

JOURNALS

OF THE

Senate and House of Commons

OF THE

GENERAL ASSEMBLY

OF

THE STATE OF NORTH CAROLINA,

At its Session in 1838-39.

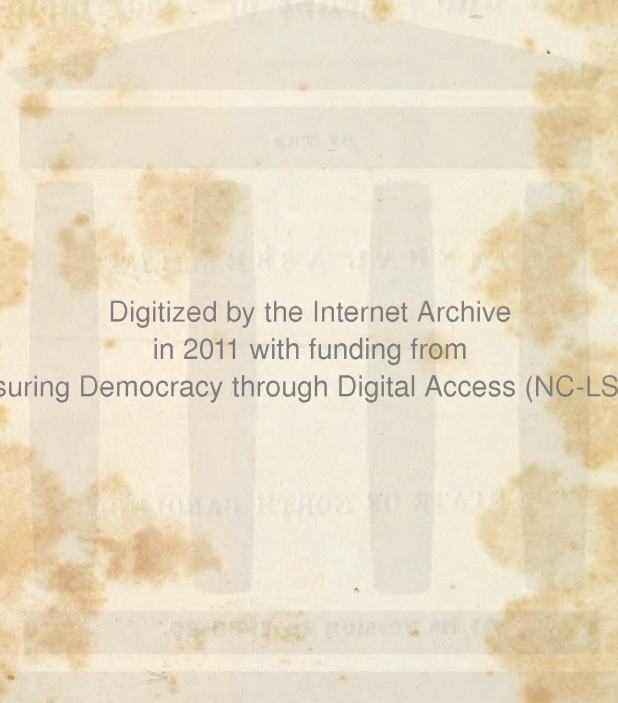
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1839.



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## JOURNAL OF THE SENATE

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AT a General Assembly, begun and held in the City of Raleigh, on the nineteenth day of November, 1838, and in the sixty-third year of the Independence of the United States of America—being the day appointed by law for the meeting of the General Assembly—the following members of the Senate appeared, produced their credentials, were qualified agreeably to law, and took their seats, viz:—

From the 1st District,—		Pasquotank and Perquimons,	}	William B. Shepard.	40
" 2d do		Camden and Currituck,	}		
" 3d do		Gates and Chowan,	}		
" 4th do		Washington and Tyrrell,	}	H. G. Spruill.	40
" 5th do		Northampton—William Moody,			
" 6th do		Hertford—Thos. B. Sharp.			
" 7th do		Bertie—William W. Cherry.			
" 8th do		Martin—Jesse Cooper,			
" 9th do		Halifax—Andrew Joyner,			
" 10th do		Nash—Samuel L. Arrington.			
" 11th do		Wake—Samuel Whitaker.			
" 12th do		Franklin—John D. Hawkins.			
" 13th do		Johnston—Josiah Houlder.			
" 14th do		Warren—Weldon N. Edwards.			
" 15th do		Edgecomb—Louis D. Wilson.			
" 16th do		Wayne—John Exum.			
" 17th do		Green and Lenoir,	}	James Harper.	
" 18th do		Pitt—Alfred Moye.			
" 19th do		Beaufort and Hyde,	}	J. O'K. Williams.	
" 20th do		Carteret and Jones,	}		

" 21st	do	Craven--Samuel S. Biddle.	
" 22d	do	Chatham--William Albright.	40
" 23d	do	Granville--John C. Taylor.	
" 24th	do	Person--John W. Williams.	40
" 25th	do	Cumberland--Archibald McDiarmid.	40
" 25th	do	Sampson--Thomas Bunting.	
" 27th	do	New Hanover--Charles Henry.	
" 28th	do	Duplin--James K. Hill.	
" 29th	do	Onslow--Joshua Foy.	
" 30th	do	{ Brunswick, Bladen and Columbus }	{ Robert Melvin. 40
" 31st	do	{ Robeson and Richmond, }	{ Altred Dockery. 40
" 32d	do	Anson--	
" 33d	do	Cabarrus--Christopher Melchor.	40
" 34th	do	{ Moore and Montgomery, }	{ Dr. John H. Montgomery. 40
" 35th	do	Caswell--James Kerr.	40
" 36th	do	Rockingham--David S. Reid.	40
" 37th	do	Orange--Joseph Allison.	
" 38th	do	Randolph--Jonathan Reding.	
" 39th	do	Guilford--James T. Morehead.	40
" 40th	do	Stokes--Matthew R. Moore.	40
" 41st	do	Rowan--Samuel Ribelin.	40
" 42d	do	Davidson--William R. Holt.	
" 43d	do	Surry--Meshack Franklin.	
" 44th	do	{ Wilkes and Ashe, }	{ Edmund Jones.
" 45th	do	{ Burke and Yancey, }	{ Thomas Baker.
" 46th	do	Lincoln--Michael Reinhardt.	
" 47th	do	Iredell--George F. Davidson.	
" 48th	do	Rutherford--Joseph McD. Carson.	
" 49th	do	{ Buncombe, Haywood and Macon, }	{ Hodge Rabun.
" 50th	do	Mecklenburg--Stephen Fox.	

A quorum, consisting of a majority of the whole number of members, being present, on motion of Mr. Kerr, Louis D. Wilson, Esq., the Senator from the county of Egecomb was nominated for the appointment of Speaker. The Senate thereupon, proceeded to vote, *viva voce*, as follows, to wit:

FOR MR. WILSON,

MESSRS. Cooper,  
Arrington,  
Whitaker,  
Hawkins,  
Houlder,

MESSRS. Hill,  
Foy of Onslow,  
Melvin,  
Kerr,  
Reid,

Edwards,  
Exum,  
Williams of Person,  
McDiarmid,  
Bunting,  
Henry,

Allison,  
Baker,  
Reinhardt,  
Carson,  
Rabun,  
Fox—22.

FOR MR. JOYNER,

MESSRS. Shepard,  
Spruill,  
Moody,  
Moye,  
Williams of Beaufort,  
Biddle,  
Albright,  
Taylor,  
Dockery,  
Melchor,  
Montgomery

MESSRS. Sharp,  
Cherry,  
Harper,  
Reding,  
Morehead,  
Moore,  
Ribelin,  
Holt,  
Franklin,  
Jones,  
Davidson—22.

Mr. Joyner voting for Mr. Jones, and Mr. Wilson for Mr. Edwards.

No person having received a majority of the votes given, consequently there is no election. Whereupon, on motion of Mr. Edwards, the Senate again proceeded to vote for Speaker in due form, which resulted as follows, to wit:

FOR MR. WILSON,

MESSRS. Cooper,  
Arrrington,  
Whitaker,  
Hawkins,  
Houlder,  
Edwards,  
Exum,  
Williams of Person,  
McDairmid,  
Bunting,  
Henry,

MESSRS. Hill,  
Foy of Onslow,  
Melvin,  
Kerr,  
Reid,  
Allison,  
Baker,  
Reinhardt,  
Carson,  
Rabun,  
Fox—22.

FOR MR. JOYNER,

MESSRS. Shepard,  
Spruill,

MESSRS. Cherry,  
Harper,

Moody,  
 Sharp,  
 Biddle,  
 Albright,  
 Taylor,  
 Dockery,  
 Melchor,  
 Montgomery,  
 Reding.

Moye,  
 Williams of Beaufort  
 Morehead,  
 Moore.  
 Ribelin,  
 Holt,  
 Franklin,  
 Jones,  
 Davidson,—22.

Mr. Joyner voted for Mr. Jones, and Mr. Wilson for Mr. Edwards—Neither of the persons voted for, having received a majority of the votes given, there was no election.—Whereupon, on motion of Mr. Jones, the Senate adjourned until to-morrow morning ten o'clock.

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TUESDAY, NOVEMBER 20, 1838.

The Senate met according to adjournment. On motion of Mr. Dockery, the roll was called, and the Senate then proceeded to the election of Speaker, which resulted as follows, to wit:

**FOR MR. WILSON,**

MESSRS. Cooper,  
 Arrington,  
 Whitaker,  
 Hawkins,  
 Houlder,  
 Edwards,  
 Exum,  
 Williams of Person,  
 McDiarmid,  
 Bunting,

MESSRS. Hill,  
 Foy of Onslow,  
 Melvin,  
 Kerr,  
 Reid,  
 Allison,  
 Baker,  
 Reinhardt,  
 Rabun,  
 Fox—20.

**FOR MR. JOYNER,**

MESSRS. Shepard,  
 Spruill,  
 Moody,  
 Sharp,  
 Cherry,  
 Harper,

MESSRS. Melchor,  
 Montgomery,  
 Reding,  
 Morehead,  
 Moore,  
 Ribelin,

Moye,  
Williams of Beaufort,  
Biddle,  
Albright,  
Taylor,  
Dockery,

Holt,  
Franklin,  
Jones,  
Davidson,  
Carson—23.

Col. Andrew Joyner, having received a majority of the whole number of votes given, was declared duly elected, when he was conducted to the Chair by Messrs. Morehead and Jones, and made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Morehead, Thomas G. Stone was nominated for Principal Clerk. The Senate thereupon proceeded to vote, *viva voce*, as follows, to wit:

FOR MR. STONE,

MESSRS. Speaker,  
Cooper,  
Wilson,  
Arrington,  
Whitaker,  
Hawkins,  
Houlder,  
Edwards,  
Exum,  
Williams of Person,  
McDiarmid,  
Bunting,  
Hill,  
Foy of Onslow,  
Melvin,  
Kerr,  
Reid,  
Allison,  
Baker,  
Reinhardt,  
Rabun,  
Fox,

MESSRS. Spruill,  
Shepard,  
Moody,  
Sharp,  
Cherry,  
Harper,  
Moye,  
Williams of Beaufort,  
Biddle,  
Albright,  
Taylor,  
Dockery,  
Melchor,  
Montgomery,  
Reding,  
Morehead,  
Moore,  
Ribelin,  
Holt,  
Franklin,  
Davidson,  
Carson—44.

Thomas G. Stone having received the whole number of votes given, was declared duly elected.

Whereupon, on motion of Mr. Taylor, Henry W. Miller was nominated as Clerk assistant to the Senate; on motion of Mr. Jones, James Cook; and on motion of Mr. Spruill,

Asa Biggs, were added to the nomination. The Senate thereupon proceeded to vote in due form, as follows:

**FOR MR. MILLER,**

**MESSRS.** Speaker,  
Shepard,  
Cherry,  
Whitaker,  
Hawkins,  
Harper,

**MESSRS.** Moye,  
Williams of Beaufort,  
Biddle,  
Albright,  
Taylor,  
Holt—12.

**FOR MR. COOK,**

**MESSRS.** Moody,  
Dockery,  
Melchor,  
Montgomery,  
Franklin.  
Jones,  
Baker,  
Reinhardt,

**MESSRS.** Reding,  
Morehead,  
Moore,  
Ribelin,  
Davidson,  
Carson,  
Rabun—15.

**FOR MR. BIGGS,**

**MESSRS.** Spruill,  
Sharp,  
Cooper,  
Arrington,  
Houlder,  
Edwards,  
Wilson,  
Exum,  
Williams of Person,

**MESSRS.** McDiarmid,  
Bunting,  
Hill,  
Foy of Onslow,  
Melvin,  
Kerr,  
Reid,  
Allison,  
Fox—18.

Neither of the Persons in nomination having received a majority of the whole number of votes given, there was no election. Whereupon, on motion of Mr. Reid, the Senate again proceeded to vote, as follows:

**FOR MR. MILLER,**

**MESSRS.** Speaker,  
Shepard,  
Whitaker,  
Harper,  
Biddle,

**MESSRS.** Moye,  
Williams of Beaufort,  
Albright,  
Taylor,  
Holt—10.



## FOR MR. COOK,

MESSRS. Moody,  
Dockery,  
Melchor,  
Montgomery,  
Reding,  
Morehead,  
Moore,  
Ribelin,

MESSRS. Franklin,  
Jones,  
Baker,  
Reinhardt,  
Davidson,  
Carson,  
Rabun—15.

## FOR MR. BIGGS,

MESSRS. Spruill,  
Sharp,  
Cherry,  
Cooper,  
Arrington,  
Hawkins,  
Houlder,  
Edwards,  
Wilson,  
Exum,

MESSRS. Williams of Person,  
McDiarmid,  
Bunting,  
Hill,  
Foy of Onslow,  
Melvin,  
Kerr,  
Reid,  
Allison,  
Fox—20.

Upon counting the votes, it appeared that neither of the persons in nomination had received a majority of the whole number of votes given, and there was no election.

On motion of Mr. Taylor, the Senate again proceeded to vote for Clerk Assistant, as follows, to wit:

## FOR MR. MILLER,

MESSRS. Speaker,  
Shepard,  
Whitaker,  
Harper,  
Moye,

MESSRS. Williams of Beaufort,  
Biddle,  
Taylor,  
Holt—9.

## FOR MR. COOK,

MESSRS. Moody,  
Albright,  
Dockery,  
Melchor,  
Montgomery,  
Morehead,

MESSRS. Franklin,  
Jones,  
Baker,  
Reinhardt,  
Davidson,  
Carson,

Moore,  
Ribelin,

Rabun,  
Reding—16.

**FOR MR. BIGGS,**

MESSRS. Spruill,  
Sharp,  
Cherry,  
Cooper,  
Arrington,  
Hawkins,  
Houlder,  
Foy,  
Melvin,  
Kerr,

MESSRS. Reid,  
Edwards,  
Wilson,  
Exum,  
Williams of Person,  
McDiarmid,  
Bunting,  
Hill,  
Allison,  
Fox—20.

It appearing that neither of the persons in nomination had received a majority of the whole number of votes given, there was no election.

Whereupon, on motion of Mr. Dockery, the Senate again proceeded to vote in due form, as follows, to wit:

**FOR MR. MILLER,**

MESSRS. Speaker,  
Shepard,  
Williams of Beaufort,  
Biddle,

MESSRS. Taylor,  
Morehead,  
Holt—7.

**FOR MR. COOK,**

MESSRS. Moody,  
Moye,  
Albright,  
Dockery,  
Melchor,  
Montgomery,  
Reinhart,  
Davidson,

MESSRS. Reding,  
Moore,  
Ribelin,  
Franklin,  
Jones,  
Baker,  
Carson,  
Rabun—16.

**FOR MR. BIGGS,**

MESSRS. Spruill,  
Sharp,  
Cherry,  
Cooper,

MESSRS. Harper,  
Williams of Person,  
McDiarmid,  
Bunting,

Arrington,  
Whitaker,  
Hawkins,  
Houlder,  
Edwards,  
Wilson,  
Exum,

Hill,  
Foy of Onslow,  
Melvin,  
Kerr,  
Reid,  
Allison,  
Fox—22.

Neither of the persons in nomination having received a majority of the whole number of votes given, there was no election.

Whereupon, on motion of Mr. Arrington, the Senate again proceeded to vote as follows, to wit:

### FOR MR. MILLER,

MESSRS. Speaker,  
Shepard,  
Williams of Beaufort,  
Biddle,

MESSRS. Taylor,  
Morehead,  
Holt—7.

### FOR MR. COOK,

MESSRS. Moody,  
Moye,  
Albright,  
Dockery,  
Melchor,  
Montgomery,  
Reding,  
Moore,

MESSRS. Ribelin,  
Franklin,  
Jones,  
Baker,  
Reinhardt,  
Davidson,  
Carson,  
Rabun—16.

