Senate, proposing to ballot immediately for a Board of Internal Improvements for the ensuing year, and informing that Messrs. Marsden Campbell, Cadwallader Jones, James Mebane, Andrew Joiner and Otway Burns are in nomination for the appointments. On motion, ordered that the said message be laid on the table.

The engrossed bill to authorise and direct the Supreme Court to be holden in the several places therein directed, was read the first time. Mr. Cooper moved that the further consideration of the said bill be postponed indefinitely. The question thereon was determined in the negative—yeas 55, nays 56. The yeas and nays moved for by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Bass, Borden, Boykin, Branch, Bryan, Bynnm, Byrum, Cox, Dickinson, Dozier, Eccles, Foy, Gary, Gaston, Gillespie, Harper, Hester, Jasper, W. Jones, D. Latham, T. Latham, Montgomery, Mhoon, Moye, McKeill, McNeill, Nelson, Potter, Purcell, Riddick, Rhodes, Rogers, Rogerson, Ruffin, Sharpe, L. R. Simmons, T. B. Smith, Spruill, Stedman, Stephens, Stockard, Styron, Underwood, R. Walker, Ward, Watson, T. Webb, Webster, Wheeler, Whitfield, Wilder, E. Williams, Wilkinson, Wilson, Wright.

Those who voted in the negative, are Messrs. Alexander, Allison, Barnhardt, Bateman, Bethell, Blackwood, Bogle, Bozman, B. S. Brittain, M. Brittain, Callaway, Clayton, Clement, Davenport, Edmonston, Fisher, Fleming, Graham, Gregory, Hampton, Hancock, Hodges, W. G. Jones, H. C. Jones, Kerr, Larkins, Lilly, Loretz, Martin, Mitchell, G. T. Moore, A. C. Moore, Morris, McLean, McMillan, Nash, Nicholson, Pool, Rainey, Saintclair, Shipp, Simpson, N. G. Smith, T. B. Smith, Swain, Tyson, Vail, H. Waddell, A. Waddell, Wadsworth, J. Walker, H. Walker, J. Webb, Whitaker, A. Williams, Wyche.

The bill was then put on its passage, and the question, shall the said bill pass its first reading? was determined in the negative—yeas 57, nays 59. The yeas and nays moved for by Mr. Rogerson.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bateman, Bethell, Blackledge, Blackwood, Bogle, Bozman, B. S. Brittain, M. Brittain, Callaway, Clayton, Clement, Davenport, Edmonston, Fisher, Fleming, Graham, Gregory, Hampton, Hancock, Hodges, W. G. Jones, H. C. Jones, Kendall, Kerr, Larkins, Lilly, Loretz, Martin, Mendenhall, Mitchell, G. T. Moore, A. C. Moore, Morris, McLean, McMillan, Nash, Nicholson, Rainey, Shipp, Simpson, N. G. Smith, J. Smith, Swain, Tyson, Vail, H. Waddell, A. Waddell, Wadsworth, J. Walker, H. Walker, J. Webb, A. Williams, Wyche.

Those who voted in the negative, are Messrs. Bass, Battle, Borden, Boykin, Branch, Brooks, Bryan, Bynnm, Byrum, Cooper, Cox, Dickinson, Dozier, Eccles, Foy, Gary, Gillespie, Harper, Hester, Jasper, W. Jones, D. Latham, T. Latham, Montgomery, Mhoon, Moye, McKeill, McNeill, Nelson, Pool, Potter, Purcell, Riddick, Rhodes, Rogers, Rogerson, Ruffin, Sharpe, L. R. Simmons, T. B. Smith, Spruill, Stedman, Stephens, Stockard, Styron, Underwood, R. Walker, Ward, Watson, T. Webb, Webster, Wheeler, Whitfield, Whitaker, Wilder, E. Williams, Wilkinson, Wilson, Wright.

The bill directing a prosecution against the State Bank, and regulating the proceedings therein, and to restore and preserve the character of the circulating medium, was read the third time. Mr. Wyche moved to amend the bill by striking out all after the words "a bill," and inserting "regulating the practices of the Banks in certain cases," and inserting the following, to wit:

Whereas, it appears to the General Assembly, that some of the Banks of this State have traded in articles not permitted by the charters; that some have required, as a condition of new loans, or more favorable terms of renewal, that the applicant should exchange an equal amount of the notes of other Banks, or pay in the notes of other Banks, and by other shifts and devices have attempted to make those indebted to the Banks, or those obtaining discounts from them bear the loss occasioned by the depreciation of their notes; which practices have operated much to the injury of the citizens of this State: for remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if any President, Director, Cashier, or other officer of the State Bank of North Carolina, the Bank of Cape Fear, the Bank of Newbern, or any of the branches or agencies of either of them shall directly or indirectly, for or on account of such Bank, branch, or agency, buy, sell or trade in any Bank Stock, or other Stock, article or articles, not authorised by the charter of such Bank, every such President, Director, Cashier, or other officer so offending, shall be deemed and taken to be guilty of a misdemeanor, and shall be liable to be prosecuted by indictment in any Court having competent jurisdiction, and on conviction, shall be fined in a sum not exceeding the value of the stock, or other article so bought, sold, or traded in; one half of which shall be to the use of the informer, and the other half to the use of the State; and shall moreover be imprisoned

for a term not exceeding three months: *Provided nevertheless*, that nothing herein contained shall be so construed, as to prohibit any Bank, or any of its officers, from making sale of property fairly pledged to it, to secure any debt justly due to such Bank.

And be it further enacted, That if any President, Director, Cashier, or other officer of any of said Banks, or either of the branches or agencies thereof, shall presume to ask, receive, or demand of any person applying to get a note discounted, to exchange the notes of other Banks, as a condition on which such note shall be discounted, or shall require any instalment to be paid in the notes of any other Bank upon any renewal, the President, Director, Cashier, or other officer making such demand or requisition, shall be deemed and taken to be guilty of a misdemeanor, and may be prosecuted by indictment in any Court having competent jurisdiction, and upon conviction, shall be fined in a sum not exceeding five hundred dollars, and may be imprisoned at the discretion of the Court, for a term not exceeding three months.

And be it further enacted, That neither of the said Banks shall hereafter purchase any of its own notes at a price below their nominal amount, either in this State or elsewhere; and if the President, Directors and Company, or the Cashier, or other officer of any of the said Banks, for, or on account of any of said Banks, shall by themselves, or by any agent or agents, presume to purchase the notes of such Bank, or either, in this State or elsewhere, at a price below the nominal value thereof, it shall and may be lawful for any person or persons to sue for and recover, in any Court having competent jurisdiction, from such President, Directors and Company, or such Cashier, or other officer so offending, a sum equal to the full amount of such note or notes so purchased, at a rate below the nominal amount thereof; one half of which shall be to the use of the person suing for the same, and the other half to the use of the State.

And be it further enacted, That from and after the first day of January, 1830, the several Banks shall, on demand, pay in specie the amount of every note now in circulation, or which may be hereafter issued, which may be presented, and payment demanded, after the same becomes due and payable at the place where it shall appear on its face to be payable; and if such Bank shall fail so to pay such note or notes, it shall and may be lawful for the person presenting such note for payment, forthwith to have the same protested for non-payment, and to sue for and recover, in any Court having competent jurisdiction, from the Bank so failing to pay the full amount of such note or notes, together with damages, at the rate of ten per cent. per annum, on the amount thereof, from the time of such protest until the same be paid.

The question to concur with the amendment, was determined in the negative—yeas 22, nays 97. The yeas and nays moved for by Mr. Wyche.

Those who voted in the affirmative, are Messrs. Bethell, Borden, Dickinson, Foy, Gillespie, Gregory, Harper, W. G. Jones, W. Jones, Larkins, Nash, Rhodes, Sharpe, Spruill, Tyson, H. Waddell, J. Walker, T. Webb, Whitfield, Whitaker, Wright, Wyche.