### FOR MR. BIGGS,

MESSRS. Spruill,  
Sharp,  
Cherry,  
Cooper,  
Arrington,  
Whitaker,  
Hawkins,  
Houlder,  
Edwards,  
Wilson,  
Exum,

MESSRS. Harper,  
Williams of Person,  
McDiarmid,  
Bunting,  
Hill,  
Foy of Onslow,  
Melvin,  
Kerr,  
Reid,  
Allison,  
Fox—22.

Neither of the persons in nomination having received a

majority of the whole number of votes given, there was no election. Whereupon, on motion of Mr. Cooper, the Senate again proceeded to the election of Assistant Clerk, which was as follows, to wit:

**FOR MR. MILLER,**

MESSRS. Speaker,	MESSRS. Albright,
Cherry,	Taylor,
Williams of Beaufort,	Morehead,
Biddle,	Holt—8.

**FOR MR. COOK,**

MESSRS. Moody,	MESSRS. Franklin,
Moye,	Jones,
Dockery,	Baker,
Melchor,	Reinhardt,
Montgomery,	Davidson,
Reding,	Carson,
Moore,	Rabun—15.
Ribelin,	

**FOR MR. BIGGS,**

MESSRS. Shepard,	MESSRS. Exum,
Spruill,	Harper,
Cooper,	Williams of Person,
Arrington,	McDiarmid,
Whitaker,	Bunting,
Hawkins,	Hill,
Houlder,	Foy of Onslow,
Edwards,	Melvin,
Wilson,	Kerr,
Reid,	Fox—21.
Allison,	

Neither of the persons in nomination having received a majority of the whole number of votes given, there was no election.

Whereupon, on motion of Mr. Reinhardt, the Senate adjourned until to-morrow morning ten o'clock.

**WEDNESDAY, NOVEMBER 21, 1838.**

On motion of Mr. Dockery, the Senate proceeded to the

election of Assistant Clerk. On motion of Mr. Jones, James Cook was withdrawn from the nomination; and on motion of Mr. Williams of Beaufort, Joseph B. Hinton was added to the nomination: thereupon the Senate proceeded to vote, as follows, to wit:

### FOR MR. MILLER.

MESSRS. Speaker,  
Biddle,  
Carson,  
Cherry,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Morehead,  
Moore,

MESSRS. Moye,  
Montgomery,  
Melchor,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Taylor,  
Whitaker,  
Albright—22.

### FOR MR. BIGGS,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Exum,  
Fox,  
Foy,  
Hawkins,  
Hill,

MESSRS. Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Spruill,  
Williams of Person,  
Wilson—21.

### FOR MR. HINTON,

MESSRS. Davidson,  
Moody—3.

MESSRS. Williams of Beaufort,

Neither of the persons in nomination having received a majority of the whole number of votes given, there was no election.

Whereupon, on motion of Mr. Moore, the Senate again proceeded to the election of Clerk Assistant: thereupon, on motion of Mr. Williams of Beaufort, Mr. Hinton was withdrawn from the nomination. The Senate then voted as follows, to wit:

## FOR MR. MILLER,

MESSRS. Speaker,  
Albright,  
Biddle,  
Carson,  
Cherry,  
Dockery,  
Davidson,  
Franklin,  
Harper,  
Holt,  
Jones,  
Morehead,  
Moore,

MESSRS. Moyer,  
Moody,  
Montgomery,  
Melchor,  
Reding,  
Bibelin,  
Sharp,  
Shepard,  
Spruill,  
Speed,  
Taylor,  
Williams of Beaufort,  
Whitaker—26.

## FOR MR. BIGGS,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Exum,  
Fox,  
Foy of Onslow,  
Hawkins,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson—20.

Mr. Henry W. Miller, having received a majority of the whole number of votes given, was declared duly elected.

Mr. Spruill moved that the Senate proceed to elect a principal Door Keeper. Whereupon, on motion of Mr. Hawkins, Thomas B. Wheeler was nominated for that appointment; on motion of Mr. Moore, Jehu Crews; on motion of Mr. Whitaker, J. B. King; on motion of Mr. Morehead, Thompson Parham; and on motion of Mr. Albright, Archibald Utley, were added to the nomination. The Senate thereupon proceeded to vote, as follows, to wit:

## FOR MR. WHEELER,

MESSRS. Speaker,  
Allison,  
Arrington,  
Baker,

MESSRS. Houlder,  
Kerr,  
Morehead,  
Moody,

Bunting,  
 Carson,  
 Cooper,  
 Edwards,  
 Exum,  
 Fox,  
 Foy of Onslow,  
 Hawkins,  
 Harper,  
 Hill,

Melvin.  
 McDiarmid,  
 Reid,  
 Reinhardt,  
 Ribelin,  
 Rabun,  
 Shepard,  
 Williams of Person,  
 Wilson—27.

### FOR MR. CREWS,

MESSRS. Cherry,  
 Dockery,  
 Davidson,  
 Franklin,  
 Holt,  
 Jones,  
 Moore,

MESSRS. Moye,  
 Montgomery,  
 Melchor,  
 Sharp,  
 Spruill,  
 Speed,  
 Williams of B.—14.

### FOR MR. PARHAM,

Mr. Taylor.

### FOR MR. KING,

MESSRS. Biddle,  
 Whitaker—2.

### FOR MR. UTLEY,

MESSRS. Albright,  
 Reding—2.

Thomas B. Wheeler, having received a majority of the whole number of votes given, was declared duly elected.

On motion of Mr. Edwards, the Senate proceeded to vote for assistant Door Keeper; and nominated Green Hill for that appointment.

The Senate, thereupon, proceeded to vote, as follows, to wit:

### FOR MR. HILL,

MESSRS. Speaker,  
 Albright,

MESSRS. Kerr,  
 Moorehead,

Allison,  
 Arrington,  
 Baker,  
 Biddle,  
 Bunting,  
 Carson,  
 Cherry,  
 Cooper,  
 Dockery,  
 Davidson,  
 Edwards,  
 Exum,  
 Foy of Onslow,  
 Fox,  
 Franklin,  
 Hawkins,  
 Harper,  
 Hill,  
 Houlder,  
 Holt,  
 Jones,

Moore,  
 Moyer,  
 Moody,  
 Melvin,  
 McDiarmid,  
 Montgomery,  
 Melchor,  
 Reid,  
 Reinhardt,  
 Reding,  
 Ribelin,  
 Rabun,  
 Sharp,  
 Shepard,  
 Spruill,  
 Speed,  
 Taylor,  
 Williams of Beaufort,  
 Williams of Person,  
 Wilson,  
 Whitaker—46.

Green Hill, having received the whole number of votes given, was declared duly elected.

Received from the House of Commons a message, stating that they had organised by the appointment of Wm. A. Graham, Speaker; Charles Manly, Principal Clerk; Edmund B. Freeman, Clerk Assistant; and James Page and Thomas J. Anderson, Door-keepers; and that they are now ready to proceed to despatch of public business.

On motion of Mr. Arrington,

*Ordered*, That the Rules of Order and Decorum, adopted for the government of the Legislature, be the rules of order and decorum for the government of the Senate during the present session, until otherwise ordered.

On motion of Mr. Carson,

*Ordered*, That a message be sent to the House of Commons, informing that House of the due organization of the Senate by the appointment of Andrew Joyner Speaker; Thos. G. Stone as principal Clerk; Henry W. Miller, Clerk Assistant; Thomas B. Wheeler, Door Keeper, and Green Hill Assistant.

On motion of Mr. Dockery,

*Ordered*, That a message be sent to the House of Commons, proposing to raise a joint Select Committee, consisting



of two on the part of each House, to wait on His Excellency, the Governor, and inform him of the organization of the Legislature, and of its readiness to receive any communication which he may be pleased to make.

Received from the House of Commons a message, proposing to raise a Joint Select Committee, consisting of two, on the part of each House, to wait upon his Excellency, the Governor, and inform him of the organization of the Legislature, and of its readiness to receive such communications as he may think proper to make—which was read and concurred in.

Received from the House of Commons a message, concurring in the proposition of the Senate to appoint a Joint Select Committee to wait on His Excellency, the Governor, and inform him of the organization of the two Houses, and their readiness to receive any communications he may think proper to make, and further stating, that Messrs. Wilson and Waddell form the Committee on their part.

*Ordered*, That a message be sent to the House of Commons, informing them that Messrs. Edwards and Shepard form the Committee on the part of the Senate to wait upon his Excellency, the Governor.

On motion of Mr. Morehead,

*Ordered*, That a message be sent to the House of Commons, proposing to raise a joint select Committee of three on the part of each House, to report immediately, rules for the government of the two Houses in voting for Engrossing Clerks.

Received from the House of Commons a message, stating that they do not concur in the proposition of the Senate to raise a joint select Committee of three on the part of each House, to report immediately rules for the government of the two Houses in voting for Engrossing Clerks: and further stating that they propose to conduct the elections under the joint rules as they now exist; which was read and concurred in.

Received from the House of Commons a message, proposing to vote immediately for three Engrossing Clerks, which was concurred in.

On motion of Mr. Jones,

*Ordered*, That a message be sent to the House of Commons, stating that the Senate concur in their proposition to vote immediately for three Engrossing Clerks; and further stating that the following persons are in nomination, to wit:

James McLeland, Thomas L. West, Constantine Banner, James J. Thomas, Nixon White, Benjamin B. Rogers, Edward T. Fowlkes, James T. Littlejohn, Gould Hoyt, William T. Bain, Solomon Terrell, William Key, W. D. Dowd, James M. A. Drake, Adolphus Miller, Isaac H. Foust, William A. Williams, Moses Swaim; and also stating that Messrs. Morelead and Wilson compose the committee on the part of the Senate to conduct the election.

Received from the House of Commons a message, stating that Manger London, Samuel Silliman, and Benjamin F. Grady are added to the nomination for Engrossing Clerks; and further stating that Messrs. J. P. Caldwell and Stallings form the Committee on the part of that House to superintend the election; and also that the voting will commence in their House on the return of the Messenger; which was read and concurred in.

Whereupon, the Senate proceeded to vote for three Engrossing Clerks, as follows, to wit:

#### FOR MR. McLELAND,

MESSRS. Baker,  
Davidson,  
Franklin,

MESSRS. Jones,  
Reinhardt,  
Rabun.—6.

#### FOR MR. WEST,

MESSRS. Speaker,  
Allison,  
Baker,  
Bunting,  
Carson,  
Cherry,  
Cooper,  
Edwards,  
Exum,  
Fox,  
Foy,  
Harper,  
Hill,  
Houlder,  
Jones,

MESSRS. Kerr,  
Shepard,  
Rabun,  
Reinhardt,  
Reed,  
Moore,  
Moody,  
Melvin,  
McDiarmid,  
Melchor,  
Spruill,  
Williams of Beaufort,  
Williams of Person,  
Whitaker,  
Wilson—30.

#### FOR MR. BANNER,

MESSRS. Arrington,

MESSRS. Moore,

Franklin,  
Jones,  
Morehead,

Moye,  
Raban—7.

FOR MR. THOMAS,

MESSRS. Allison,  
Arrington,  
Baker,  
Cooper,  
Edwards  
Exum,  
Fox,  
Hawkins,

MESSRS. Houlder,  
Kerr,  
Moody,  
Melvin,  
Reid,  
Reinhardt,  
Shepard,  
Wilson—16.

FOR MR. WHITE,

MESSRS. Speaker,  
Biddle,  
Cherry,  
Harper,  
Sharp,

MESSRS. Shepard,  
Spruill,  
Speed,  
Taylor—9.

FOR MR. ROGERS,

Mr. Whitaker.

FOR MR. FOWLKES,

MESSRS. Arrington,  
Hawkins,

MESSRS. McDiarmid,  
Williams of P.—4.

FOR MR. LITTLEJOHN,

MESSRS. Cherry,  
Edwards,  
Hawkins,  
Moody,  
Ribelin,

MESSRS. Sharp,  
Speed,  
Taylor,  
Williams of P.—9.

FOR MR. HOYT,

MESSRS. Biddle,  
Dockery,  
Harper,  
Moore,  
Moye,

MESSRS. Montgomery,  
Sharp,  
Spruill,  
Williams of B.—9.

## FOR MR. BAIN,

Mr. Albright.

## FOR MR. TERRELL,

Mr. Dockery.

## FOR MR. KEY,

MESSRS. Houlder,  
Wilson—2.

## FOR MR. DOWD,

MESSRS. Albright,  
Biddle,  
Dockery,  
Moye,MESSRS. Montgomery,  
Reding,  
Williams of B.—7.

## FOR MR. DRAKE,

MESSRS. Albright,  
McDiarmid,  
Montgomery,  
Melchor,MESSRS. Reding,  
Speed,  
Whitaker—7.

## FOR MR. MILLER,

MESSRS. Carson,  
Davidson,  
Franklin,MESSRS. Melchor,  
Ribelin—5.

## FOR MR. FOUST,

MESSRS. Allison,  
Fox,  
Holt,MESSRS. Kerr,  
Reid—5.

## FOR MR. WILLIAMS,

MESSRS. Carson,  
Morehead—2.

## FOR MR. SWAIM,

Mr. Reding.

## FOR MR. LONDON,

MESSRS. Speaker,  
Bunting,  
Foy,

MESSRS. Hill,  
Holt,  
Taylor—6.

## FOR MR. SILLIMAN,

MESSRS. Davidson,  
Holt,

MESSRS. Morehead,  
Ribelin—4.

## FOR MR. GRADY,

MESSRS. Bunting,  
Cooper,  
Exum,

MESSRS. Foy,  
Hill,  
Melvin—6.

On motion of Mr. Morehead,

*Ordered*, That a message be sent to the House of Commons, proposing to raise a joint select Committee of five on the part of each House, to prepare and report joint rules for the government of both Houses.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to raise a joint select Committee of five on the part of each House to prepare and report joint rules for the government of both Houses; and further stating that Messrs. Hoke, H. C. Jones, Hill, W. P. Williams, and Gilliam form the Committee on the part of their House; which was read and concurred in.

*Ordered*, That a message be sent to the House of Commons informing them that Messrs. Morehead, Wilson, Ribelin, Kerr, and Cherry, form the Committee on the part of the Senate to prepare and report joint rules of order for the government of both Houses.

Mr. Edwards, from the joint select Committee appointed on the part of the Senate to wait upon his Excellency, the Governor, reported they received for answer, that he would be pleased to make a communication to the Legislature on to-morrow at 12 o'clock.

On motion of Mr. Spruill,

*Ordered*, That a select Committee of five be appointed for the purpose of preparing permanent rules of order and decorum for the government of the Senate during the present session.

On motion of Mr. Cooper, the Senate adjourned until tomorrow morning ten o'clock.

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THURSDAY, NOVEMBER 22, 1838.

Mr. Dockery presented the resignation of Joseph White, the Senator elect for the county of Anson, which was read and accepted.

Whereupon, on motion of Mr. Dockery,

*Ordered*, That a writ of election be sent to the Sheriff of Anson county, commanding him to hold an election for a Senator on the first Monday of December next, to supply the vacancy occasioned by the resignation of Joseph White.

Mr. Morehead, from the joint select Committee appointed to compare and report the votes for three Engrossing Clerks, reported that Thomas L. West had received a majority of the whole number of votes given, was declared duly elected, and that no other person had received a majority; in which report the Senate concurred.

Received from the House of Commons a message, proposing that the two Houses vote immediately for two Engrossing Clerks; and further stating that Messrs. Swaim, Foust and Terrell are withdrawn from the nomination; which was read and concurred in. Whereupon a message was sent to the House of Commons concurring in their proposition to vote for two Engrossing Clerks yet to be elected, and informing them that the names of Messrs. Williams and Rogers are withdrawn from the nomination, and that Messrs. Reid and Montgomery form the Committee on the part of the Senate to superintend said election.

Received from the House of Commons a message, informing the Senate that Messrs. Crawford and Bedford are appointed a Committee on their part to superintend the election of two Engrossing Clerks. Whereupon the Senate proceeded to vote, as follows, to wit:

FOR MR. McCLELLAND,

MESSRS. Allison,  
Baker,  
Davidson,  
Edwards,  
Fox,

MESSRS. Jones,  
Kerr,  
Reinhardt,  
Rabun—9.

## FOR MR. BANNER,

MESSRS. Arrington,  
Franklin,  
Holt,  
Jones,

MESSRS. Morehead,  
Moore,  
Reid,  
Rabun—8.

## FOR MR. THOMAS,

MESSRS. Allison,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Exum,  
Fox,  
Hawkins,  
Houlder,

MESSRS. Kerr,  
Melvin,  
Reid,  
Reinhardt,  
Shepard,  
Taylor,  
Williams of Person,  
Wilson,  
Whitaker—18.

## FOR MR. WHITE,

MESSRS. Speaker,  
Cherry,  
Sharp,

MESSRS. Shepard,  
Spruill,  
Speed—6.

## FOR MR. FOWLKES,

MESSRS. Arrington,  
Hawkins,

MESSRS. McDiarmid,  
Williams of P.—4.

## FOR MR. LITTLEJOHN,

MESSRS. Cherry,  
Moody,  
Speed,

MESSRS. Taylor,  
Wilson—5.

## FOR MR. HOYT,

MESSRS. Biddle,  
Dockery,  
Harper,  
Moore,  
Moye,

MESSRS. Moody,  
Montgomery,  
Sharp,  
Spruill,  
Williams of B.—10.

## FOR MR. KEY,

Mr. Houlder.

## FOR MR. DOWD,

MESSRS. Albright,  
Biddle,  
Dockery,  
Franklin,  
Harper,

MESSRS. Moye,  
Montgomery,  
Reding,  
Williams of B.—9.

## FOR MR. DRAKE,

MESSRS. Cooper,  
McDiarmid,  
Melchor,

MESSRS. Reding,  
Whitaker—5.

## FOR MR. MILLER,

MESSRS. Melchor,  
Ribelin—2.

## FOR MR. LONDON,

MESSRS. Speaker,  
Bunting,  
Foy,

MESSRS. Hill  
Holt,  
Morehead—6.

## FOR MR. SILLIMAN,

MESSRS. Davidson,  
Ribelin—2

## FOR MR. GRADY,

MESSRS. Exum,  
Hill,  
Melvin—3

## FOR MR. BAIN,

Mr. Albright—1

Mr. Reid, from the joint select committee appointed to compare and report the votes for two Engrossing Clerks, reported that neither of the persons in nomination had a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Received from the House of Commons a message, propos-



ing to raise a joint select committee of three on the part of each House to designate and report some mode of giving notice of the meeting of the two Houses; which was read and agreed to. Whereupon the House of Commons was informed thereof by message, and stating that Messrs. Moody, Baker and Montgomery form the committee on the part of the Senate.

The Speaker announced to the Senate that Messrs. Spruill, Arrington, Dockery, Holt and Hawkins, form the committee for the purpose of preparing permanent Rules of Order and Decorum for the government of the Senate during the present session.

Received from the House of Commons a message, proposing to vote immediately for two Engrossing Clerks, and stating that Messrs. Bain and Silliman are withdrawn from the nomination; which was read and concurred in. Whereupon the Speaker announced that Messrs. Harper and Cooper form the Committee on the part of the Senate to superintend the election, and that Messrs. Littlejohn and Key are withdrawn from the nomination: and the House of Commons was informed thereof by message.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning ten o'clock.

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FRIDAY, NOV. 23, 1838.

Mr. Dockery, from the Committee appointed to prepare permanent Rules of Order and Decorum for the government of the Senate during its present Session, reported the Rules of Order and Decorum of the last Session without amendment; which were read and adopted, and are as follows, to wit:

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

2. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to wit: 1st, the receiving petitions, memorials, pension certificates and papers addressed either to the General Assembly or to the Senate; 2d, the reports of standing commit-

tees; 3d, the reports of select committees; 4th, resolutions; 5th, bills; 6th, bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table. Then the orders of the day; but motions and messages to elect officers, shall always be in order.

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

4. All bills and resolutions of a public nature, introduced, shall pass, as a matter of course, the first reading.

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

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

7. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "Senators, as many as are of opinion that (as the case may be) say Aye:" and after the affirmative voice is expressed—"As many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirma-

tive; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No member, who was without the bar of the Senate when any question was put from the Chair, shall enter his Yea or Nay without leave, unless he shall have been absent on some committee.

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

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

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

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

12. Resolutions for the appropriation of public money, and all resolutions of a public nature, as well as all bills, shall be read the first time for information; and, upon this reading, shall not be subject to amendment; but may be amended on the second and third reading. And the Clerk shall keep a calender of all such resolutions and bills, with the orders taken on them, for the inspection of the members of the Senate.

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

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

15. When a question has been once decided, it shall be in order for any member in the majority to move for a re-consideration thereof on the same or succeeding day,

if the bill, resolution, or paper, upon which the question has been taken, be in possession of the Senate.

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

17. There shall be appointed by the Speaker, the following committees, viz: a committee of propositions and grievances; a committee of privileges and elections; a committee of claims; a committee on the judiciary; a committee on Internal Improvement; and a committee on Education and the Literary Fund, consisting of seven members each.

18. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the Chair, and appoint a Chairman; and when upon any other occasion, the Speaker wishes to leave the chair, he shall appoint a Speaker *pro tem*.

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

20. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker, or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

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

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

23. When the House adjourns, the members shall keep their seats till the Speaker leaves the chair.

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

25. The rules for the government of the Senate shall not be amended or altered, without giving at least one day's

notice of such amendment or alteration, except by the consent of two-thirds of the members present.

Mr. Rabun presented the resignation of Epaphroditus Hightower and P. Brittain, as Justices of the Peace for the County of Buncombe; which were read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, proposing to vote immediately for two Engrossing Clerks; which was read and concurred in. Whereupon the Speaker announced that Messrs. Harper and Cooper form the Committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. Nye and Brummell compose the Committee on their part to superintend the election, and that they will commence voting upon the return of the messenger. Whereupon the Senate proceeded to vote as follows, to wit:

FOR MR. THOMAS,

MESSRS. Allison  
Baker,  
Cooper,  
Etheridge,  
Edwards,  
Exum,  
Foy, (of Onslow,)  
Fox,  
Hawkins,

MESSRS. Houlder,  
Kerr,  
Melvin,  
Reid,  
Reinhardt,  
Williams of Person,  
Wilson,  
Whitaker—17.

FOR MR. McLELAND,

MESSRS. Allison,  
Baker,  
Davidson,  
Edwards,  
Exum,

MESSRS. Fox,  
Houlder,  
Jones,  
Kerr,  
Reinhardt—10.

FOR MR. FOWLKES,

MESSRS. Hawkins,  
McDiarmid,  
Williams of P.—3.

## FOR MR. GRADY,

MESSRS. Hill,  
Melvin—2.

## FOR MR. BANNER,

MESSRS. Franklin,  
Jones,  
Morehead,  
Moore,

MESSRS. Moody,  
Reid,  
Rabun,  
Spruill—8.

## FOR MR. DRAKE,

MESSRS. Albright,  
Cooper,  
McDiarmid,  
Melchor,

MESSRS. Reding,  
Ribelin,  
Speed,  
Whitaker—8.

## FOR MR. HOYT,

MESSRS. Biddle,  
Cherry,  
Dockery,  
Harper,  
Moore,  
Moye,  
Moody,

MESSRS. Montgomery,  
Sharp,  
Shepard,  
Spruill,  
Taylor,  
Williams of B.—13.

## FOR MR. LONDON,

MESSRS. Speaker,  
Foy,  
Hill,

MESSRS. Morehead,  
Rabun.—5.

## FOR MR. WHITE,

MESSRS. Speaker,  
Cherry,  
Etheridge,  
Harper,  
Sharp,

MESSRS. Shepard,  
Speed,  
Taylor,  
Wilson—9.

## FOR MR. DOWD,

MESSRS. Albright,  
Biddle,

MESSRS. Moye,  
Montgomery,

Dockery,  
Franklin,

Reding,  
Williams of B.—8.

FOR MR. MILLER,

MESSRS. Davidson,  
Melchor,  
Ribelin—3.

Received from the House of Commons a message, communicating the annual Message of his Excellency the Governor, with accompanying documents, and proposing that the message be printed, ten copies for each member of the Legislature. Whereupon Mr. McDiarmid moved that the message be laid on the table, and the question recurring thereon, it was rejected. Mr. McDiarmid thereupon demanded the yeas and nays upon the proposition of the House of Commons, which are as follows, to wit

Those who voted in the affirmative, are,

Messrs. Albright, Biddle, Carson, Cooper, Dockery, Davidson, Etheridge, Franklin, Hawkins, Harper, Hill, Jones, Morehead, Moore, Moye, Moody, Montgomery, Melchor, Reding, Reinhardt, Ribelin, Speed, Sharp, Shepard, Spruill, Taylor, Williams of Beaufort—27 yeas.

Those who voted in the negative, are,

Messrs. Allison, Arrington, Baker, Cherry, Edwards, Exum, Fox, Foy of Onslow, Houlder, Kerr, Melvin, McDiarmid, Reid, Rabun, Whitaker, Wilson, Williams of Person—17 nays.

So the proposition from the House of Commons was concurred in.

On motion of Mr. Cooper, Mr. Etheridge, the Senator elect from the counties of Currituck and Camden, appeared, produced his credentials, was qualified before the House, and took his seat.

Received from the House of Commons a message, transmitting communications, one from the Board of Directors of the Wilmington and Raleigh Rail Road Company, the other from the citizens of Wilmington, with a proposition that they be referred to a joint select committee to be raised for that purpose; which was read and concurred in.

Whereupon Mr. Spruill moved that the committee consist of five members on the part of each House; which was adopted. Thereupon the Speaker announced that Messrs. Jones, M'Diarmid, Franklin, Bunting and Cherry form the committee on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. Morehead, from the joint select committee appointed to prepare and report joint rules for the government of the two Houses during the present session, reported the rules of the last session of the Legislature without amendment; which were read and adopted.

On motion of Mr. Jones, ordered that a message be sent to the House of Commons, proposing to vote for Secretary of State on Monday next at 12 o'clock, and nominating for that appointment William Hill.

On motion of Mr. Dockery,

*Ordered,* That the rules of the Senate, the joint rules of the two Houses, the Constitution of the State with its amendments, and the Constitution of the United States, be printed, one copy for each member.

On motion of Mr. Reinhardt, the Senate adjourned until to-morrow morning ten o'clock.

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SATURDAY, NOVEMBER 24, 1838.

Mr. Cooper, from the joint select Committee appointed on the part of the Senate to compare and report the vote for two Engrossing Clerks, reported that neither of the persons in nomination had received a majority of the whole number of votes given, and there was no election.

Received from the House of Commons a message, proposing that the two Houses vote immediately for two Engrossing Clerks; which was read and agreed to. Whereupon the Speaker announced that Messrs. Spruill and Fox compose the committee on the part of the Senate to superintend the election, and the House of Commons was informed thereof by Message.

Received from the House of Commons a message, stating that Messrs. Stockard and McCleese form the committee on their part to superintend the vote for Engrossing Clerks;



and that they will commence voting on the return of the messenger.

The Senate then proceeded to vote as follows, to wit:

FOR MR. THOMAS,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy,  
Hawkins,

MESSRS. Hill,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Shepard,  
Speed,  
Williams of Person,  
Whitaker—22.

FOR MR. McLELAND,

MESSRS. Allison,  
Arrington,  
Baker,  
Carson,  
Davidson,  
Edwards,  
Fox,

MESSRS. Franklin,  
Hawkins,  
Kerr,  
Reid,  
Reinhardt,  
Rabun,  
Williams of P.—14.

FOR MR. WHITE,

MESSRS. Speaker,  
Cherry,  
Moody,  
Sharp,

MESSRS. Shepard,  
Speed,  
Spruill,  
Taylor—8.

FOR MR. HOYT,

MESSRS. Speaker,  
Albright,  
Biddle,  
Cherry,  
Harper,  
Melchor,  
Morehead,  
Moore,  
Moody,

MESSRS. Moye,  
Montgomery,  
Reding,  
Sharp,  
Spruill,  
Taylor,  
Williams of Beaufort,  
Etheridge—17.

## FOR MR. DRAKE,

MESSRS. Albright,  
Biddle,  
Melchor,  
Morehead,  
Moore,  
Moye,

MESSRS. Montgomery,  
Ribelin,  
Reding,  
Williams of Beaufort,  
Whitaker—11,

## FOR MR. GRADY,

MESSRS. Bunting,  
Cooper,  
Exum,  
Foy,

MESSRS. Harper,  
Hill,  
Melvin,  
McDiarmid—8.

## FOR MR. MILLER,

MESSRS. Carson,  
Davidson,

MESSRS. Franklin,  
Ribelin—4.

Received from the House of Commons a message, concurring in the proposition of the Senate, that the two Houses vote on Monday at 12 o'clock for Secretary of State.

Mr. Spruill, from the joint select committee on the part of the Senate to compare and report the vote for two Engrossing Clerks, reported that no person having received a majority of the whole number of votes given, there was no election; in which the Senate concurred.

Received from the House of Commons a message, proposing that the Report of the Public Treasurer, therewith transmitted, be printed; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. Rand, Massey, and Taylor form their branch of the joint select committee to designate some mode of giving notice of the meeting of the two Houses; and further stating that Messrs. W. P. Williams, Crawford, J. T. Miller, Hoke, and Boyden form the committee on their part upon the communications of the citizens of Wilmington and the Directors of the Wilmington and Raleigh Rail Road.

Received from the House of Commons a message, transmitting a communication from the Secretary of State, with a proposition that it be referred to a joint select committee

to be raised for that purpose; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing that the rules of the two Houses, the joint rules, the Constitution of the United States and of this State, be printed for the use of the Legislature; which was read and concurred in.

Mr. Moody, from the joint select committee appointed to procure and give some signal for the meeting of both Houses of the Legislature, reported that the members of the Presbyterian Church had kindly tendered to them the use of their bell the present session, which was read and concurred in.

Mr. Jones, from the joint select committee to whom was referred the communications of the citizens of Wilmington and the representatives of the Wilmington and Raleigh Rail Road Company, reported that they recommended the acceptance of the invitations contained in the above communications; and that a committee be appointed to determine the number of members who shall repair to Wilmington, under the invitations aforesaid; which was read and concurred in.