Those who voted in the negative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bass, Battle, Bateman, Blackledge, Blackwood, Bogle, Boykin, Bozman, Branch, B. S. Brittain, M. Brittain, Brooks, Bryan, Bynum, Byrum, Calloway, Clayton, Clement, Cooper, Cox, Davenport, Dozier, Eccles, Edmonston, Fisher, Fleming, Gary, Gaston, Graham, Hampton, Hancock, Hellen, Hester, Hodges, Jasper, H. C. Jones, Kerr, Kilpatrick, D. Latham, T. Latham, Lilly, Loretz, Martin, Mendenhall, M'Neill, Montgomery, G. T. Moore, A. C. Moore, Mhoon, Morris, Moye, M'Keill, M'Lean, M'Millan, M'Neill, Nelson, Nicholson, Pool, Potter, Purcell, Rainey, Riddick, Rogers, Rogerson, Ruffin, Saintclair, Shipp, L. R. Simmons, B. T. Simmons, Simpson, N. G. Smith, T. B. Smith, J. Smith, Stedman, Stephens, Stockard, Styron, Swain, Underwood, Vail, A. Waddell, Wadsworth, R. Walker, Ward, Watson, J. Webb, Webster, Wheeler, Wilder, E. Williams, A. Williams, Wilkinson, Wilson.

The bill thereupon was put on its passage, and the question, shall the said bill pass its third reading? was determined in the negative—yeas 59, nays 58. The yeas and nays called for by Mr. Gaston.

Those who voted in the affirmative, are Messrs. Alexander, Allison, Bass, Battle, Bateman, Blackwood, Bogle, Boykin, Branch, B. S. Brittain, M. Brittain, Brooks, Bynum, Byrum, Clement, Cooper, Davenport, Dozier, Edmonston, Fisher, Fleming, Gary, Hampton, Hodges, Jasper, D. Latham, Lilly, Martin, Montgomery, G. T. Moore, A. C. Moore, Mhoon, Morris, M'Keill, M'Lean, Pierce, Pool, Potter, Riddick, Rogers, Rogerson, Saintclair, Shipp, N. G. Smith, T. B. Smith, J. Smith, Stedman, Stockard, Styron, Underwood, Vail, Wadsworth, Watson, J. Webb, Webster, Wheeler, A. Williams, Wilkinson, Wilson.

Those who voted in the negative, are Messrs. Alford, Barnhardt, Bethell, Blackledge, Borden, Bozman, Bryan, Callaway, Clayton, Cox, Dickinson, Foy, Gaston, Gillespie, Graham, Gregory, Hancock, Harper, Hester, W. G. Jones, H. C. Jones, W. Jones, Kendall, Kerr, Larkins, T. Latham, Mendenhall, Mitchell, Moye, M'Millan, M'Neill, Nash, Nelson, Newland, Nicholson, Purcell, Rainey, Rhodes, Ruffin, Sharpe, L. R. Simmons, Simpson, Spruill, Stephens, Swain, Tyson, H. Waddell, A. Waddell, J. Walker, R. Walker, H. Walker, Ward, T. Webb, Whitaker, Wilder, E. Williams, Wright, Wyche.

The Speaker, under a rule of the House, exercised his right of voting, and voted in the minority; and the bill thereupon was rejected.

The House then, on the motion of Mr. Alexander, adjourned until 5 o'clock, P. M.

The engrossed bill to provide for the repairing of the State House, and railing round the Public square, was read the second and third times; and the bill to amend an act, passed in the year 1819, to appoint commissioners for the town of Chapel Hill, in Orange county, was read the first, second and third times, passed, and the former ordered to be enrolled, and the latter engrossed and sent to the Senate concurrence.

Mr. Stedman, with leave, presented a bill concerning Internal Improvement in this State, which was read the first time and passed.

On motion, ordered that Mr. Bateman have leave to withdraw from the files the papers of Ebenezer Pettigrew.

Mr. Brittain, of Burke, with leave, presented a bill to incorporate the Swanano and Laurel River Turnpike Company. The said bill was read the first and second times and passed. Ordered that the said bill be read the third time, and the question, shall the said bill pass its third reading? was determined in the affirmative—yeas 82, nays 28. The yeas and nays moved for by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Alexander, Allison, Barnhardt, Battle, Bateman, Bethell, Blackledge, Bogle, Borden, Bozman, Branch, B. S. Brittain, M. Brittain, Brooks, Bryan, Calloway, Clayton, Cooper, Davenport, Dickinson, Eccles, Fisher, Fleming, Gaston, Gillespie, Gregory, Hampton, Hancock, Hellen, Hester, Hodges, W. G. Jones, W. Jones, Kendall, T. Latham, Lilly, Loretz, Martin, Mitchell, Montgomery, G. T. Moore, A. C. Moore, Mhoon, Morris, Moye, M'Keill, M'Lean, M'Millan, M'Neill, Nash, Nelson, Newland, Nicholson, Pool, Purcell, Rainey, Rhodes, Saintclair, Sharpe, Shipp, Simpson, N. G. Smith, T. B. Smith, J. Smith, Spruill, Stockard, Styron, Tyson, Vail, H. Waddell, A. Waddell, Wadsworth, J. Walker, H. Walker, Watson, J. Webb, T. Webb, Whitfield, Whitaker, Wilder, Wilson, Wyche.

Those who voted in the negative, are Messrs. Bass, Boykin, Bynum, Byrum, Clement, Cox, Dozier, Edmonston, Foy, Gary, Harper, Jasper, D. Latham, Mendenhall, Pierce, Potter, Riddick, Rogers, Rogerson, Ruffin, L. R. Simmons, Stedman, Stephens, Underwood, R. Walker, Ward, Webster, Wright.

On motion, ordered that the said bill be engrossed, and sent to the Senate for concurrence.

Mr. Pierce, from the committee appointed to conduct the balloting for Counsellors of State for the ensuing year, reported that the committee had performed that duty, and that, on examining the ballots, it appeared William B. Lockhart, George W. Jeffries, Alexander Gray, Archibald M'Bride, Thomas Kenan, Nathan B. Whitfield and Gideon Alston had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The engrossed bill concerning the wardens of the poor of the county of Lincoln; also the bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions of Duplin county, and for other purposes, were read each the second and third times, amended, and passed.

Ordered that the said bills be sent to the Senate, with a message, asking their concurrence with the amendments.

The bill compelling Sheriffs to advertise the several elections in this State, was read the second time and rejected.

The House then, on the motion of Mr. Alexander, adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 7, 1829.

On motion, ordered that a message be sent to the Senate, proposing to ballot for Brigadier General for the 6th brigade, and informing that the name of Charles Lutterloh is added to the nomination, and that Mr. Smith, of Chatham, and Mr. Hancock attend the Senate as a committee on the part of this House to conduct the balloting; and proposing further, that a balloting for Brigadier General for the 13th brigade succeed immediately the balloting for Brigadier General for the 6th brigade, and informing that Mr. Nelson and Mr. Wilkinson form the committee to conduct the balloting on the part of this House. A message from the Senate, informing that Mr. Harrell and Mr. Beasley attend this House as a committee on their part to conduct the balloting for Brigadier General for the 6th brigade, and agreeing to ballot for Brigadier General for the 13th brigade, and informing that the name of Thomas Sanderson is in nomination for the appointment.

Mr. Clayton presented the following resolution:

Resolved, That the Legislature adjourn sine die on Friday next, and that a message be sent to the Senate to that effect.

The resolution was read and rejected.

A message from the Senate, informing that Mr. Davenport and Mr. Leonard form the committee on their part to conduct the balloting for Brigadier General for the 13th brigade, and informing that the name of Richard Bainer is added to the nomination.

Mr. Eccles, in pursuance to a memorial, presented the following resolution:

Resolved, That the time of payment of that part of the loan of five thousand dollars, heretofore made by the State to John M'Rae, for the purpose of enabling him to publish a map of the State, which becomes due on the 14th April, 1829, be deferred until the 14th April, 1830; and that the Public Treasurer be authorised to take a renewal of his bonds as heretofore for the faithful compliance with the terms of his contract.