Mr. M'Diarmid presented two pension certificates of Isabella Campbell, widow of the late James Campbell, of Cumberland County; which were read and ordered to be countersigned by the Speaker, and transmitted to the House of Commons.

On motion of Mr. Exum, ordered that a message be sent to the House of Commons, proposing that the two Houses vote on Tuesday next, at twelve o'clock, for Solicitor of the Second Judicial Circuit, and that William H. Washington is in nomination for the appointment.

On motion of Mr. Rabun,

*Ordered,* That Mr. Wilson, Senator from Edgecomb, have leave of absence from the service of this House from and after to-day until Thursday next.

On motion of Mr. Morehead,

*Ordered,* That Mr. Houlder, Senator from the county of Johnston, have leave of absence from the service of this House for Monday next.

Received from the House of Commons the pension certificate of Martha Spiers, widow of the late John Spiers, of Cumberland county; which was read, and, on motion of Mr. M'Diarmid, ordered to be countersigned by the Speaker.

Received from the House of Commons the following re-

signations: Ollon Regal and John Wright, Justices of the Peace for the county of Sampson; William H. Whitfield, Justice of the Peace for the county of Lenoir; Myriek Howard, Justice of the Peace for the county of Montgomery; Charles Gregory, Justice of the Peace for the county of Onslow; Jacob Parker, a Justice of the Peace for the county of Chowan; David Mebane, a Justice of the Peace for the county of Orange; Henry Cobb, a Justice of the Peace for the county of Caswell; David Dalton, a Justice of the Peace for the county of Stokes; and Thomas G. Polk, as Major General of North Carolina Militia; which were severally read and accepted.

Received from the House of Commons a message, proposing to vote immediately for Engrossing Clerks; which was read and concurred in. Whereupon the Speaker announced that Messrs. Reid and Taylor form the committee on the part of the Senate to superintend the election; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. Cardwell and W. A. Blount form the committee on their part to superintend the election for Engrossing Clerks; and that they will commence voting on the return of the messenger.

The Senate then proceeded to vote as follows:

#### FOR MR. THOMAS,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Foy,  
Fox,  
Hawkins,

MESSRS. Hill,  
Kerr,  
McDiarmid,  
Melvin,  
Reid,  
Reinhardt,  
Rabun,  
Shepard,  
Taylor,  
Williams of Person,  
Whitaker—22

#### FOR MR. HOYT,

MESSRS. Speaker,  
Albright,  
Biddle,  
Carson,

MESSRS. Moody,  
Moye,  
Montgomery,  
Reid,

Davidson,  
Edwards,  
Cherry,  
Etheridge,  
Harper,  
Franklin,  
Melchor,  
Morehead,  
Moore,

Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B.—25.

FOR MR. DRAKE,

MESSRS. Speaker,  
Albright,  
Biddle,  
Cherry,  
Carson,  
Harper,  
Melchor,  
Morehead,  
Moore,  
Moody,

MESSRS. Moye,  
Montgomery,  
Reding,  
Ribelin,  
Sharp,  
Speed,  
Spruill,  
Williams of Beaufort,  
Whitaker—18.

FOR MR. McLELAND,

MESSRS. Allison,  
Arrington,  
Baker,  
Cooper,  
Davidson,  
Exum,  
Fox,  
Franklin,

MESSRS. Foy,  
Hawkins,  
Kerr,  
Melvin,  
Reinhardt,  
Rabun,  
Williams of P.—15.

FOR MR. GRADY,

MESSRS. Hill,  
Bunting,  
McDiarmid.—3.

Mr. Taylor, from the joint select Committee, on the part of the Senate, to superintend the vote for two Engrossing Clerks, reported that Gould Hoyt had received a majority of the whole number of votes given, and was declared duly elected.

On motion of Mr. Whitaker,

*Ordered*, That a message be sent to the House of Commons, proposing to vote immediately for one Engrossing Clerk, yet to be elected.

Received from the House of Commons a message, concurring in the proposition of the Senate to vote immediately for one Engrossing Clerk, yet to be elected; and stating that Messrs. J. T. Miller and — Walker compose the committee on the part of that House, to superintend the election; and that Messrs. Grady and McLeland are withdrawn from the nomination.

The Speaker announced that Messrs. Speed and Williams of Person, form the Committee, on the part of the Senate, to superintend the election of Engrossing Clerk, and the House of Commons was informed thereof by message.

The Senate then proceeded to vote as follows, to wit:

Those who voted in favor of Mr. THOMAS, are,

MESSRS. Allison  
Baker,  
Bunting,  
Cooper,  
Etheridge,  
Exum,  
Foy,  
Fox,  
Hawkins,  
Hill,

MESSRS. Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Shepard,  
Taylor,  
Williams of P.—20.

FOR MR. DRAKE,

MESSRS. Speaker,  
Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Harper,  
Franklin,  
Jones,  
Melchor,  
Morehead,

MESSRS. Moore,  
Moody,  
Moye,  
Montgomery,  
Reding,  
Ribelin,  
Sharp,  
Speed,  
Spruill,  
Williams of Beaufort,  
Whitaker—22.

Mr. Speed, from the joint select Committee, on the part of the Senate, to superintend the election for an Engrossing Clerk, reported that James M. A. Drake, having received

a majority of the whole number of votes given, was declared duly elected.

The Speaker announced to the Senate the following standing Committees:

### ON PROPOSITIONS AND GRIEVANCES,

MESSRS. Moore,  
Albright,  
Moody,  
Sharp,

MESSRS. Reinhardt,  
Cooper,  
Houlder.

### ON PRIVILEGES AND ELECTIONS,

MESSRS. Taylor,  
Speed,  
Baker,  
Montgomery,

MESSRS. Allison,  
Moye,  
Exum.

### ON CLAIMS,

MESSRS. Dockery,  
Fox,  
Melchor,  
Harper,

MESSRS. Whitaker,  
Reding,  
Foy of Onslow,

### JUDICIARY,

MESSRS. Morehead,  
Edwards,  
Cherry,  
Carson,

MESSRS. Davidson,  
Hill,  
Wilson.

### INTERNAL IMPROVEMENT,

MESSRS. Shepard,  
Holt,  
Kerr,  
Franklin,

MESSRS. McDiarmid,  
Hawkins,  
Ribelin.

### EDUCATION AND LITRARY FUND,

MESSRS. Cherry,  
Shepard,  
Biddle,  
Spruill,

MESSRS. Arrington,  
Bunting,  
Reid.

## FINANCE,

MESSRS. Jones,  
Wilson,  
Spruill,  
Hawkins,

MESSRS. Albright,  
Dockery,  
Etheridge,  
Rabun.

On motion of Mr. Montgomery, the Senate adjourned until Monday Morning ten o'clock.

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MONDAY, NOV. 26, 1838.

Mr. Cooper presented the credentials of Enoch Foy, Senator elect for the counties of Carteret and Jones, which were read, and on motion of Mr. Edwards, laid upon the table.

Mr. Speed presented the resignations of William Goodman and William Lee, Justices of the Peace for the county of Gates; which were read and accepted, and transmitted to the House of Commons.

Mr. Biddle presented the following Resolution, to wit:

*Resolved*, That a message be sent to the House of Commons proposing to raise a joint select committee on the Public Buildings and the re-building of the Capitol; and that said committee report whether the amount of money already appropriated for re-building the Capitol has been judiciously expended, and what amount will be further required for its completion.

Which was read and adopted, and the House of Commons was informed thereof by message.

Mr. Biddle presented two pension certificates of Captain John Rhem, of Craven county; also, two pension certificates of Alexander Taylor, of Craven county; which were severally read, and on motion of Mr. Biddle, were countersigned by the Speaker and transmitted to the House of Commons.

Mr. Biddle also presented two pension certificates of Thos. Ewell, of Craven county, and two pension certificates of Christopher Bexley, of Craven county; which were severally read, and on motion of Mr. Biddle, were ordered to be countersigned by the Speaker and transmitted to the House



of Commons.

Received from the House of Commons a message, concurring in the proposition of the Senate to vote to-morrow at twelve o'clock for Solicitor of the 2d Judicial Circuit.

Received from the House of Commons a message, proposing to raise a joint select committee on Cherokee Lands, to consist of five on the part of each House; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons the pension certificate of Martha Spears, the widow of the late John Spears, deceased, of Cumberland county; which was read and ordered to be countersigned by the Speaker.

Received from the House of Commons a message, informing the Senate that Messrs. William P. Williams, M'Williams, Raud, Huggins, Clegg, Matthews, Guynn, and Reid form the Committee on Finance on their part.

The Speaker presented the Report of the Commissioners entrusted with the superintendence of the re-building the State Capitol; which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

Mr. Exum presented the resignation of Syllas Pate, a Justice of the Peace for the county of Wayne; which was read, accepted, and ordered to be sent to the House of Commons.

The Speaker announced to the Senate that Messrs. Franklin, Reinhardt, Davidson, Biddle, and Allison form the Committee on Cherokee Lands; and the House of Commons was informed thereof by message.

Mr. Reinhardt presented the petition of Robert Brown, of Lincoln county, praying the Legislature to grant him a pension; which was read, and, on motion of Mr. Reinhardt, referred to the Committee on Claims.

The Speaker announced that Messrs. Carson, Davidson, and Williams, of Beaufort, compose the Committee on the part of the Senate on the Library.

Received from the House of Commons the resignations of Simon Mars, a Justice of the Peace for the county of Anson; James Brevard, a Justice of the Peace for the county of Buncombe; Joel Waters, a Justice of the Peace for the county of Wilkes; which were severally read and accepted.

The Speaker announced to the Senate that Messrs. Melvin and Ribelin form the Committee on the part of the Senate to superintend the election of Secretary of State, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. Braswell and Dunlap form their branch of the Committee to superintend the vote for Secretary of the State, and that they will commence voting on the return of the messenger.

Whereupon the Senate voted as follows, to wit:

FOR MR. HILL,

MESSRS. Speaker,	MESSRS. Kerr,
Allison,	Melvin,
Albright,	Melchor,
Arrington,	Morehead,
Baker,	Moore,
Biddle,	Moody,
Bunting,	Moye,
Carson,	McDiarmid,
Cherry,	Montgomery,
Cooper,	Reid,
Davidson,	Redding,
Dockery,	Reinhardt,
Edwards,	Rabun,
Etheridge,	Ribelin,
Exum,	Sharp,
Fox,	Shepard,
Foy, of Onslow,	Speed,
Franklin,	Spruill,
Harper,	Taylor,
Hawkins,	Williams, of B.
Hill,	Williams, of P.
Jones,	Whitaker—44.

Mr. Melvin, from the joint select committee on the part of the Senate to superintend the election of Secretary of State, reported that Mr. William Hill had received the whole number of votes given, and was therefore duly elected; in which the Senate concurred.

Mr. Carson presented the following Resolution, to wit:

*Resolved,* That the Judiciary Committee be instructed to enquire if any, and what amendments to the revenue laws of this State are necessary to relieve persons from the penalty of a double tax, and to provide for the more convenient mode of listing their taxable property, and such other amendments as may be deemed useful, so as to secure the faithful payment of all taxes to which

the citizens may be liable, with as little inconvenience as practicable.

Which was read and adopted.

Received from the House of Commons a message, informing the Senate that Messrs. Robards, Amis and Waddell form the Committee on the Library on their part.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning ten o'clock.

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TUESDAY, NOVEMBER 27, 1838.

Mr. Williams, of Person, presented the resignation of John Holloway, a Justice of the Peace for the county of Person; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Melvin presented the resignation of John Mears, a Justice of the Peace for the county of Columbus; which was read and accepted, and ordered to be sent to the House of Commons.

Received from the House of Commons a message, stating that they do not concur in the report of the joint select committee on the communications from the citizens of Wilmington, and the Directors of the Wilmington and Raleigh Rail Road Company; but propose that a joint select committee of three on the part of each House be raised, whose duty it shall be to make a suitable response to these communications; which was read, and, on motion of Mr. Taylor, ordered to lie upon the table.

Received from the House of Commons a message, proposing to raise a joint select committee of three members on the part of each House, to take into consideration the expediency of authorizing limited co-partnerships; which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

Mr. Redding presented the memorial of Christopher Vickry, praying the Legislature to refund to him certain taxable polls heretofore paid by him; which was read, and on motion of Mr. Morehead, ordered to be referred to the committee on claims.

Received from the House of Commons a message, propos-

ing that a joint select committee of five members on the part of each House be raised upon that part of the Governor's Message which recommends the establishment of Banks within the State, to be offered to the General Government as places of deposite of the public monies and fiscal agents of the General Government; which was read, and, on motion of Mr. Edwards, not concurred in.

Received from the House of Commons a message, informing the Senate that Messrs. Siler, Boyden, McLaurin, Howerton, and Guyther form their branch of the Joint Select Committee on Cherokee Lands.

Mr. M'Diarmid presented a bill, entitled a bill concerning the Public Roads, Ferries, and Bridges in this State; which was read the first time and passed, and, on motion of Mr. M'Diarmid, was referred to the Committee on the Judiciary.

Mr. Reid presented the following Resolution, to wit:

*Resolved*, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee on Military Affairs, to consist of five on the part of each House.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a joint select committee on the subject of the Public Buildings and the re-building the State Capitol, &c.; and further stating that Messrs. Rand, Hyman, Carson, Wilcox and Killiam form their branch of the committee.

Whereupon the Speaker announced to the Senate that Messrs. Biddle, Whitaker, Spruill, Albright, and Foy, of Onslow, form the committee on the part of the Senate on the subject of the Public Buildings and the re-building the State Capitol, &c.; and the House of Commons was informed thereof by message.

The Speaker announced to the Senate that Messrs. Redding and Exum form the committee on the part of the Senate to superintend the election of Solicitor of the 2d Judicial Circuit; and the House of Commons was informed thereof by message.

Mr. Jones presented a bill, entitled a bill to change the time of holding the Courts of Pleas and Quarter Sessions of the county of Wilkes; which was read the first, second, and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Wadsworth and Brogden compose the committee on their part to superintend the election for Solicitor of the 2d Judicial Circuit, and that they will proceed to vote on the return of the messenger. Whereupon the Senate proceeded to vote as follows, to wit:

FOR MR. WASHINGTON,

MESSRS. Speaker,  
Allison,  
Albright,  
Arrington,  
Baker,  
Biddle,  
Bunting,  
Carson,  
Cherry,  
Cooper,  
Davidson,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Foy,  
Fox,  
Franklin,  
Harper,  
Hawkins,  
Hill,  
Jones,

MESSRS. Kerr,  
Melvin,  
Melchor,  
Morehead,  
Moore,  
Moody,  
Moye,  
M'Diarmid,  
Montgomery,  
Reid,  
Redding,  
Reinhardt,  
Rabun,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams, of B.  
Williams, of P.  
Whitaker—44.

Mr. Exum, from the joint select committee on the part of the Senate to superintend the election of Solicitor for the 2d Judicial Circuit, reported that William H. Washington, having received a majority of the whole number of votes given, was duly elected; in which the Senate concurred.

Mr. Hill presented the following Resolution, to wit:

*Resolved*, That the Committee on Finance be instructed to enquire into the expediency of so amending the Revenue Laws as to reduce the amount of revenue derived from land and poll tax to the amount received from the same source prior to the enactment of the assessment law of 1836, and that they report by bill or otherwise.

Which was read and adopted:

On motion of Mr. Edwards,

*Ordered*, That a message be sent to the House of Commons proposing that the Report of the Comptroller for the fiscal year, 1837, be printed.

On motion of Mr. Taylor, the message from the House of Commons relative to the invitation of the citizens of Wilmington to the members of the Legislature, was taken up and read, and not concurred in.

Whereupon, on motion of Mr. Morehead,

*Ordered*, That a message be sent to the House of Commons, proposing that a joint select committee of three on the part of each House be raised, whose duty it shall be to make a suitable response to the communications from the citizens of Wilmington and the Directors of the Wilmington and Raleigh Rail Road Company, respectfully declining their invitation.

On motion of Mr. Whitaker, the Senate adjourned until to-morrow morning ten o'clock.

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WEDNESDAY, NOVEMBER 28, 1838.

Mr. Arrington presented the following resolution, to wit:

*Resolved*. That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law relative to lunatics and idiots.

Which was read and adopted.

Mr. McDiarmid presented the following resolution, to wit:

*Resolved*, That the Committee on Military affairs be instructed to inquire into the propriety of so amending the law as to exempt all persons from performing military duty until they shall have attained the age of twenty-one years, except in cases of invasion or insurrection; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, stating

that they concur in the proposition of the Senate to print for the use of the General Assembly, the report of the Comptroller of Public accounts for the year 1837.

Mr. Dockery presented a bill, entitled a bill to incorporate a Light Infantry Company in the city of Raleigh; which was read the first time and passed; and, on motion of Mr. Dockery, was referred to the Committee on Military Affairs.

Mr. McDiarmid presented a bill, entitled a bill to amend the 16th section of an Act in the Revised Statutes "entitled an Act concerning the General Assembly of the State of North Carolina; which was read the first time and passed; and, on motion of Mr. Moore, was referred to the Committee on the Judiciary.

Mr. Whitaker presented the memorial of the President and Directors of the Raleigh and Gaston Rail Road Company; which was read, and on motion of Mr. Whitaker, referred to the Committee on Internal Improvements.

Mr. Moore presented the memorial of the Roanoke Navigation Company; which was read, and on motion of Mr. Moore, referred (together with the accompanying papers) to the Committee on Internal Improvements.

The Speaker presented to the Senate the resignation of Peter R. Davis, a justice of the peace for the county of Warren; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, proposing that the two Houses vote to day at 12 o'clock for Solicitor of the fourth Judicial circuit, term of office to commence on the first January, 1840; and further stating that John F. Poindexter is in nomination for the appointment; which was read and concurred in.

On motion of Mr. Baker, ordered that Mr. Jones be added to the committee on Cherokee lands.

Received from the House of Commons a message, proposing to raise a joint select committee of three on the part of the Senate, and six on the part of the House of Commons, for the purpose of examining the Wilmington and Raleigh Rail Road, and that said committee be instructed to report upon the condition and progress thereof; which was read, and the question recurring thereon, Mr. Edwards called for the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, are,

MESSRS. Biddle,  
Bunting,  
Cherry,  
Davidson,  
Hawkins,  
Hill,

MESSRS. Jones,  
Montgomery,  
Ribelin,  
Speed,  
Taylor—11 yeas.

Those who voted in the negative, are,

MESSRS. Allison,  
Albright,  
Arrington,  
Baker,  
Carson,  
Cooper,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy of Onslow,  
Franklin,  
Harper,  
Houlder,  
Kerr,  
Melvin,

MESSRS. Melchor,  
Morehead,  
Moore,  
Moody,  
Moye,  
McDiarmid,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Sharp,  
Shepard,  
Spruill,  
Williams of Beaufort,  
Williams of Person,  
Whitaker—33 nays.

So the proposition of the House of Commons was not concurred in.

The Speaker announced to the Senate that Messrs. Allison and Moye form the committee on the part of the Senate to superintend the election of Solicitor for the fourth judicial circuit, and the House of Commons was informed thereof by message.

Mr. Taylor presented the memorial of Joel Strong, relative to the dividing line between Virginia and North Carolina, and praying the Legislature to take some means to establish said line; which was read, and, on motion of Mr. Cooper, ordered to lie upon the table.

Received from the House of Commons a message, stating that Messrs. Gilliam and Covington form the committee on their part, to superintend the election of Solicitor for the fourth judicial circuit, and that they will commence voting on the return of the messenger.



Whereupon, the Senate proceeded to vote, as follows, to wit:

FOR MR. POINDEXTER,

MESSRS. Speaker,	MESSRS. Kerr,
Allison,	Melvin,
Albright,	Melchor,
Arrington,	Morehead,
Baker,	Moore,
Biddle,	Moody,
Bunting,	Moye,
Carson,	McDiarmid,
Cherry,	Montgomery,
Cooper,	Reid,
Davidson,	Reding,
Dockery,	Reinhardt,
Edwards,	Rabnn,
Etheridge,	Ribelin,
Exum,	Sharp,
Fox,	Speed,
Foy, of Onslow,	Spruill,
Franklin.	Taylor,
Harper,	Williams, of B.
Hill,	Williams, of P.
Houlder,	Whitaker—43.
Jones,	

Mr. Moye, from the joint select committee on the part of the Senate to superintend the election of Solicitor of the 4th Judicial Circuit, reported that John F. Poindexter, having received a majority of the whole number of votes given, was duly elected; in which the Senate concurred.

Mr. Taylor presented the following resolutions, to wit:

*Resolved*, That a message be sent to the House of Commons, proposing that so much of the message of his Excellency the Governor as relates to the subject of the currency, and to the subject of the depositories of the federal government, be referred to the committee on Finance.

Also that so much of said message as relates to public arms, and to a compilation of military tactics, be referred to the joint select committee on Military Affairs.

Also to refer so much of said message as relates to reports from the institutions of the State in which the State has a pecuniary interest, to the Executive, to the committee on Finance:

*Resolved*, That so much of said message as relates to internal improvements, be referred to the committee on Internal Improvements:

So much as relates to a topographical, geological, and mineralogical examination and survey of the State, to the committee on Internal Improvements:

Also so much as relates to common schools, to the committee on Education and the Literary Fund:

So much as relates to a report of cases of conviction in criminal prosecutions; and so much as relates to limited copartnerships, be referred to the committee on the Judiciary.

Which were severally read and adopted.

Mr. Moore presented the following Resolutions, to wit:

*Resolved*, That so much of the Message of His Excellency the Governor as relates to an Agricultural Survey, be referred to the Committee on Agriculture.

*Resolved*, That so much of the Governor's message as relates to a uniform set of weights, be referred to a select committee of five.

*Resolved*, That so much of the Governor's message as relates to securing to every family a certain portion of land in proportion to their number, be referred to the Judiciary Committee.

Which were severally read and adopted.

On motion of Mr. Reinhardt, the Senate adjourned until to-morrow morning ten o'clock.

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THURSDAY, Nov. 29, 1838.

Mr. Morehead, from the Judiciary committee, to whom was referred a bill, entitled a bill to amend an act concerning the public roads, ferries and bridges in this State, reported the bill without amendment. The bill was read the second time. Mr. Morehead moved to strike out all but the enacting clause, and insert in lieu thereof the following amendment:

"That it shall be the official duty of the County Attorney, in

each and every county in this State, to prosecute all suits brought by the overseer of any public road, for the fine imposed by law for failing or neglecting to work on any public road agreeably to the provisions of said act; and when any overseer shall fail to prosecute such suit with effect, it shall and may be lawful for the court before which such suit is tried to say and determine whether such suit was founded on frivolous or malicious pretences and grounds, and to order and direct that the costs of such suit be paid by the plaintiffs, or out of the county funds, at its discretion.

“ Be it further enacted, That nothing herein contained shall extend to trials before a single magistrate.”

Which was read, and, on motion of Mr. Wilson, the bill and amendment were ordered to lie upon the table and be printed.

Received from the House of Commons a message, proposing to vote to-day at 12 o'clock for Solicitor of the 5th judicial circuit; and further stating that Alexander Troy is in nomination for that appointment; which was read and concurred in, and the House of Commons informed thereof by message.

Whereupon the Speaker announced to the Senate that Messrs. Bunting and Williams, (of Beaufort and Hyde,) form the committee to superintend the election of Solicitor of the fifth Judicial Circuit.

Received from the House of Commons a message, stating that they had passed the engrossed bill, entitled a bill fixing the time for perfecting the titles to land heretofore entered and paid for, and asking the concurrence of the Senate; which was read the first time and passed.

Mr. Moore presented the following Resolution, to wit:

*Resolved*, That a committee of three members on the part of the Senate be appointed on private bills.

Which was read and adopted.

On motion of Mr. Cooper,

*Ordered*, That a message be sent to the House of Commons, proposing that Thursday, the 13th December next, be set apart for the purpose of appointing Justices of the Peace.

Mr. Morehead presented the following Resolution, to wit:

*Resolved*, That it be referred to the committee on the Judiciary to enquire into the expediency of altering the time of holding the Superior Courts of Law and Courts of Equity of the first, second, and third Judicial Circuits in this State; and that said committee have leave to report by bill or otherwise.

Which was read and adopted. Whereupon, on motion of Mr. Morehead, the above resolution was re-considered, and amended, by referring it to the members representing the first, second, and third Judicial Circuits; which was read and adopted.

Received from the House of Commons the pension certificate of Priscilla Goodwin, of Perquimons county; which was read, and ordered to be countersigned by the Speaker.

Received from the House of Commons the following resignations, to wit: The resignation of C. C. Durham, a justice of the peace for the county of Rutherford; Joel Lee, a justice of the peace for the county of Johnston; Martin Quin, a justice of the peace for the county of Rutherford; Alexander Torrence and D. Little, justices of the peace for the county of Iredell; Jesse Holmes, a justice of the peace for the county of Davidson; and Robert Milson, a justice of the peace for the county of Bladen; which were severally read and accepted.

Mr. Hill presented the resignation of John Linton and A. Ward, justices of the peace for the county of Duplin; and Mr. Reding presented the resignation of John Hendley, a justice of the peace for the county of Randolph; which were severally read and accepted, and ordered to be sent to the House of Commons.

Mr. Taylor presented the following Resolution, to wit:

*Resolved*, That the Judiciary Committee be instructed to enquire into the expediency of amending the existing laws so as to allow to witnesses residing in a different county from that to the Court of which they may be summoned, a compensation for each day's travel to and from Court, in addition to that already allowed; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. Pemberton and Sloan form their branch of the committee to superintend the election for Solicitor of the fifth Judicial Circuit; and further stating that they will commence voting on the return of the messenger. Whereupon the Senate proceeded to vote as follows, to wit:

FOR MR. TROY,

MESSRS. Speaker,  
Allison,  
Albright,  
Arrington,  
Baker,  
Biddle,  
Bunting.  
Carson,  
Cherry,  
Cooper,  
Davidson,  
Dockery,  
Etheridge,  
Exum,  
Fox,  
Foy, of Onslow,  
Franklin,  
Harper,  
Hawkins,  
Hill,  
Houlder,  
Jones,

MESSRS. Kerr,  
Melchor,  
Morehead,  
Moore,  
Moody,  
Moye,  
McDiarmid,  
Montgomery,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Sharp,  
Speed,  
Spruill,  
Taylor,  
Williams, of B.  
Williams, of P.  
Wilson,  
Whitaker—43.

Mr. Melvin voted for Mr. Winslow.

On motion of Mr. Cooper, the memorial of Joel Strong, heretofore laid upon the table, was taken up and ordered to be sent to the House of Commons, with a proposition that it be referred to a committee to consist of the members representing the counties adjacent to the Virginia line.

On motion of Mr. Carson, the Senate adjourned until tomorrow morning ten o'clock.

FRIDAY, NOVEMBER 30, 1838.

Mr. Williams, (of Beaufort and Hyde,) from the joint select committee on the part of the Senate to superintend the election of Solicitor for the fifth Judicial Circuit, reported that Alexander Troy, having received a majority of the whole number of votes given, was duly elected; in which the Senate concurred.

Mr. Dockery, from the committee on claims, to whom was referred the petition of Christopher Vickry, of Randolph county, reported adversely to the claim of the petitioner; which was read and concurred in.

Mr. Dockery, from the same committee, to whom was referred the petition of Robert Brown, a citizen of the county of Lincoln, reported unfavorably to the claim of the petitioner; which was read and concurred in, and the committee discharged from its further consideration.

Mr. Cooper presented a bill, entitled a bill to alter the mode of electing Constables in this State, so far as relates to the county of Martin; which was read the first time and passed, and ordered to lie upon the table.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to raise a joint select committee on Military Affairs; and further stating that Messrs. Brittain, Trollinger, Peden, Whitaker, and J. T. Miller form their branch of the committee.

Received from the House of Commons a message, stating that Messrs. Holland, Mills, Massey, H. C. Jones and Puryear form their branch of the joint select committee to which is referred the communication of the Secretary of State relative to the Public Printing.

Received from the House of Commons a message, transmitting the report of the Commissioners for draining Matamuskeet Lake, in Hyde county, with a proposition that one copy for each member of the General Assembly be printed; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to add Mr. Patton to the joint select committee on Cherokee lands; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to print

the report of the Commissioners superintending the rebuilding of the Capitol.

Mr. Whitaker presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to William Ashley the sum of fifty-five dollars and twenty-five cents, for furnishing the Senate and House of Commons with tables and spit boxes, 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. Reid, was referred to the Committee on Claims.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to incorporate Junco Academy, in Orange county, in which they ask the concurrence of the Senate; which was read the first time and passed, and, on motion of Mr. Edwards, referred to the Committee on Private Bills.

The Speaker announced to the Senate, that Messrs. Reid and Montgomery form the Committee on enrolled bills on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Albright presented a bill, entitled a bill to authorize the issuing of Treasury Notes; which was read the first time and passed, and, on motion of Mr. Edwards, referred to the Committee on Finance.

Received from the House of Commons a message, proposing to refer the communication of his Excellency, the Governor, together with the report of William H. Haywood, Jun. Esq., therewith transmitted to the Senate, to a joint select committee to be raised for that purpose, consisting of five on the part of each House; which was read and concurred in, and the House of Commons was informed thereof by message.

Mr. Davidson presented a bill, entitled a bill concerning the Court of Pleas and Quarter Sessions for the county of Iredell; which was read the first, second and third times and passed and ordered to be engrossed.

Received from the House of Commons a message, transmitting to the Senate a communication of his Excellency the Governor, touching the renting and fitting up a House for the present session of the General Assembly; which was read, and, on motion of Mr. Edwards, referred to the Committee on Claims.

The Speaker announced to the Senate, that Messrs. Morehead, Spruill, Bunting, Arrington and Speed, form the committee on the Governor's message, transmitting a communication from William H. Haywood, Jun.; Messrs. Wilson, Dockery, Harper, Hill and Cooper, form the committee on Military Affairs; Messrs. Edwards, Carson, Kerr, Biddle and Ribelin, form the committee on so much of the Governor's message as relates to weights and measures; and that Messrs. Moody, Holt, Reinhardt, Montgomery and Reid, form the Committee on Agriculture; and the House of Commons was informed thereof by message.

On motion of Mr. Cooper, the Senate adjourned until tomorrow morning ten o'clock.