On motion of Mr. Stedman, the resolution was amended by adding a proviso, "that the said John M'Rae pay interest on the said deferred instalment for the time so postponed." The question, shall the said resolution, as amended, pass? was determined in the affirmative—yeas 70, nays 27. The yeas and nays moved for by Mr. Brooks.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Bate-man, Bethell, Blackwood, Bogle, Borden, Boykin, Bozman, Branch, B. S. Brittain, Bryan, Clayton, Cox, Dickinson, Eccles, Edmonston, Fisher, Fleming, Gary, Gaston, Hampton, Hancock, W. G. Jones, H. C. Jones, Kendall, Kerr, Larkins, D. Latham, T. Latham, Lilly, Loretz, Mendenhall, Mitchell, Montgomery, G. T. Moore, Mhoon, Morris, M'Keill, M'Millan, M'Neill, Nash, Nicholson, Pierce, Pool, Purcell, Rainey, Rhodes, Ruffin, Saintclair, Sharpe, Shipp, Simpson, J. Smith, Spruill, Styron, Vail, H. Waddell, A. Waddell, J. Walker, H. Walker, Ward, Watson, T. Webb, Webster, E. Williams, A. Williams, Wilson, Wyche.

Those who voted in the negative, are Messrs. Bass, Battle, Brooks, Bynum, Byrum, Cooper, Davenport, Dozier, Gillespie, Harper, Hester, W. Jones, Moye, Riddick, L. R. Simmons, N. G. Smith, T. B. Smith, Stedman, Stephens, Stockard, Tyson, Underwood, R. Walker, J. Webb, Whitaker, Wilder, Wright.

Ordered that the said resolution be engrossed and sent to the Senate for concurrence.

Mr. Smith, of Chatham, from the committee appointed to conduct the balloting for Brigadier General for the 6th brigade, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Charles Lutterloh had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing that they had passed the following engrossed bills and a resolution, to wit: a bill to incorporate a company to improve the navigation of Tranter's creek from Myers' mill, in Beaufort county, to its head waters; a bill directing the manner in which the acts of Congress and other public documents shall be distributed in future, and for other purposes; a bill concerning the action of replevin; a bill to change the time of holding the Supreme Court of this State; and a resolution relative to Mrs. Lucy Shaw; in which they ask the concurrence of this House.

The bill to change the time of holding the Supreme Court of this State, was read the first time and passed, and made the order of the day for to-morrow.

The resolution relative to Mrs. Lucy Shaw, was read and ordered to be laid on the table.

Mr. Nelson, from the committee appointed to conduct the balloting for Brigadier General for the 13th Brigade, reported that the committee had performed that duty, and that, on counting the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Latham, of Beaufort, ordered that a message be sent to the Senate, proposing to ballot again immediately for Brigadier General for the 13th brigade.

A message from the Senate, informing that they concur in the amendment made by this House in the engrossed bill, entitled a bill to validate the grants issued by the Secretary of State on surveys made and signed only by deputy surveyors previous to the year 1820. Ordered that the said bill be enrolled.

The bill directing the manner in which the acts of Congress and other public documents shall be distributed in future, and for other purposes, was read the first time and passed.

Mr. Allison, with leave, presented a bill to repeal, so far as relates to the county of Iredell, an act directing the County Courts to pay fees to certain officers therein named in certain cases. The said bill was read the first time and passed.

Mr. Gary, with leave, presented a bill to compel the several Banks of the State to redeem their notes in specie, and for other purposes. The said bill was read the first time and passed, and, on motion, made the order of the day for to-morrow.

The bill concerning the action of replevin, was read the first time and passed, and, on motion, made the order of the day for to-morrow.

A message from the Senate, agreeing to ballot for Brigadier General for the 13th brigade; and informing that Mr. Bell and Mr. Davenport

attend this House, as a committee on their part to superintend the balloting. On motion, ordered that the Senate be informed by message that Mr. Latham, of Beaufort, and Mr. Montgomery form the committee on the part of this House to conduct the balloting.

The bill to incorporate a company to improve the navigation of Tranters creek from Myres's mill, in Beaufort county, to its head waters, was read the first time and passed.

Mr. Graham, from the select committee to whom was referred the memorial of the Justices of Rutherford county, reported a bill, in pursuance to the prayer of the memorialists, entitled a bill to exonerate the justices of Rutherford county from the payment of a certain judgment recovered against them in Wake Superior Court, and recommended its passage. The said bill was read the first time and passed.

A message from the Senate, informing that they concur in the amendments made in this House in the following engrossed bills, to wit: the bill to appoint commissioners in the county of Chowan for the purposes hereafter mentioned; the bill to incorporate the Belfont Cotton Manufacturing Company, in the county of Beaufort; the bill to authorise the payment of the purchase money on entries of land made in the year 1826, in all cases where surveys have been made and returned to the office of the Secretary of State; the bill to alter and amend the act of 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians; and the bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover, Camden, Washington and Craven counties in granting licenses to retail spirituous liquors. On motion, ordered that the said bills be enrolled.

A message from the Senate, informing that they had rejected the following engrossed bills, to wit: the bill to regulate the fees of Clerks and Sheriffs; the bill requiring all guardian bonds to be made payable to the Governor; and also a resolution concerning the Comptroller's statements.

Mr. Eccles, from the committee on Internal Improvements, to whom was referred the petition of the Buncombe Turnpike Company, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is not expedient to legislate on the subject, and to ask that the committee be discharged from the further consideration thereof. The question thereon was determined in the affirmative.

Mr. Eccles, from the same committee, to whom was referred the bill to repeal certain acts therein mentioned, concerning Internal Improvements; a resolution referring so much of the Governor's message as relates to the outlet of the Albemarle Sound; and a resolution referring the petition of sundry citizens of the county of Wilkes, praying an appropriation for a road, reported that the committee, according to order, had the subjects before them, and instructed him to ask that they be discharged from the further consideration thereof. The questions to concur with said reports were determined in the affirmative.

Mr. Eccles, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of constructing a rail road from the town of Fayetteville to the Cambleton landing, on Cape Fear River, reported that the committee had considered the subject, and

instructed him to report a bill to provide for constructing a rail road from the town of Fayetteville to the Cape Fear River, and to recommend its passage. The said bill was read the first time, and, on the motion of Mr. Stedman, postponed indefinitely.

The House then, on the motion of Mr. Wyche, adjourned until 3 o'clock P. M.

The bill to repeal, so far as relates to the counties of Iredell and Anson, an act, entitled an act directing the County Courts to pay fees to certain officers therein mentioned, in certain cases, passed in the year 1820, was read the second and third times, amended and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

On motion of Mr. Rogerson,

Resolved, That no new bill, public or private, shall be introduced from and after this day, during the present session of this General Assembly.

The bill to repeal certain acts therein mentioned, concerning Internal Improvements, was read the first time and rejected.

Mr. Mendenhall, who voted in the majority on the rejection of the bill to compel the sheriffs to advertise the several elections in this State, moved that the House do reconsider that vote. The question thereon was determined in the negative.

The bill to incorporate a company to improve the navigation of Tranter's creek from Myers's mill, in Beaufort county, to its head, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendment.

The resolution in favor of David Sands, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Bass, in pursuance to a petition, presented a bill to authorise Alexander Tucker to sell spiritous liquors by the small measure without tax. The said bill was read the first time and postponed indefinitely.

Mr. Montgomery, from the committee appointed to conduct the balloting for brigadier general of the 15th brigade, reported that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative. On motion of Mr. Gaston, ordered that a message be sent to the Senate, proposing to ballot again for brigadier general for the 15th brigade.

The bill for the relief of sundry purchasers of Cherokee lands, was read the third time, amended and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Newland, with leave, presented a bill repealing the several acts establishing and regulating the separate County Court of Burke county. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill for the better regulation of the County Courts of Burke, was read the second time and rejected.