SATURDAY, DECEMBER 1, 1838.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred a bill, entitled a bill to amend the 16th section of an Act in the Revised Statutes, entitled an Act concerning the General Assembly of the State of North Carolina, reported the bill without amendment, and recommended its rejection. The bill was read a second time: thereupon Mr. M'Diarmid moved to amend the bill by striking out the word four, and inserting in lieu thereof the word five, and the question thereon was decided in the negative. The question then recurred on the passage of the bill, which was decided in the negative.

Mr. Williams (of Beaufort and Hyde,) presented the following resolution, to wit:

*Resolved*, That the committee on Education and the Literary Fund be instructed to enquire into the expediency of establishing Free Schools in each and every county in the State, and report by bill or otherwise.

Which was read and adopted.

Mr. M'Diarmid presented the pension certificate of Ann Morrison, widow of the late Alexander Morrison, dec'd, of Camberland county; which was read and ordered to be coun-



ter-signed by the Speaker and to be sent to the House of Commons.

Received from the House of Commons a message, proposing to refer so much of the Governor's Message as relates to the securing to the citizens of this State home-stead or freeholds to a joint select committee of five on their part, and three on the part of the Senate; which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

Received from the House of Commons a message, proposing to raise a joint select committee of five on the part of each House to enquire into the expediency of building a Penitentiary in this State: which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to vote on Monday next, at 12 o'clock, for Counsellors of State; which was read and adopted, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. E. P. Miller, Walker, Stafford, and Furman form their branch of the committee on enrolled bills.

Received from the House of Commons a message, proposing to refer so much of the Governor's Message as relates to the request made by the State of Louisiana to hold a Southern Convention to adopt measures against the machinations of northern fanaticks, to a joint select committee of three on the part of each House; which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

On motion of Mr. Cooper, the bill to alter the mode of electing Constables in this State, so far as it relates to the county of Martin, was taken up, and, on his motion, amended, and was then read the second time and passed, and ordered to lie upon the table.

Mr. Jones presented the petition of Elizabeth Bentley, of Wilkes county; praying the Legislature to secure to her such property as she may hereafter acquire; which was read, and, on motion of Mr. Taylor, ordered to lie upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, to wit: A Bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift. Also, a Bill for the better regulation of the town of Greenville; and a Resolution for printing the

Comptroller's Report; in which they ask the concurrence of the Senate.

The first named bill, entitled a Bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift, was read the first time, and, on motion of Mr. Jones, was amended, and passed.

The bill for the better regulation of the town of Greenville was read the first time and passed.

The Resolution for printing the Comptroller's Report was read the first time and rejected.

The Speaker announced to the Senate the following committees, to wit:

#### ON THE PUBLIC PRINTING,

MESSEURS. Davidson,  
Fox,  
Albright,

MESSEURS. Baker,  
Sharp.

#### ON PRIVATE BILLS,

MESSEURS. Holt,  
Exum,  
Reding,

MESSEURS. Rabun,  
Melchor.

And the House of Commons was informed thereof by message.

Mr. Dockery presented the petition of a number of citizens of Robeson county, praying the Legislature to grant them an appropriation for the purpose of removing obstructions in Lumber river; which was read and referred to the Committee on Internal Improvements.

Mr. Spruill presented the following Resolution, to wit:

*Resolved*, That a message be sent to the House of Commons, proposing that a joint select committee of three on the part of each House be appointed to make the necessary arrangements, and to prescribe the time and manner for the assembling of the two Houses of the General Assembly to compare the votes given at the late election in this State for Governor, and to declare the result thereof.

Which was read and adopted.

On motion of Mr. Reinhardt, the Senate adjourned until Monday ten o'clock.

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MONDAY, DECEMBER 3, 1838.

On motion of Mr. Allison,  
*Ordered*, That Mr. Exum have leave of absence from the service of this House for this day.

Mr. Edwards presented the following Resolutions, to wit:

*Resolved*, By the General Assembly of North Carolina, that it is expedient so to amend the first and second sections of the first article of the amendments to the Constitution, as to restore to the people the right of choosing *annually* the members of the Senate and House of Commons.

*Resolved*, That a select committee of three members be appointed to report a bill agreeably to the provisions of the Constitution, to carry into effect the foregoing resolution.

Which were read, and, on motion of Mr. Edwards, ordered to lie upon the table and be printed.

Mr. Moody presented the following resolution, to wit:

*Resolved*, That a committee be appointed to wait upon his Excellency the Governor, requesting him to lay before the Legislature, at as early a day as convenient, the resolution of the last Legislature, and all papers relative to Free Schools in the State.

Which was read and adopted.

Received from the House of Commons a message, stating that they do not concur in the proposition of the Senate, that so much of the Governor's Message as relates to reports from the Institutions of the State, in which it has a pecuniary interest, be referred to the Committee on Finance.

Received from the House of Commons a message, stating they do not concur in the proposition of the Senate to refer to the Committee on Finance, so much of the Governor's

Message as relates to the subject of the currency, and of the Depositories of the Federal Government.

Received from the House of Commons a message, concurring in the proposition of the Senate, that Thursday, 13th December next, be set apart for the appointment of justices of the peace.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate, that so much of the Governor's Message as relates to the public arms and a compilation of military tactics, be referred to the Committee on Military affairs.

Mr. Shepard presented a bill, entitled a bill to amend an Act, passed in the year one thousand eight hundred and twenty-one, entitled an Act to incorporate a company entitled the Roanoke Inlet Company, and for other purposes; which was read the first time and passed.

Mr. Baker presented a bill; entitled a bill to lay off and establish a county by the name of Boon; which was read the first time and passed, and, on his motion, ordered to be referred to a committee to be composed of the members from the counties of Burke and Wilkes.

The Senate proceeded to consider the Bill, entitled a bill for the better regulation of the town of Greenville; which was read the second time, and, on motion of Mr. Moye, ordered to be referred to the Committee on Private Bills.

The Senate proceeded to consider the bill, entitled a bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; which was read a second time and passed.

On motion of Mr. Reinhardt, the bill, entitled a bill to amend the 16th section of an Act in the Revised Statutes, entitled an Act concerning the General Assembly of the State of North Carolina, was reconsidered and read the second time, amended on motion of Mr. Cherry, and passed.

On motion of Mr. Speed, the resolution for printing Comptroller's Report, was re-considered, and, on motion of Mr. Taylor, *ordered*, that a message be sent to the House of Commons, proposing to refer the resolution to the Committee on Public Printing.

Received from the House of Commons a message, informing the Senate that John A. Anderson, of Hertford county; Allen Goodwin, of Chatham county; James P. Leak, of Richmond county; Johnson Busbee, of Wake county; Thos.

McGehee of Person county; Doctor Willie Perry, of Franklin county; and Isaac T. Avery of Burke county, are in nomination for Counsellors of State.

On motion of Mr. Kerr,

*Ordered,* That a message be sent to the House of Commons, informing that House that Messrs. James Watt, of Rockingham county; George Williamson, of Caswell county; Allen Rogers, sr. of Wake county; Archibald H. Davis, of Franklin county; Allen Goodwin, of Chatham county; Charles E. Johnson, of Chowan county; and Thomas H. Hall, of Edgecomb county, are in nomination for the appointment of Counsellors of State.

The Speaker announced to the Senate, that Messrs. McDiarmid and Biddle form the committee on the part of the Senate to superintend the election of Counsellors of State, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. E. J. Erwin and Daniel form the committee on their part to superintend the election for Counsellors of State, and that they will commence voting on the return of the messenger. Whereupon, the Senate proceeded to vote as follows:

FOR MR. ANDERSON,

MESSRS. Speaker,  
Albright,  
Biddle,  
Carson,  
Cherry,  
Dockery,  
Davidson,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,

MESSRS. Morehead,  
Moore,  
Moody,  
Moye,  
Montgomery,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Williams, of B.—24.

FOR MR. GOODWIN,

MESSRS. Speaker,  
Albright,  
Arrington,  
Baker,

MESSRS. Melchor,  
Melvin,  
Moore,  
Moody,

Biddle,  
 Bunting,  
 Carson,  
 Cherry,  
 Cooper,  
 Davidson,  
 Dockery,  
 Edwards,  
 Etheridge,  
 Fox,  
 Foy, of Onslow,  
 Franklin,  
 Harper,  
 Hill,  
 Holt,  
 Houlder,  
 Jones,  
 Kerr,

Moye,  
 McDiarmid,  
 Montgomery,  
 Reid,  
 Reding,  
 Reinhardt,  
 Rabun,  
 Ribelin,  
 Sharp,  
 Shepard,  
 Speed,  
 Spruill,  
 Taylor,  
 Williams, of B.  
 Williams, of P.  
 Wilson,  
 Whitaker—43.

FOR MR. LEAK,

MESSRS. Speaker,  
 Albright,  
 Biddle,  
 Carson,  
 Cherry,  
 Davidson,  
 Dockery,  
 Franklin,  
 Harper,  
 Holt,  
 Jones,  
 Melchor,  
 Morehead,

MESSRS. Moore,  
 Moody,  
 Moye,  
 Montgomery,  
 Reding,  
 Ribelin,  
 Sharp,  
 Shepard,  
 Spruill,  
 Speed,  
 Taylor,  
 Williams, of B.—25.

FOR MR. BUSBEE,

MESSRS. Speaker,  
 Albright,  
 Biddle,  
 Carson,  
 Cherry,  
 Davidson,  
 Dockery,  
 Franklin,  
 Harper,  
 Holt,

MESSRS. Moore,  
 Moody,  
 Moye,  
 Montgomery,  
 Reding,  
 Ribelin,  
 Sharp,  
 Shepard,  
 Speed,  
 Spruill,

Jones,  
Melchor,  
Morehead,

Taylor,  
Williams of B.—25.

FOR MR. McGEHEE,

MESSRS. Speaker,  
Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moore,

MESSRS. Moody,  
Moye,  
McDiarmid,  
Montgomery,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams, of B. & H.  
Williams of P.—27.

FOR MR. PERRY.

MESSRS. Speaker,  
Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,

MESSRS. Morehead,  
Moody,  
Moye,  
Montgomery,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams, of B.—24.

FOR MR. AVERY,

MESSRS. Speaker,  
Albright,  
Baker,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,

MESSRS. Morehead,  
Moore,  
Moody,  
Moye,  
Montgomery,  
Reding,  
Ribelin,  
Rabun,  
Sharp,

Harper,  
Holt,  
Jones,  
Melchor,

Shepard,  
Spruill,  
Taylor,  
Williams of B.—26.

FOR MR. WATT,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Fox,  
Foy,  
Hill,  
Houlder,

MESSRS. Kerr,  
Melvin,  
Morehead,  
M'Diarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams, of P.  
Wilson,  
Whitaker—21.

FOR MR. WILLIAMSON,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Fox,  
Foy,  
Hill,

MESSRS. Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams, of P.  
Wilson,  
Whitaker—20.

FOR MR. ROGERS,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Fox,  
Foy,  
Hill,

MESSRS. Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams, of P.  
Wilson,  
Whitaker—20.



## FOR MR. DAVIS,

MESSRS. Allison,  
 Arrington,  
 Baker,  
 Bunting,  
 Cooper,  
 Edwards,  
 Etheridge,  
 Fox,  
 Foy,  
 Hill,

MESSRS. Houlder,  
 Kerr,  
 Melvin,  
 McDiarmid,  
 Reid,  
 Reinhardt,  
 Rabun,  
 Williams, of P.  
 Wilson,  
 Whitaker—20.

## FOR MR. HALL,

MESSRS. Allison,  
 Arrington,  
 Baker,  
 Bunting,  
 Cooper,  
 Edwards,  
 Etheridge,  
 Fox,  
 Foy,  
 Hill,

MESSRS. Houlder,  
 Kerr,  
 Melvin,  
 McDiarmid,  
 Reid,  
 Reinhardt,  
 Williams, of P.  
 Wilson,  
 Whitaker—19.

Mr. Allison voted for Mr. Kerr.

## FOR MR. JOHNSTON,

MESSRS. Allison,  
 Arrington,  
 Bunting,  
 Cooper,  
 Edwards,  
 Etheridge,  
 Fox,  
 Foy,  
 Hill,

MESSRS. Houlder,  
 Kerr,  
 Melvin,  
 Reid,  
 Reinhardt,  
 Rabun,  
 Speed,  
 Wilson,  
 Whitaker—18.

Received from the House of Commons a message, stating that they do not concur in the proposition of the Senate to refer the memorial of Joel Strong to a committee consisting of the members of both Houses representing the counties adjacent to the Virginia line.

On motion of Mr. Cooper, the bill, entitled a bill to alter the mode of electing constables in this State so far as it relates to the county of Martin, was taken up and read a third time and passed, and ordered to be engrossed.

Mr. Jones, from the committee on finance, to whom was referred so much of the Message of His Excellency the Governor as relates to the currency, and also, so much as relates to the depositories of the General Government, reported that the committee ask leave to be discharged from the further consideration of those subjects; and recommend that they be referred to a joint select committee to consist of five to be raised for that purpose; which was read and concurred in, and the committee was discharged accordingly.

Mr. Jones presented the memorial of Jeremiah Gilreath, praying the Legislature to authorise the Secretary of State to issue to him a duplicate warrant for six hundred and forty acres of land; which was read, and, on his motion, referred to the committee on propositions and grievances.

Mr. Shepard presented the following Preamble and Resolutions:

Whereas, the exchange and the currency of the country are much deranged, and it is indispensable for the general prosperity that this state of things should be speedily corrected, and the industry of the country placed upon that steady and permanent footing that hereafter its exertions may not be in any way periodically paralyzed by the action of the Federal Government; and whereas, there are conflicting opinions among the people of North Carolina upon the subject of a National Bank, and upon the policy of an Independent Treasury under the exclusive control of the Federal Executive, therefore

*Resolved*, by the General Assembly of North Carolina, That it would be eminently conducive to the prosperity of the people of the United States and tend much for the future to withdraw the business of the country from those entangling alliances with national politics which have been found injurious to both, that the Congress of the United States should charter three separate, distinct, and independent Banks, to be located with their branches in the three great sections of the Union, North, South, and West.

And be it further Resolved, That in the opinion of this Assembly, the united capitals of these Banks should not exceed fifty millions of dollars, to be distributed in such portions to the different sections of the Union as to Congress might seem just and proper.

Which were read, and, on motion of Mr. Shepard, ordered to lie on the table and be printed.

Mr. Biddle presented the following Resolution, to wit:

*Resolved*, That the committee on the judiciary be instructed to report a bill amending the law respecting the election of constables.

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

Mr. Biddle also presented the following Resolution, to wit:

*Resolved*, That the Clerk of the Senate procure two of the most approved maps of the State of North Carolina, one for the use of the Senate, and one for the use of the House of Commons.

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

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

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TUESDAY, DEC. 4, 1838.

The Speaker announced to the Senate, that Messrs. Moody and Reinhardt form the committee to wait on his Excellency the Governor, to obtain papers relating to common schools.

The Speaker also announced to the Senate the following committees, to wit:

ON ENROLLED BILLS,

MESSRS. Spruill,  
Wilson.

ON THE SUBJECT OF THE PENITENTIARY,

MESSRS. Morehead,  
Edwards,  
Holt,

MESSRS. Shepard,  
Kerr.