The bill to regulate the fisheries of Tar and Pamptico rivers, was read the second time and passed, and, on the motion of Mr. Blackledge, referred to Messrs. Blackledge, T. Latham, Dickinson, Moyer, Sharpe and Wilkinson.

The resignation of James Whitley, justice of the peace for the county of Johnston, was presented, read and accepted.

The bill regulating the appointment of clerks of the County and Superior Courts, and county attorneys, within this State, was read, and, on motion, ordered to be laid on the table.

The bill for revising, digesting and amending the laws relating to executors and administrators, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to extend the provisions of an act, passed in the year 1822, entitled an act granting further time to perfect titles to land within this State, was read the second and third times, passed, and ordered to be enrolled.

Mr. Bass, with leave, presented a bill to amend an act, passed 1827, entitled an act for the payment of jurors in the county of Nash. The said bill was read the first time, and, on motion, postponed indefinitely.

On motion of Mr. Potter,

Resolved by the General Assembly of the State of North Carolina, That the Treasurer of the State be, and he is hereby directed to make no further investments of the funds of the State in the stock of either of the Banks of the State; any law to the contrary notwithstanding.

Ordered that the said resolution be engrossed and sent to the Senate for concurrence.

The bill to amend an act, passed in the year 1821, entitled an act to promote the administration of justice in this State, by requiring the production of papers in certain cases, was read the second and third times, passed, and ordered to be enrolled.

The bill to regulate the damages on protested bills of exchange, was read the second time and passed.

The bill to authorise the Commissioners of Navigation of the port of Wilmington to regulate quarantine in said port; also the bill to cede to the United States an island of marsh, for the purpose of erecting thereon a light house, were read the second and third times and passed. On motion, ordered that the former be enrolled, and the latter engrossed and sent to the Senate for concurrence.

The resolution in favor of Archibald Lamson, late sheriff of Nash county; and the resolution in favor of Gabriel Holmes, sheriff of New Hanover county, were read the second and third times and passed. Ordered that the former be enrolled, and the latter engrossed and sent to the Senate for concurrence.

The bill for the relief of insolvent debtors under State prosecutions; also the bill to ratify and confirm the sale of the land and negroes conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Robards, commissioners on behalf of the State, were read the second and third times. On motion, ordered that the former be engrossed and sent to the Senate for concurrence, and the latter enrolled.

The resolution appointing a Librarian, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to amend an act, passed in the year 1784, chapter 221, concerning inspectors and unmerchantable commodities, was read the second time and rejected.

The bill supplemental to the act erecting the county of Macon, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, with a message asking the concurrence of that House with the amendment.

The bill to provide for the protection of the Arsenal and safe keeping of the public arms, and for other purposes, was read the second and third times and passed. Ordered that the said bill be enrolled.

The resolution in favor of Benjamin Brittain and Isham Matthews; also the resolution in favor of John Barnett, sheriff of Person county, were read the second and third times and passed. Ordered that the said resolutions be enrolled.

The bill explanatory of an act relating to bonds given by sheriffs, clerks of the Superior Courts and Courts of Pleas and Quarter Sessions, passed 1820, was read the second and third times, passed, and ordered to be enrolled.

The bill to regulate the payment of salaries to the officers of State, was read the second and third times and passed. Ordered that the said bill be enrolled.

The bill to amend an act, passed in 1823, chapter 1235, entitled an act to amend an act, passed in the year 1819, to create a fund for Internal Improvement, and to establish a Board for the government thereof, was read the second and third times, passed and ordered to be enrolled.

The bill to provide for the final settlement of executors and administrators, was read the second time, and, on the motion of Mr. Alexander, postponed indefinitely.

The bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, was read the second time, amended and passed.

The House then, on motion, adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 8, 1829.

On motion, ordered that Mr. Rogers have leave of absence from the service of this House after this day, until the end of the session.

The bill to authorise the Board for Internal Improvements to have a road made from Ebenezer Pettigrew's Canal to Cahoon's Lake, in Tyrrell county, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendment.

Mr. Wyche, from the committee, to whom was referred the resolution relative to the claim on Doctor Fabius J. Haywood, which was transferred to the State by the executors of the late John Haywood, deceased, reported that the committee had considered the case, and instructed him to report a resolution in pursuance to the object of the resolution submitted to their consideration, and to recommend its passage. The said resolution was read and concurred with. On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

The engrossed bill supplemental to the act erecting the county of Macon, was read the second and third times, amended, and passed. Ordered

that the said bill be sent to the Senate, with a message, asking their concurrence with the amendment.

Mr. Shipp, from the select committee, to whom was referred the bill allowing patrollers compensation, returned the bill, and asked that the committee be discharged from the further consideration thereof. The question thereon was determined in the affirmative.

The bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, was read the third time, amended, and passed. Ordered that the said bill be sent to the Senate, with a message, asking their concurrence with the amendment.

Mr. T. Latham, from the select committee, to whom was referred the bill to regulate the fisheries of Tar and Pamlico rivers, reported the bill, and recommended its passage. The said bill was read the third time, amended, and passed. Ordered that it be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Fisher,

Resolved, That the bell shall only be rung as a call of the House, by order of a majority of the House.

The bill to compel the several Banks of this State to redeem their notes in specie, and for other purposes, was read the second time. Mr. Alexander moved that the further consideration of said bill be postponed indefinitely. The question thereon was determined in the affirmative—yeas 70, nays 38. The yeas and nays moved for by Mr. Gary.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Barnhardt, Bass, Bateman, Blackwood, Bogle, Borden, Boykin, Bozman, B. S. Brittain, M. Brittain, Bryan, Callaway, Clement, Cooper, Cox, Eccles, Fisher, Fleming, Foy, Gaston, Gillespie, Graham, Gregory, Hampton, Hancock, Hester, Hodges, Jasper, Kerr, Kilpatrick, Latham, T. Latham, Lilly, Lorez, Martin, Mitchell, G. T. Moore, Morris, McKiell, McLean, McMillan, McNeill, Nash, Nelson, Newland, Potter, Purcell, Shipp, L. R. Simmons, J. Smith, Stedman, Stephens, Styron, Swain, Tyson, Vail, H. Waddell, Wadsworth, J. Walker, Ward, Watson, J. Webb, Wilder, A. Williams, Wilkinson, Wilson, Wyche.

Those who voted in the negative, are Messrs. Battle, Bethell, Branch, Brooks, Byrum, Davenport, Dickinson, Dozier, Edmonston, Gary, Harper, W. G. Jones, W. Jones, Kendall, Mendenhall, Montgomery, A. C. Moore, Mhoon, Moye, Nicholson, Pierce, Pool, Riddick, Rhodes, Rogers, Ruffin, Sharpe, Simpson, N. G. Smith, Spruill, Stockard, Underwood, R. Walker, H. Walker, T. Webb, Webster, Whitaker, Wright.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill explanatory of an act, passed in the year 1821, entitled an act to annex part of Bladen to Columbus county; a bill to provide for the gradual diminution of the Capital stock of the Banks of the State, by the purchase and extinguishment of shares; a bill to repeal an act, passed in 1826, chapter 139, entitled an act to repeal an act of the General Assembly, passed in 1820, entitled an act to order the payment of fees to certain officers therein named, so far as it affects the county of Lincoln; a resolution in favor of Alexander L. Harvey, sheriff of Bladen; and a resolution for procuring candles; in which they ask the concurrence of this House.

On motion, ordered that a message be sent to the Senate, informing that Mr. Alexander and Mr. Shipp attend that House as a committee to conduct the balloting for a Board of Internal Improvements; and informing that the name of D. L. Swain is added to the nomination.

The bill to repeal an act, passed in 1826, chapter 139, entitled an act to

repeal an act of the General Assembly, passed 1820, entitled an act to order the payment of fees to certain officers therein named, so far as it affects the county of Lincoln; also the bill explanatory of an act, passed 1821, entitled an act to annex part of Bladen to Columbus county, were read the first time and passed.