And the House of Commons was informed thereof by message.

Mr. Dockery, from the Committee on Claims, to whom was referred the resolution in favor of William Ashley, reported the same with the following amendment, to wit, strike out fifty-five, and insert in lieu thereof the word forty-eight; which was read the second time and passed as amended.

Mr. Dockery, from the same committee, to whom was referred the communication of his Excellency the Governor, relative to renting a house for the use of the Legislature the present session, reported the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to B. B. Smith the sum of twelve hundred and fifty dollars, as a compensation for the use of the house now occupied by the General Assembly, for and during its present session, agreeably to the contract of his Excellency the Governor, and that the same be allowed him in the settlement of his public accounts.

Which was read the first time and passed.

Received from the House of Commons a message, proposing that the joint select committee heretofore raised for the purpose of providing a signal for the meeting of the two Houses, be instructed to inquire what repairs are necessary in the building where the bell now stands, and what expenses will be incurred thereby; which was read and concurred in.

Received from the House of Commons a message, stating that Messrs. E. S. Bell, Proctor, Hester and Baker form their branch of the committee on enrolled bills for this week.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to raise a joint select committee of three on the part of each House to make the necessary arrangements to prescribe the time and manner for the assembling of the two Houses to compare the votes given at the late election in the State for Governor; and further stating that Messrs. Waddell, J. T. Milger and Patton, form their branch of the committee.

Received from the House of Commons a message, stating

that they concur in the proposition of the Senate to add Mr. Jones to the joint select committee on Cherokee lands.

Mr. Whitaker presented the following resolution, to wit:

*Resolved*, That the Committee on Claims be instructed to examine the account of Osborne Bowers, and report to the House by resolution or otherwise.

Which was read and adopted.

Mr. Harper presented the petition of J. Moore and others of Greene county, praying the Legislature to compensate them for services rendered in holding a Court Martial; which was read, and, on motion of Mr. Harper, was referred to the Committee on Military Affairs.

The Senate proceeded to consider the bill, entitled a bill to amend the 16th section of an Act in the Revised Statutes, entitled an Act concerning the General Assembly of the State of North Carolina; which was read the third time, and, on motion of Mr. McDiarmid, amended and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Brummell, S. A. Williams, Faison, G. W. Caldwell and Waddell form their branch of the committee to whom is referred the communication of his Excellency the Governor, and the report of William H. Haywood, Jun. Esq., accompanying the same upon the subject of the military claim of North Carolina against the General Government.

The Senate proceeded to consider the resolution relative to the election of constables, heretofore laid on the table, which was read: thereupon, Mr. Biddle asked leave to withdraw the resolution, which was granted accordingly.

The Senate also proceeded to consider the bill, entitled a bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; which was read the third time and passed, and ordered to be enrolled.

Mr. McDiarmid, from the joint select committee on the part of the Senate to superintend the election for Counselors of State, reported that John A. Anderson, Allen Goodwin, James P. Leak, Johnson Busbee, Thomas McGehee, Dr. Willie Perry, and Isaac T. Avery, having each receiv-

ed a majority of the whole number of votes given, were duly elected; in which the Senate concurred.

The Speaker announced to the Senate that Messrs. Spruill, Arrington, and Moye form the committee on the part of the Senate to make arrangements in relation to the late election for Governor; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to refer to a joint select committee of three on the part of each House that part of the Governor's Message which relates to the establishment of Banks within the States to be tendered to the Government of the United States as places of deposite of the public moneys and the fiscal agents of the General Government; which was read and concurred in.

The Speaker presented to the Senate the report of the Adjutant General of the Militia of North Carolina; whereupon, on motion of Mr. Wilson, ordered that it be referred to the committee on Military Affairs and be printed.

Mr. Biddle presented the memorial of many citizens of the county of New Hanover, praying the Legislature to amend the inspection laws so as to provide for the appointment of an inspector of timber and lumber; which was read, and referred to the committee on propositions and grievances.

The Senate proceeded to consider the bill, entitled 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; which was read the second time and passed.

Mr. Jones, from the committee on finance, reported that they have counted in Treasury notes which have been redeemed by the Public Treasurer the sum of \$1,290 67-100, which have been burned; and they recommend the passage of the following Resolution, to wit:

*Resolved*, That Daniel W. Courts, Public Treasurer, be allowed the sum of one thousand two hundred and ninety dollars and sixty-seven cents, amount of Treasury Notes counted and burnt by the committee on Finance, in the settlement of his public accounts.

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

Mr. Moore presented a bill, entitled a bill to incorporate the Salem Light Infantry Company; which was read the first time and passed, and referred to the committee on private bills.

Mr. Biddle presented the following Resolution, to wit:

*Resolved*, That the committee on propositions and grievances enquire into the expediency of amending the laws respecting the inspection of lumber and measurement of ton or square timber, so as to make them uniform in this State; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Moody, from the select committee appointed to wait upon his His Excellency the Governor to obtain papers relating to Free Schools, reported that he was authorized to say that all the papers relative thereto have been transmitted to the House of Commons; which was read and concurred in.

On motion of Mr. Hill, the Senate adjourned until tomorrow morning ten o'clock.

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WEDNESDAY, DEC. 5, 1838.

Mr. Spruill, from the joint select committee appointed to make the arrangement, and prescribe the time for the assembling of the two Houses to compare the votes given at the late election for Governor, reported the following resolution, to wit:

*Resolved*, That the two Houses shall assemble in the Hall of the House of Commons on Friday the 7th day of December, 1838, at 12 o'clock; that one person be appointed Teller on the part of the Senate, and two persons be appointed Tellers on the part of the House of Commons, to make a list of the votes for Governor of the State, as they shall be declared; that the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled as aforesaid, the state of the vote and the person elected; if it shall appear that a choice has been made agreeably to the Constitution of the State, the announcement shall be deemed a sufficient declaration of the person

elected, and together with a list of the votes shall be entered on the Journals of the two Houses.

Which was read and adopted.

Mr. Jones, from the Committee on Finance, to whom was referred the bill, entitled a bill to authorize the issuing of Treasury Notes, reported the same without recommending either its passage or rejection. Whereupon, on motion of Mr. Albright, ordered to lie upon the table. The committee was discharged from its further consideration.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill, entitled a bill fixing the time for perfecting titles to land heretofore entered and paid for, reported that they recommend the passage of said bill with an amendment; which was read the second time, and passed as amended, and the committee was discharged from its further consideration.

Mr. Morehead, from the same committee, to whom was referred a resolution requiring them to inquire into the expediency of amending the existing laws relative to witnesses in certain cases, reported that the committee deemed it inexpedient to make any amendment to the existing law on that subject, and asked leave to be discharged from its further consideration. The committee was discharged accordingly.

Mr. Harper, from the Committee on Military Affairs, to whom was referred the petition of Jesse M. Moore, William R. Dupree and Thomas Hughes, Captains of the Militia in the county of Greene, reported the following resolution to wit:

*Resolved*, That the Public Treasurer be directed to pay to Jesse M. Moore, William R. Dupree, and Thomas Hughes the sum of eight dollars sixty-two and half cents each for their services in Court Martial in Newbern in August last, in the case of Col. Luke Russell.

Which was read the first time and passed.

Received from the House of Commons a message, stating that the report of the commissioners appointed to superintend the sales of the lands acquired by treaty from the Cherokee Indians therewith transmitted to the Senate, has been referred to the joint select committee on Cherokee lands; and further proposing to print it; which was read and concurred in.



Received from the House of Commons a message, proposing to add Mr. McWilliams to the joint select committee on public printing; which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, to wit: A bill to authorize Robert Walker, of Wilkes county, to build a mill on his own land, on Roaring river, at or near a place called the Rock House; a bill making valid certain surveys made by the deputy surveyor of Haywood county; a bill to circumscribe the corporate limits of the town of Milton; and a bill to establish a toll bridge over the South Yadkin river near Hall's Mills, in Davie county; also, a resolution in favor of Joseph Brindle; in which they ask the concurrence of the Senate.

The first named bill, entitled a bill to authorize Robert Walker, of Wilkes county, to build a mill on his own land on Roaring river, at or near a place called the Rock House, was read the first and second times and passed, and, on motion of Mr. Moore, referred to the Committee on the Judiciary.

The bill making valid certain surveys made by the deputy surveyor of Haywood county; the bill to circumscribe the corporate limits of the town of Milton; and the bill to establish a toll bridge on the South Yadkin River near Hall's Mills in Davie county, were severally read the first time and passed.

The resolution in favor of Joseph Brindle was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to lay off and establish a county by the name of Henderson; in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

The Senate proceeded to consider the resolution in favor of William Ashley, which was read the third time and passed, and ordered to be engrossed.

The Senate also considered the resolution in favor of B. B. Smith, which was read the second time and passed.

Mr. Dockery presented the following Resolution, to wit:

*Resolved*, That the Committee on Military Affairs be instructed to enquire into the expediency of so amending the Militia Laws

of the State as to require captains to muster their companies once in three months; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Spruill presented the following Resolution, to wit:

*Resolved*, That a message be sent to the House of Commons, proposing that the standing committees of both Houses on Education and the Literary Fund be constituted a joint select committee.

Which was agreed to.

The Senate proceeded to consider the bill, entitled 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; which was read the third time and passed, and ordered to be engrossed.

The Speaker announced to the Senate that Messrs. Carson, Moore, and Hawkins form the Committee on the part of the Senate on so much of the Governor's Message as relates to Banks and Depositories of the public moneys; and the House of Commons was informed thereof by message.

Mr. Speed presented the following Resolution, to wit:

*Resolved*, That the Committee on the Judiciary be instructed to report a bill for the suppression of contagious diseases.

Which was read and adopted.

Received from the House of Commons the resignation of W. B. M'Corkle, a Justice of the Peace for the county of Anson; which was read and accepted.

On motion of Mr. Morehead, the message from the House of Commons relating to a Southern Convention, was taken up and read; thereupon Mr. Shepard moved that the same be concurred in, subject to the following conditions: "with instructions to the committee that they report to the two Houses the reasons why, in the opinion of the Legislature of North Carolina, it is inexpedient at this time to summon a Convention of the Southern States;" which was agreed to.

On motion of Mr. McDiarmid, the bill, entitled "a bill to amend an act entitled an act concerning the public roads,"

ferries, and bridges in this State," was taken up and read the third time; thereupon Mr. McDiarmid moved to amend the bill by striking out the second section thereof; which was agreed to; also, to amend the bill by striking out the title, and inserting in lieu thereof the following, viz: "A bill to exempt miners from working on public roads, and concerning the appointment of overseers of roads;" which was likewise agreed to. Mr. Morehead then moved to amend the bill by striking out all after the enacting clause, and inserting in lieu thereof an amendment which he proposed. Mr. McDiarmid called for a division of the question, and on the motion to strike out demanded the yeas and nays; which were ordered, and are as follows:

Those who voted in the affirmative, were,

MESSRS. Albright,  
Baker,  
Biddle,  
Bunting,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Edwards,  
Etheridge,  
Fox,  
Franklin,  
Harper,  
Hill,  
Holt,

MESSRS. Jones,  
Melchor,  
Morehead,  
Moody,  
Moye,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Speed,  
Spruill,  
Williams, of B.  
Wilson—29 yeas.

Those who voted in the negative, were,

MESSRS. Allison,  
Arrington,  
Cooper,  
Exum,  
Foy, of O.  
Hawkins,  
Henry,  
Houlder,  
Kerr,

MESSRS. Melvin,  
Moore,  
M'Diarmid,  
Montgomery,  
Sharp,  
Shepard,  
Taylor,  
Williams, of Person,  
Whitaker—18 yeas.

So the motion to strike out was carried.

The question then recurred on inserting the amendment proposed by Mr. Morehead; which was decided in the negative. Mr. McDiarmid then moved that the title of the bill lie upon the table; which prevailed.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning ten o'clock.

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THURSDAY, DECEMBER 6, 1838.

Mr. Arrington presented the resignation of Bartley Deans, a justice of the peace for the county of Nash; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Shepard presented a bill, entitled a bill to authorise the justices of the Court of Pleas and Quarter Sessions for the county of Perquimons, to purchase the Bridge across Perquimons River; which was read the first time and passed.

Mr. Holt presented a bill, entitled a bill to incorporate the Lexington Manufacturing Company; which was read the first time and passed.

On motion of Mr. Rabun, the Senate proceeded to consider the bill, entitled a bill to lay off and establish a county by the name of Henderson; which was read the second time, and the question recurring thereon, it was decided in the affirmative.

Mr. Spruill demanded the yeas and nays which were ordered, and are as follows:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Albright,  
Baker,  
Bunting,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Edwards,  
Fox,  
Franklin,

MESSRS. Kerr,  
Melchor,  
Morehead,  
Moore,  
McDiarmid,  
Montgomery,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,

Hawkins,  
Hill,  
Holt,  
Jones,

Shepard,  
Taylor,  
Williams of P.  
Whitaker—30 yeas,

Those who voted in the negative, were,

MESSRS. Arrington,  
Biddle,  
Cooper,  
Etheridge,  
Exum,  
Foy, of Onslow,  
Harper,  
Henry,  
Houlder,

MESSRS. Melvin,  
Moody,  
Moye,  
Sharp,  
Speed,  
Spruill,  
Williams, of B.  
Wilson—17 nays

Received from the House of Commons a message, stating that Messrs. E J. Erwin, Gilliam, Eaton, Amis and Lindsay form their branch of the joint select committee on the subject of a Penitentiary.

Received from the House of Commons a message, stating that they have passed the engrossed bill to lay off and establish a county by the name of Jefferson, in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

The Senate proceeded to consider the engrossed bill, entitled a bill fixing the time for perfecting titles to land heretofore entered and paid for; which was read the third time, and, on motion of Mr. Morehead, amended, by adding the words "nor to the swamp lands in this State;" and on motion of Mr. Wilson, further amended by striking out the word eleven in the seventh line of the first section, and inserting the words "twenty-two." Mr. Edwards then moved that the bill be indefinitely postponed; and the question recurring thereon, it was decided in the affirmative.

Mr. Whitaker demanding the yeas and nays, were as follows:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Albright,  
Arrington,  
Bunting.

MESSRS. Melchor,  
Moore,  
Moody,  
Moye,

Cooper,	McDiarmid,
Edwards,	Reid,
Etheridge,	Rabun,
Exum,	Shepard,
Fox,	Speed,
Foy of Onslow,	Spruill,
Hawkins,	Taylor,
Henry,	Williams, of B. & H.
Hill,	Williams, of P.
Houlder,	Wilson,
Melvin,	Whitaker—30 yeas.

Those who voted in the negative, are,

MESSRS. Baker,	MESSRS. Jones,
Biddle,	Kerr,
Carson,	Morehead,
Cherry,	Montgomery,
Davidson,	Reding,
Dockery,	Reinhardt,
Franklin,	Ribelin,
Harper,	Sharp—17 nays.
Holt,	

Mr. Dockery presented the following preamble and Resolution, to wit:

WHEREAS the Constitution of this State makes it the duty of the Legislature to establish schools for the education of the people; and whereas a faithful compliance with the said requisition of the Constitution, is calculated to perpetuate the blessings of a free government to posterity, since all such governments must mainly depend upon the intelligence and virtue of the mass of the people, who are the rightful source of all political power; and whereas this State has now a large fund known as the Literary Fund, set apart by former Legislatures for the purpose of diffusing information among the people:

*Resolved therefore,* That the Committee on Education and the Literary Fund, be instructed to inquire into the expediency of distributing the interest of said fund among the several counties of this State, in proportion to their federal population, to be applied to the purposes of educating the indigent youth of the State, subject to the control, direction and supervision of a Literary Board, to be created by the County Court of each respective county; and that they have leave to report by bill or otherwise,

Which was read and adopted.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

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FRIDAY, DECEMBER 7, 1838.