The resolution in favor of Alexander L. Harvey, Sheriff of Bladen; also the resolution for procuring candles, were read the first time and passed.

A message from the Senate, informing that Mr. Miller and Mr. Wilson attend this House, as a committee on their part to conduct the balloting for a Board of Internal Improvements; and informing that the name of James J. M'Kay is added to the nomination. On motion of Mr. M'Millan, the name of James J. M'Kay was withdrawn from the nomination, and the Senate informed thereof by message.

A message from the Senate, informing that they concur in the amendments made by this House in the engrossed bill for the more convenient administration of justice in the Court of Pleas and quarter Sessions of Duplin county, and for other purposes. Ordered that the said bill be enrolled.

On motion of Mr. Fisher, ordered that a message be sent to the Senate, proposing to raise a joint select committee of three members of each House to confer immediately upon the subject of the finances of the State; and that Messrs. Fisher, Eccles and Potter form the committee on the part of this House.

A message from the Senate, informing of their concurrence with the amendment made in the engrossed bill concerning the wardens of the poor for the county of Lincoln, by this House. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed in 1827, entitled an act for the better regulation of the town of Kenansville, in Duplin county, with an amendment; and asking the concurrence of this House. The said bill was read, and, on the motion of Mr. Gillispie, ordered to be laid on the table without day; and that the Senate be informed thereof by message.

A message from the Senate, proposing to amend the recommendation made in this House for justices of the peace for the county of Martin, by adding thereto the name of Peter Madry. The amendment was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had rejected the engrossed bill to revive an act, passed in the year 1805, chapter 56, entitled an act to amend an act of Assembly now in force for the regulating of the town of Morganton.

The resolution in favor of Alanson Nash, was read the second time and rejected.

The engrossed bill to provide for the gradual diminution of the capital stock of the Banks of the State by the purchase and extinguishment of shares; also the bill to punish persons who attempt to poison others; also the bill for the relief of the people of North Carolina, were respectively read, the two former indefinitely postponed, and the latter rejected.

The bill to regulate the salaries of the Supreme Court Judges was read the second time. Mr. Potter moved that the said bill be indefinitely

postponed. The question thereon was determined in the negative—yeas 43, nays 55. The yeas and nays moved for by Mr. Stockard.

Those who voted in the affirmative, are Messrs. Allison, Bogle, Bozman, M. Brittain, Bryan, Clayton, Cooper, Eccles, Fisher, Foy, Gaston, Gillespie, Gregory, Hellen, Hester, W. G. Jones, Kendall, Larkins, D. Latham, T. Latham, Mendenhall, Montgomery, Mhoon, M'Neill, Nash, Nelson, Pierce, Potter, Rainey, Riddick, Rhodes, Ruffin, Saintclair, Sharpe, Spruill, H. Waddell, J. Walker, Ward, T. Webb, Wheeler, Whitfield, Wilkinson, Wyche.

Those who voted in the negative, are Messrs. Alford, Barnhardt, Bass, Battle, Bethell, Boykin, Branch, B. S. Brittain, Brooks, Byrum, Callaway, Clement, Cox, Davenport, Dickinson, Dozier, Edmonston, Fleming, Hampton, Hancock, Harper, Hodges, W. Jones, Lilly, Loretz, Mitchell, G. T. Moore, Moye, M'Keill, Newland, Nicholson, Pool, Purcell, Shipp, L. R. Simmons, Simpson, N. G. Smith, J. Smith, Stedman, Stephens, Stockard, Styron, Swain, Tyson, Underwood, Vail, Wadsworth, R. Walker, H. Walker, J. Webb, Webster, Whitaker, Wilder, A. Williams, Wright.

Mr. Vail moved to amend the bill by adding the following section: "Be it further enacted, that this act shall not affect the judges now in office, but those only who may be hereafter elected." The question thereon was determined in the negative. The bill thereupon was put on its passage, and the question, shall the said bill pass? was determined in the negative—yeas 52, nays 64. The yeas and nays moved for by Mr. Hancock.

Those who voted in the affirmative, are Messrs. Alford, Barnhardt, Bass, Battle, Bethell, Boykin, B. S. Brittain, Brooks, Byrum, Callaway, Clement, Cox, Davenport, Dozier, Edmonston, Fleming, Hampton, Hancock, Harper, Hodges, W. Jones, Lilly, Loretz, Mitchell, G. T. Moore, A. C. Moore, Morris, Moye, Newland, Nicholson, Purcell, Shipp, L. R. Simmons, Simpson, N. G. Smith, T. B. Smith, J. Smith, Stedman, Stephens, Stockard, Styron, Tyson, Underwood, Wadsworth, R. Walker, H. Walker, J. Webb, Webster, Whitaker, Wilder, A. Williams, Wright.

Those who voted in the negative, are Messrs. Alexander, Allison, Bogle, Borden, Bozman, Branch, M. Brittain, Bryan, Bynum, Clayton, Cooper, Eccles, Fisher, Foy, Gary, Gaston, Gillespie, Graham, Gregory, Hellen, Hester, Jasper, W. G. Jones, H. C. Jones, Kendall, Kerr, Larkins, D. Latham, T. Latham, Martin, Mendenhall, Montgomery, Mhoon, M'Keill, M'Millan, M'Neill, Nash, Nelson, Pierce, Pool, Potter, Rainey, Riddick, Rhodes, Rogers, Rogerson, Ruffin, Saintclair, Sharpe, Spruill, Swain, Vail, H. Waddell, A. Waddell, J. Walker, Ward, Watson, T. Webb, Wheeler, Whitfield, E. Williams, Wilkinson, Wilson, Wyche.

The House then, on the motion of Mr. Spruill, adjourned until 3 o'clock, P. M.

The engrossed bill for the limitation of writs of error for matters of fact and bills of review, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendment.

The bill concerning the action of replevin, was read the second and third times, passed, and ordered to be enrolled.

Mr. Alexander, from the committee appointed to conduct the balloting for a Board of Internal Improvements, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Cadwallader Jones, only, had a majority of the whole number, who was duly elected. The question to concur with the report, was determined in the affirmative.

A message from the Senate, proposing to ballot for two members of the Board of Internal Improvements immediately, and informing that the names of Otway Burns and James Mebane are withdrawn from the nomination. The message was concurred in, and the Senate informed by

message that Mr. H. Waddell and Mr Shipp attend the Senate as a committee to conduct the balloting on the part of this House.

Mr. H. Waddell from the committee appointed to conduct the balloting for two members of the Board of Internal Improvements, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Marsden Campbell and Andrew Joiner had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The bill to exonerate the justices of Rutherford county from the payment of a certain judgment, recovered against them in Wake Superior Court, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill for the purpose of collecting information of matter connected with the Penitentiary system and Lunatic Asylum, with other purposes, was read the second time and rejected.

The resolution in favor of Alexander Harvey, Sheriff of Bladen, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing of the assent of that House to the amendments made in the engrossed bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes. On motion, ordered that the said bill be enrolled.

The engrossed resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property, was read the second and third times, amended and passed. Ordered that the said resolution be sent to the Senate, with a message, asking the concurrence of that House with the amendments.

A message from the Senate, informing that they concur with the amendment made in the engrossed bill to incorporate a company to improve the navigation of Tranter's creek from Myers's mill, in Beaufort county, to its head waters. Ordered that the said bill be enrolled.

A message from the Senate, informing that they recede from their amendment to the engrossed bill in relation to justices' executions.

A message from the Senate, informing of their assent to the proposition of this House to raise a joint select committee of three members of each House to confer upon the subject of the Finances of the State, and informing that Messrs. Spaight, Davidson and Thompson form the committee on their part.

The bill directing the manner in which the acts of Congress and other public documents shall be distributed in future, and for other purposes, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, with a message asking their concurrence with the amendment.

A message from the Senate, informing that they had rejected the engrossed resolution in favor of John McRae.

The bill explanatory of an act, passed A. D. 1821, entitled an act to annex part Bladen to Columbus county, was read the second and third times, passed, and ordered to be enrolled.

The resolution for procuring candles; and the resolution in favor of William H. Haywood, junior, were read the second and third times and passed. Ordered that the former be enrolled, and the latter engrossed and sent to the Senate for concurrence.

The bill to change the time of holding the Supreme Court of this State, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, with a message asking their concurrence with the amendment.

The resolution in favor of Mrs. Lucy Shaw, was read the first, second and third times, passed, and ordered to be enrolled.

The bill to regulate the damages on protested bills of exchange, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, with a message asking their concurrence in the amendment.

On motion, ordered that Mr. Boykin, Mr. Underwood, Mr. Rhodes and Mr. Wilson have leave of absence after to-morrow for the remainder of the session.

A message from the Senate, informing that they agree with the amendments made in the engrossed bill supplemental to the act erecting the county of Macon. On motion, ordered that the said bill be enrolled.

The engrossed bill to regulate the damages on protested bills of exchange, was read the third time, and, on the motion of Mr. Gaston, amended and passed. Ordered that the said bill be sent to the Senate, asking their concurrence with the amendment.

The bill to amend the practice in Courts of Equity, was read, and, on motion, ordered to be laid on the table without day.

On motion, ordered that the report of the committee on the message of his excellency Governor Owen, relative to the expenditure of a certain sum of money for furniture for the use of the Governor's house, be sent to the Senate.

The resolution on the subject of a rail road, presented the 31st of December, was read, and, on motion, postponed indefinitely.

The bill regulating the appointment of Clerks of the County and Superior Courts and County Attornies within this State; also the bill to amend the 12th section of an act, passed in the year 1818, entitled an act supplemental to an act concerning the Supreme Court, were read, and, on motion, postponed indefinitely.

The bill concerning Internal Improvements in this State, was read and rejected.

The resolution, presented the 18th day of December, relative to the confirmation of grants for lands to surveyors issued on surveys made by deputy surveyors; and the resolution for the purpose of dispensing with the rule of the House prohibiting the introduction of more than one bill on the same subject during the same session, so far as relates to the bill proposing to lay an additional tax of one dollar on suits brought in certain counties, were read, and, on motion, postponed indefinitely.

On motion of Mr. H. Waddell,

Resolved, That the resolution passed by the General Assembly, appropriating the room opposite the Comptroller's office, in the State House, to the use of the Adjutant General, be, and the same is hereby repealed.

The said resolution was read the first time and passed.

On motion of Mr. Jones, of Rowan,

Resolved, That a message be sent to the Senate, directing the Clerks of both Houses to make up the estimates of pay to members and officers, to include Saturday next.

On motion, ordered that the bill to repeal an act, passed in 1826, chap-

ter 139, entitled an act to repeal an act of the General Assembly, passed 1820, entitled an act to order the payment of fees to certain officers therein named, so far as it affects the county of Lincoln, be laid on the table.

The resolution in relation to the Banks, laid on the table the 24th November, on motion, was postponed indefinitely.

On motion of Mr. Fisher, ordered that the bill to consolidate the several Banks of the State, and to establish a new Bank, to be called the Bank of the State of North Carolina, be laid on the table without day

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

FRIDAY, JANUARY 9, 1829.

On motion, ordered that Mr. Wright, Mr. Whitfield, and Mr. Potter have leave of absence after this day for the remainder of the session.

The engrossed resolution in favor of John Hollaway, was read, concurred in, and ordered to be enrolled.

The engrossed resolution in favor of the doorkeepers, was read, concurred in, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to provide for the representation of the State in meetings of the Stockholders of the Banks of this State; also the engrossed resolution concerning accounts in the Comptroller's office; also a resolution in favor of John Hollaway; also a resolution relative to the books containing the accounts of sales of the Cherokee lands, &c. In which they ask the concurrence of this House.

On motion, ordered that Mr. Walker, of Wilmington, have leave of absence for the remainder of the session.

A message from the Senate, informing of their agreement with the amendments made in the engrossed bill to amend the laws regulating the inspection of flour in the town of Fayetteville. Ordered that the said bill be enrolled.

On motion, ordered that Mr. Lilly and Mr. Fleming be added to the committee on Enrolled Bills; and that they be authorised to examine the bills during the sitting of the House.

A message from the Senate, informing that they had passed the engrossed bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of Roanoke river, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing of their assent to the proposition to amend the recommendation for justices of the peace for Haywood county, by striking out the name of Lewis Smith, jun. and informing also that they had indefinitely postponed the bill to incorporate the Swanano and Laurel Turnpike Company; and also the bill for the relief of insolvent debtors under State prosecutions.

The engrossed bill to repeal an act, passed A. D. 1826, chapter 139, entitled an act to repeal an act of the General Assembly, passed 1820, entitled an act to order the payment of fees to certain officers therein named, so far as it affects the county of Lincoln, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, asking their concurrence with the amendment.

The engrossed resolution concerning accounts on the Comptroller's books, was read, concurred in, and, on motion, ordered to be enrolled.

Mr. Fisher, from the select joint committee appointed to examine the state of the Finances of the State which may be considered available during the ensuing fiscal year, and to confer with the Public Treasurer, reported that the committee had performed that duty, and instructed him to report a resolution on the subject, and to recommend its passage. The said resolution was read and concurred in, and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

The resolution to repeal the resolution appropriating the room opposite the Comptroller's office to the Adjutant General, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to provide for the representation of the State in meetings of the stockholders of the Banks of this State, was read the first time and passed.

On motion of Mr. Alexander, ordered that a message be sent to the Senate, proposing to ballot immediately for Brigadier General for the 13th Brigade, and informing that the name of William A. Bozman is added to the nomination.

On motion of Mr. Cox,

Resolved, That this House, when it adjourns this day, it shall adjourn to meet to-morrow morning at seven o'clock, and then adjourn sine die; and that the Senate be informed thereof by message.

The bill to exempt from execution a certain part of the estate of debtors, was read the second and third times. Mr. Graham moved that the said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 30, nays 63. The yeas and nays called for by Mr. Cooper.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Barnhardt, Bethell, Bryan, Byrum, Clayton, Cox, Eccles, Graham, Harper, Hodges, Kendall, Kerr, Mendenhall, Montgomery, Mhoon, Nash, Nicholson, Purcell, Ruffin, Sharpe, Shipp, Simpson, N. G. Smith, Spruill, H. Walker, T. Webb, Wilkinson, Wyche.

Those who voted in the negative, are Messrs. Bass, Battle, Bateman, Blackledge, Blackwood, Bogle, Bozman, Branch, B. S. Brittain, M. Brittain, Brooks, Callaway, Clement, Cooper, Davenport, Dickinson, Dozier, Edmonston, Fisher, Foy, Gary, Gaston, Gregory, Hampton, Hancock, Hester, W. G. Jones, H. C. Jones, W. Jones, Larkins, D. Latham, T. Latham, Loretz, Mitchell, G. T. Moore, Morris, Moyer, M'Keill, M'Millan, M'Neill, Nelson, Newland, Pierce, Pool, Rainey, Rhodes, Ssintclair, L. R. Simmons, J. Smith, Stephens, Stockard, Swain, Vail, H. Waddell, A. Waddell, R. Walker, Ward, Watson, J. Webb, Webster, Whitaker, Wilder, E. Williams.

The bill was then put on its passage, and the question, shall the said bill pass its second and third readings? was determined in the affirmative—yeas 63, nays 29.

Those who voted in the affirmative, are Messrs. Bass, Battle, Bateman, Blackledge, Bogle, Bozman, Branch, B. S. Brittain, M. Brittain, Calloway, Cooper, Davenport, Dickinson, Dozier, Edmonston, Fisher, Foy, Gary, Gaston, Gregory, Hampton, Hancock, Hester, W. G. Jones, H. C. Jones, W. Jones, Kerr, Larkins, D. Latham, T. Latham, Loretz, Mitchell, Montgomery, G. T. Moore, Morris, Moyer, M'Keill, M'Millan, Nelson, Newland, Pierce, Purcell, Riddick, Rhodes, Ssintclair, L. R. Simmons, J. Smith, Stephens, Stockard, Swain, Vail, H. Waddell, A. Waddell, R. Walker, Ward, Watson, J. Webb, Webster, Wheeler, Whitaker, Wilder, Wilkinson, Wyche.

Those who voted in the negative, are Messrs. Alexander, Barnhardt, Bethell, Brooks, Bryan, Byrum, Clement, Cox, Eccles, Graham, Harper, Hodges, Kendall, Mendenhall, Mhoon, M'Lean, M'Neill, Nash, Nicholson, Pool, Rainey, Ruffin, Sharpe, Shipp, Simpson, N. G. Smith, Spruill, H. Walker, T. Webb.

On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

The engrossed bill to provide for the representation of the State in meetings of the Stockholders of the Banks of this State, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, with a message, asking their concurrence with the amendments.

The House then, on the motion of Mr. Alexander, adjourned until 5 o'clock, P. M.

A message from the Senate, informing that they had passed the engrossed resolution relative to the books presented by the Reverend Josiah Crudup to the State, and asking the concurrence of this House. The said resolution was read, concurred in, and ordered to be enrolled.

A message from the Senate, informing that they concur in the amendments made by this House in the following engrossed bills and a resolution, to wit: the bill for the limitation of writs of error for matters of fact and bills of review; the bill to change the time of holding the Supreme Court of this State; the bill directing the manner in which the acts of Congress and other public documents shall be distributed in future, and for other purposes; the bill to regulate the damages on protested Bills of Exchange; the bill to provide for the representation of the State in meetings of the Stockholders of the Banks of this State; and a resolution relative to furniture for the Governor's House. On motion, ordered that the said bills and resolution be enrolled.

A message from the Senate, informing that they concur with the amendment made by this House in the engrossed bill to repeal an act, passed in the year 1826, chapter 139, entitled an act of the General Assembly, passed in the year 1820, entitled an act directing the County Court to order the payment of fees to certain officers therein named so far as it affects the county of Lincoln. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to authorise Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they concur in the amendment made by this House in the engrossed resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property. Ordered that the said resolution be enrolled.

A message from the Senate, informing of their assent to the proposition to adjourn sine die to-morrow morning at 7 o'clock, and that the Clerks make up the estimates to include to-morrow.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to regulate the sale of lands; and to protect from execution a certain portion of the freehold of the citizens of North Carolina.

On motion of Mr. Nash, the House, two thirds concurring, suspended the 22d rule, requiring all public bills to be read three times on three several days, as it applies to the bill to carry into effect a contract entered into by Romulus M. Saunders, commissioner on the part of the State, with

certain Indians of the Cherokee tribe in said contract named, and for other purposes.

The engrossed bill to carry into effect a contract entered into by Romulus M. Sanders, commissioner on the part of the State, with certain Indians of the Cherokee tribe in said contract named, and for other purposes, was read the first time and rejected—yeas 38, nays 46. The yeas and nays moved for by Mr. Simpson.

Those who voted in the affirmative, are Messrs. Alexander, Allison, Barnhardt, Bethell, Blackwood, Bogle, B. S. Brittain, M. Brittain, Brooks, Bryan, Callaway, Clayton, Eccles, Edmonston, Fisher, Graham, Hampton, Hancock, Hellen, Hodges, W. G. Jones, Kerr, Larkins, Loretz, Mitchell, G. T. Moore, A. C. Moore, M'Millan, M'Neill, Nash, Newland, Rainey, Saintclair, Shipp, N. G. Smith, Swain, H. Walker, J. Webb.

Those who voted in the negative, are Messrs. Bass, Battle, Bateman, Blackledge, Branch, Byrum, Cooper, Cox, Dickinson, Dozier, Gary, Gaston, Gillespie, Gregory, Harper, Hester, H. C. Jones, D. Latham, T. Latham, Mendenhall, Montgomery, Mhoon, Moye, M'Keill, Nelson, Nicholson, Pierce, Pool, Purcell, Riddick, Ruffin, Sharpe, L. R. Simmons, Simpson, J. Smith, Spruill, Stephens, Stockard, Wadsworth, R. Walker, Ward, Watson, T. Webb, Wilder, Wilkinson, Wyche.

The House then adjourned, on the motion of Mr. Alexander, until to-morrow morning, 7 o'clock.

SATURDAY, JANUARY 10, 1829.

Mr. Wyche, who voted in the majority last evening on the rejection of the bill to carry into effect a contract entered into by Romulus M. Sanders, commissioner on the part of the State, with certain Indians of the Cherokee tribe, in said contract named, and for other purposes, moved that the House do reconsider that vote. The question thereon, was determined in the affirmative. Mr. Brittain, of Burke, moved that the said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 43, nays 49. The yeas and nays moved for by Mr. Cox.

Those who voted in the affirmative, are Messrs. Bass, Battle, Branch, M. Brittain, Byrum, Cooper, Cox, Davenport, Dozier, Foy, Gary, Gillespie, Harper, Hodges, Jasper, W. G. Jones, W. Jones, Kerr, Larkins, D. Latham, Montgomery, Mhoon, Moye, M'Keill, Nelson, Pierce, Pool, Riddick, Sharpe, L. R. Simmons, Simpson, Stedman, Stephens, Vail, A. Waddell, Wadsworth, R. Walker, Ward, Watson, Webster, Whitaker, Wilder, Wilkinson.

Those who voted in the negative, are Messrs. Alexander, Allison, Barnhardt, Bethell, Bogle, Borden, Bozman, B. S. Brittain, M. Brittain, Bryan, Callaway, Clayton, Eccles, Edmonston, Fisher, Fleming, Graham, Gregory, Hampton, Hancock, Kendall, T. Latham, Lilly, Loretz, Mendenhall, Mitchell, G. T. Moore, A. C. Moore, Morris, M'Lean, M'Millan, Nelson, Newland, Rainey, Saintclair, Shipp, N. G. Smith, T. B. Smith, J. Smith, Spruill, Stockard, Swain, Tyson, H. Walker, J. Webb, T. Webb, Wheeler, Wyche.

The bill was then put on its passage, and the question, shall the said bill pass its second reading? was determined in the affirmative. On motion, the said bill was read the third time, and the question, shall the said bill pass? was determined in the negative—yeas 43, nays 46.

Those who voted in the affirmative, are Messrs. Alexander, Allison, Barnhardt, Bethell, Bogle, Borden, Bozman, B. S. Brittain, M. Brittain, Bryan, Callaway, Clayton, Edmonston, Fisher, Fleming, Gaston, Graham, Gregory, Hampton, H. C. Jones, Kendall, T. Latham, Lilly, Loretz, Mitchell, G. T. Moore, A. C. Moore, Morris, M'Lean, M'Millan, Nelson, Newland, Rainey, Saintclair, Shipp, N. G. Smith, Spruill, Stockard, Tyson, A. Waddell, H. Walker, J. Webb, Wyche.

Those who voted in the negative, are Messrs. Bass, Battle, Bateman, Branch, Byrum, Cooper, Cox, Dickinson, Dozier, Eccles, Foy, Gary, Gillespie, Harper, Hodg-

es, W. G. Jones, W. Jones, Kerr, Larkins, D. Latham, Mendenhall, Montgomery, Mhoon, Moye, McKeill, McNeill, Pierce, Pool, Purcell, Riddick, L. R. Simmons, Simpson, T. B. Smith, J. Smith, Stedman, Stephens, Vail, R. Walker, Ward, Watson, T. Webb, Webster, Wheeler, Whitaker, Wilder, Wilkinson.

On motion of Mr. Wyche ordered that the report of the select committee to whom was referred the memorial of the Tuscarora nation of Indians, with instructions to ascertain and report the nature, the extent and validity of the Indian claim, was ordered to be inserted in the Journal, to wit:

That in the discharge of the duty assigned to them, they have inquired, first, as to the nature of the Indian title in general.

It was a principle uniformly asserted by Great Britain, that the ultimate dominion of newly discovered countries belonged to the discoverer. The colonial charters were made while the country was yet occupied by Indians. Most of these contain a grant of the soil, as well as the powers of government; and they all proceed on the principle that the crown alone had a right to grant the soil; that the Indians had only a temporary right of occupancy; and that a good title might be acquired by individuals under the grants, subject to the Indian right of occupancy, and to be enjoyed when that right should be extinguished.

While the title remained in the crown, the Indians were allowed to occupy and hunt on the lands; but could not sell or lease without consent of the government. The same principles in relation to the Indian title were recognised and adopted by the American States when they became independent.

The committee are of opinion that, both by the British Government and by the American States since their independence, the Indian title in general has been considered merely as an usufructuary interest, a right to hunt on and enjoy their lands as long as they actually occupied them, but without any dominion over the soil.

Such was the general rule in regard to Indian titles. It appears, however, that, at a very early period after the settlement of this State, reservations of lands were made to the Indians by treaty. To the Tuscaroras, the only powerful nation with whom the whites had then intercourse, a grant was made in 1717 of the lands now in dispute. This grant of 1717, has few of the requisites of a regular technical grant. If its character were now to be ascertained, your committee would have great hesitation in saying it conveyed, or was intended to convey any other than an Indian title—a title to enjoy and occupy the land only. But your committee believe they are not now at liberty to speculate as to the legal effect of the grant of 1717.

In a solemn decision of the Supreme Court of this State, made in January, 1816, and reported, 2d Carolina Law Repository, 451, with a copy of the grant of 1717 to the Tuscarora Indians before them, the Court say “that the grant of 1717 is a conveyance, in substance, in fee simple, by those having power to convey to persons capable of taking and holding lands in fee.” At June term, 1824, of the Supreme Court, the case of Eu-che-lah against Welch, reported 3d Hawks, 155, involving an inquiry into the Cherokee Indian title, was decided. In this case the Court cite and recognize the decision in 2d Law Repository, as settling the law in relation to the Tuscarora grant of 1717. In the same case, speaking of the act of 1783, chapter 185, the Court say, “by this act it is declared the Cherokee Indians shall have and enjoy all the tract of land therein described; and that it is reserved to them and their nation forever. The effect of this grant was to vest the land in the nation in fee simple. It conveyed to them a specific and definite right, according to which they could no longer be considered as tenants at sufferance, but as holding under the faith of the State and the guarantee of the declaration of rights.”

Whatever then might be the opinion of the committee on the Tuscarora grant of 1717, if the question was now open for discussion, they believe it has been adjudicated and settled by the highest judicial tribunal in the State; first, in the case in Carolina Law Repository, and next, in the case 3d Hawks, where the first decision is cited with approbation. Nor are your committee aware of any decision in the Federal Courts in conflict with the decision of our own Courts.

Taking it then, as settled, that by the grant of 1717, a fee simple was vested in the Tuscarora Indians to the lands thereby granted, your committee have inquired whether by the agreement and act of 1802, of which the memorialists complain, the reversion of the Indians was transferred to the State.

The committee have no hesitation in saying that the agreement of 1802 was fairly entered into; that the Indians were fully apprised of their rights as they were then understood; and that no advantage whatever was taken of them. The high character of the gentlemen concerned in making the agreement of 1802, conducted as it was under the superintendance and with the advice of General Davie, United States' Commissioner, are pledges of the fairness of the proceedings.

While, however, the committee bear testimony to the integrity and intelligence of the gentlemen concerned in the proceedings of 1802, they are bound to say, that they believe the law affecting the Tuscarora claim was not then understood as it has been since settled. At that time no adjudication had taken place on the grant of 1717. It was a matter of much doubt, about which the most learned Jurists might differ, whether the grant of 1717 conveyed any thing more than a title of occupancy. The only consideration received by the Indians for the surrender of their reversion, was permission to extend their short leases and liberty to lease the unleased part of their lands, and the aid of the Legislature in collecting their rents. Upon the supposition that the grant of 1717 conveyed only a title of occupancy, then were these privileges an ample compensation for the surrender of the reversion.

It, however, the Indians were in fact entitled to the fee simple in their lands, your committee ask what was the favor extended to the tribe in allowing them to lease the unleased part of their lands, to extend their short leases, and to reap the fruits of their long leases? Was it doing for them any thing more than they were entitled to as tenants in fee simple, under the grant of 1717?

Your committee believe the privileges granted to the tribe by the act of 1802, were not a matter of favor, but of right; that in the surrender of their reversion they acted in ignorance of the law, not as then understood, but as since explained and settled. The memorialists, in the opinion of the Committee, have no claim which they can assert in a court of law. They are concluded by the agreement of 1802.

The committee believe the law, as then understood, in relation to the grant of 1717, was fully explained to the Indians; but they think the law, as then understood, is not the law as now decided; and however unwise it may be to interfere with contracts made in ignorance of the law generally, your committee believe this is a case forming an exception to the general rule, and one so particularly situated as not likely to form a precedent in future.

It has been the object of this State to regulate its intercourse with the Indians, not by any speculative notions of legal right, but by the dictates of just, humane and liberal policy.

The same policy, in the opinion of your committee, requires that some compensation shall be made to the memorialists for the surrender of their reversion to the State by the agreement and act of 1802. In making compensation, there is difficulty, both as to the amount and the manner in which it is to be paid. To give them a gross sum would be acting without information necessary to shew whether it was too much or too little, depending on the present value of the reversionary interest. The committee believe it will be less objectionable to sell the reversion of the State in the lands, and give the proceeds of the sale to the Indians. It would then be in the power of the present lessees to become the fee simple owners of their lands.

If the lands continue to be held by lease holders until the expiration of the present leases, their value must be greatly diminished by a constant succession of exhausting crops, especially towards the latter part of the leases. The holders will have no inducement to improve the lands. On the contrary, as the period approaches for the State to take possession, the sole object of the lessees will be, to make the largest possible profit in the shortest time, without any regard to the deterioration of the soil.

Your committee believe that sound policy requires that the State should before very many years sell out its interest; and if the Legislature believe the memorialists are entitled to compensation, then the committee recommend that the reversion be sold so soon as it can be done with advantage to all parties; and for that purpose they herewith report a bill.

Submitted.

GEO. E. SPRUILL, *Chairman.*

A message from the Senate, notifying this House that they were ready to adjourn sine die. On motion, ordered that the Senate be informed by message that this House is ready to adjourn without day.

On motion of Mr. Swain,

Resolved, That the thanks of this House are due to the Hon. Thomas Settle, Speaker thereof, for the able, impartial and dignified manner in which the duties of the Chair have been discharged during the present Session.

The question to concur with the resolution, put by the Clerk, was unanimously concurred with. The Speaker thereupon made his acknowledgments to the House, and adjourned it sine die.

THOMAS SETTLE, S. H. C.

By order.

P. HENDERSON, *Clerk.*

THE HISTORY OF THE UNITED STATES

The first part of the history of the United States is the period of discovery and settlement. It begins with the arrival of Christopher Columbus in 1492 and continues through the early years of the 17th century. This period is characterized by the exploration of the continent and the establishment of the first permanent European colonies.

The second part of the history is the period of the American Revolution. It begins with the signing of the Declaration of Independence in 1776 and ends with the signing of the Constitution in 1787. This period is marked by the struggle for independence from Great Britain and the establishment of a new nation.

The third part of the history is the period of the early republic. It begins with the signing of the Constitution in 1787 and continues through the early years of the 19th century. This period is characterized by the development of the federal government and the expansion of the territory.

The fourth part of the history is the period of the Civil War and Reconstruction. It begins with the outbreak of the Civil War in 1861 and ends with the Reconstruction period in the late 1870s. This period is marked by the struggle over slavery and the reorganization of the South.