Received from the House of Commons a message, stating that they concur in the arrangements made for comparing the votes for Governor this day at 12 o'clock, and further stating that Messrs. Rayner and William P. Williams are the Tellers on the part of the Commons. Whereupon the Speaker announced to the Senate that Mr. Morehead is appointed Teller on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer so much of the Governor's Message as relates to the currency and to the depositions of the General Government, to a joint select committee of five on the part of each House; and further stating that Messrs. Paine, Whitaker, Hill, Wadsworth and Walker form their branch of said committee.

Received from the House of Commons a message, therewith transmitting to the Senate the message of his Excellency the Governor, with the report of the Literary Board, and other documents which they propose to refer to a joint select committee consisting of six on the part of each House; and further propose to print the whole, with the exception of C. B. Shaw's first report, one copy for each member of the General Assembly; and they also propose to print the report on Common Schools, *nine* copies for each member of the General Assembly; which was read, and, on motion of Mr. Wilson, ordered to be laid upon the table.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer the petition of a portion of the citizens of Burke and Wilkes, praying the establishment of a new county, and the bill to carry the same into effect, to a joint select committee composed of the members of both Houses from the said counties, and therewith transmitting the bill and petition to the Senate.

Mr. Moye presented the following Preamble and Resolution, to wit:

Whereas, it hath been latterly held by one of the Judges of the Superior Courts of Law and Equity in this State, in relation to the crime of robbery, that the act must be committed on the public highway, before the charge can be sustained under the existing laws:

Therefore *Resolved*, That the Committee on the Judiciary enquire into the expediency of amending the law in relation to this matter; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Moody, from the joint select committee appointed for the purpose of ascertaining at what expense the steeple of the Presbyterian Church in this City can be repaired, reported that they believe, after examination, one hundred dollars will be required to make the ringing of the bell secure; which was read, and, on motion of Mr. Whitaker, ordered to lie on the table.

Mr. Spruill presented the following resolution, to wit:

*Resolved*, That the Committee on Education and the Literary Fund be instructed to inquire into the expediency of establishing the following system of Public Schools in this State:

At the first County Court which may happen in each and every county in the State, after the first day of January, 1840, it shall be the duty of the said Courts to lay off their several counties into School Districts. The Courts shall appoint a Constable in each district, whose duty it shall be to open polls and hold an election on a given day in his district; that every man entitled to vote for members of the House of Commons shall be entitled to vote. The vote shall be 'school' or 'no school.'

It shall be the duty of the Constable to make returns of said election to the next County Court; and in every district where a majority of the votes had been cast for 'school,' the court shall appoint five discreet persons as a School Committee.

The said Committee shall procure a school house, and agree upon the wages of the teacher.

The said Committee shall levy a tax on the lands and polls of the district to one half the amount of the sum necessary to pay the teacher; and the Court shall certify the same to the Public Treasurer, who shall pay the other half out of any moneys in the Treasury belonging to the Literary Fund.

In every district where, by the votes, the School System was not adopted, the Court shall order an election once in every year.

Which was read and adopted.



Mr. Moore presented the petition of Salathiel Stone, Sheriff of Stokes county, praying the Legislature to pass an act making him an allowance for one hundred and forty-six insolvent taxables; which was read, and, on motion of Mr. Moore, referred to the Committee on Claims.

Mr. Moore also presented the following resolution, to wit:

*Resolved*, That the select committee on the subject of a Penitentiary be instructed to enquire and report on the propriety of erecting one or more lunatic asylums in this State:

Which was read and adopted:

The Senate proceeded to consider the resolution in favor of Jesse M. Moore and others; which was read and adopted.

The Senate proceeded to consider the engrossed bills to establish a toll bridge over the South Yadkin River near Halls's Mills, in Davie county; a bill to circumscribe the corporate limits of the town of Milton; and a bill making valid certain surveys made by the deputy surveyor of Haywood county; which were severally read the second and third times and passed and ordered to be enrolled.

Mr. Bunting presented the following resolution, to wit:

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the revenue law as to legalize the assessment made by the assessors appointed at the first County Court after the month of February, 1838; and that they authorize the Sheriffs in those counties where persons gave in their land in 1837, without any valuation being annexed thereto, to collect the taxes on the same by the assessment made in 1838; and that they report by bill or otherwise:

Which was read and adopted.

Mr. Etheridge presented the petition of many citizens of Currituck county, praying the Legislature to pass an act to prevent the citizens of Virginia from driving their cattle and other stock into this State for the purpose of grazing, &c.; which was read and referred to the Committee on Propositions and Grievances.

The Senate proceeded to consider the bill to authorise the Justices of the Court of Pleas and Quarter Sessions for the

county of Perquimons to purchase the bridge across Perquimons river; and the resolution in favor of Benj. B. Smith. Said bill was read the second and third times and passed and ordered to be engrossed. Said resolution was read the third time and passed and ordered to be engrossed.

The Senate proceeded to consider the engrossed resolution in favor of Joseph Brindle; which was read the second time and passed.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the memorial of Jeremiah Gilbreath, of Wilkes county, asking the passage of a resolution directing the Secretary of State to issue to him a duplicate warrant for 640 acres of land for the military services of Wm. Crosley, reported that, after full investigation of the matter, they recommend that the prayer of the memorialist be rejected, and asked to be discharged from the further consideration thereof. The committee was discharged accordingly.

Whereupon Mr. Jones asked leave to withdraw said papers from the file of the Senate; which was granted.

Mr. M'Diarmid presented the following resolution, to wit:

*Resolved*, That the Judiciary Committee be instructed to enquire into the expediency of so amending or altering the law respecting runaway slaves, so that any male slave who shall absent himself from his owner or owners for            months, without first obtaining his, her, or their consent, shall be considered an outlaw, and may be dealt with accordingly; and to provide that where the owner shall find it necessary to resort to the use of unlawful weapons, for the purpose of subduing or apprehending a runaway slave, and shall shoot, maim, or otherwise injure him, it shall not be deemed a criminal offence, and the person committing the act shall not be arraigned nor put upon trial for the same; and that they report by bill or otherwise.

And be it further Resolved, That the said committee be instructed to enquire into the expediency of compelling all Jailors to advertise all runaway slaves that have been committed to jail, in the State Gazette; and that they report by bill or otherwise.

Which was read and adopted.

The Senate proceeded to consider the bill to incorporate the Lexington Manufacturing Company; which was read the second time. Thereupon Mr. Reid moved the following amendment, as an additional section, to wit:

“ *Be it enacted*, That the private property of the stockholders shall be liable for all debts, contracts and liabilities of the Company.”

Pending the question, Mr. Wilson moved that the bill and amendment lie on the table; which was agreed to.

Received from the House of Commons a message, stating that they are now ready to receive the Senate pursuant to an arrangement between the two Houses, for the purpose of comparing the votes given at the late election for Governor; which was read. Whereupon, on motion of Mr. Morehead, the Senate repaired to the House of Commons. The counting of the votes, according to the joint resolution of the two Houses, having been concluded, Mr. Morehead, in behalf of the tellers of both Houses, reported.

Mr. Speaker Joyner then made the following announcement, viz:

Gentlemen of the Senate and House of Commons—The Tellers appointed by the two Houses to compare the returns, and to make a list of the votes given at the late election for Governor in this State, report that Edward B. Dudley received 34,329, being the highest number of votes given to any person; and that John Branch received 20,153 votes—no objection being made to the report, I declare Edward B. Dudley duly elected Governor of the State of North Carolina for two years from first January next.

The Tellers further report that no return has been received from the county of Rutherford, and that no legal returns have been received from the counties of Ashe, Guilford and Perquimons, though, according to documents delivered to the Speaker of the Senate by the Secretary of State, but not certified by the Sheriffs of said counties as returns in the election, there appeared to be additional votes for Dudley of 2177, and for Branch 541, in those counties; and that according to the return of the Sheriff of Gates, 323 votes were given for “Gen’l L. Dudley,” none of which are included in the statement first aforesaid.

The following is a statement of the votes for Governor of the State, as reported by the Tellers of the two Houses:

COUNTIES.	FOR E. B. DUDLEY.	FOR JOHN BRANCH.
Anson	908	161
Ashe		
Beaufort	768	217

	DUDLEY.	BRANCH.
Bertie	403	225
Bladen	276	360
Brunswick	340	58
Buncombe	772	396
Burke	1324	278
Cabarrus	445	158
Camden	347	88
Carteret	428	48
Caswell	248	870
Chatham	1026	250
Chowan	370	104
Columbus	190	142
Craven	578	259
Cumberland	657	608
Currituck	56	332
Davidson	1412	70
Duplin	365	411
Edgecomb	165	507
Franklin	254	460
Gates		
Granville	872	223
Greene	350	61
Guilford		
Halifax	458	321
Haywood	166	312
Hertford	335	116
Hyde	195	7
Iredell	1324	186
Johnstou	715	142
Jones	213	39
Lenoir	213	262
Lincoln	634	1540
Macon	44	627
Martin	282	69
Mecklenburg	781	979
Montgomery	949	46
Moore	555	281
Nash	186	412
New Hanover	235	587
Northampton	439	240
Onslow	422	180
Orange	1480	1308
Perquimons		
Person	328	369
Pitt	637	275
Randolph	1148	59

	DUDLEY.	BRANCH.
Richmond	504	37
Robeson	453	443
Rockingham	540	509
Rowan	2008	30
Rutherford		
Sampson	445	510
Stokes	964	765
Surry	1205	189
Tyrrell	250	52
Wake	937	920
Warren	106	651
Washington	322	46
Wayne	383	342
Wilkes	1223	55
Yancy	161	464
	<hr/>	<hr/>
	34,329	20,153

Upon the invitation of the Speaker of the Senate, the Senators returned to the Senate Chamber. Whereupon, on motion of Mr. Morehead, the Senate adjourned until tomorrow morning ten o'clock.

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SATURDAY, DEC. 8, 1838.

On motion of Mr. Dockery, Mr. Myers, the Senator elect for the county of Anson, appeared, produced his credentials, was qualified before the House, and took his seat.

Mr. Baker presented the following Resolution, to wit:

*Resolved*, That the Secretary of State, be, and he is hereby authorised to issue the following grants on warrants and surveys in his office, the purchase money for which has been heretofore paid into the Public Treasury, viz:

Thomas Winkler, 100 acres, Entry No. 11698.

Shadrach Green, 50 acres, Entry No. 837.

Shadrach Green, 50 acres, Entry No. 719.

Thomas Willis, 100 acres, Entry No. 27.

Levy Hensley, 50 acres, Entry No. 384.

John Buchanan, 100 acres, Entry No. 255.  
Henry Hensley, 50 acres, Entry No. 410.

Which was read and referred to the Committee on Claims.

Mr. Taylor presented the following Resolution, to wit:

*Resolved*, That the Judiciary Committee be instructed to bring in a bill to suppress the practice of wearing arms concealed about the persons of individuals.

Which was read and adopted.

On motion of Mr. Carson,

*Ordered*, That leave of Absence from the services of this House be Granted to Mr. Wilson from and after to-day until Thursday next.

On motion of Mr. Arrington,

*Ordered*, That Mr. McDiarmid have leave of absence from the service of this House from and after to-day until Tuesday next.

Mr. Deckery presented the following resolution, to wit:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the laws relative to roads and toll bridges now in force, so as to more effectually guard against the collection of toll for crossing any bridge where a portion of the community are permitted to cross toll free, whether the same be over a stream dividing counties, or otherwise; and that they report by bill or otherwise.

Which was read and adopted.

The Senate proceeded to consider the engrossed bill to lay off and establish a county by the name of Henderson; which was read the third time and passed, and ordered to be enrolled.

Mr. Carson presented a bill, entitled a bill to exempt the aged and infirm from being compelled to serve in fire companies and upon guards in any of the incorporated towns and cities of this State; which was read the first time and pass-

ed, and, on his motion, referred to the Committee on the Judiciary.

The Senate proceeded to consider the engrossed resolution in favor of Joseph Brindle; which was read the third time and rejected.

Received from the House of Commons a message, concurring in the proposition of the Senate that the Standing Committees of both Houses on Education be constituted a Joint Select Committee.

Received from the House of Commons a message, stating that they have passed the engrossed bill to lay off and establish a county by the name of Stanly; in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

Mr. Biddle presented a bill, entitled a bill to compel owners of bridges to construct draws; which was read the first time and passed, and, on motion of Mr. Biddle, was ordered to be referred to the Judiciary Committee.

On motion of Mr. Taylor, the message from the House of Commons relative to the report of the Literary Board and other documents, heretofore laid on the table, was taken up for consideration, and read, and the first branch of the proposition, to wit, to refer to a joint select committee consisting of six on the part of each House, was not agreed to; the second and third propositions were read and concurred in.

Whereupon, on motion of Mr. Spruill,

*Ordered,* That a message be sent to the House of Commons, proposing to refer the Report of the Literary Board and other documents to the Joint Select Committee on Education and the Literary Fund.

The Senate proceeded to consider the bill to incorporate the Lexington Manufacturing Company; which was read the second time. Whereupon Mr. Reid asked to withdraw a former amendment, and substitute in lieu thereof the following amendment, to wit:

*And be it further enacted,* That the Stockholders in said Company shall be liable, in their individual capacity, for all debts contracted by said Company.

The question recurring thereon, it was decided in the negative. Mr. Cooper demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy, of O.  
Harper,

MESSRS. Henry,  
Hill,  
Houlder,  
Kerr,  
Melvin,  
Moody,  
Reid,  
Reinhardt,  
Rabun,  
Williams, of P.  
Whitaker—22 yeas.

Those who voted in the negative were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Hawkins,  
Holt,  
Jones,  
Melchor,  
Morehead,

MESSRS. Moore,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B., 24 nays.

The bill then passed the second reading.

Mr. Morehead presented a bill, entitled a bill to incorporate the Greensborough Female College, in the county of Guilford; which was read the first time and passed.

On motion of Mr. Taylor, the Senate adjourned until Monday morning ten o'clock.



MONDAY, DEC. 10, 1838.

The Speaker announced to the Senate that Messrs. Bunting and Speed form the Committee on Enrolled Bills this week; and the House of Commons was informed thereof by message.

Mr. Edwards, from the Judiciary Committee, to whom was referred a resolution to report a bill for the suppression of contagious diseases, reported a bill, entitled a bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases; which was read the first time and passed.

Mr. Cherry, from the Judiciary Committee, to whom was referred a resolution relative to idiots and lunatics, reported "a bill, entitled a bill to amend an act entitled an act concerning idiots and lunatics;" which was read the first time and passed.

Mr. Holt, from the Committee on Private Bills, to whom was referred a bill for the better regulation of the town of Greenville, reported the same with sundry amendments; which was read the second time and passed as amended.

Mr. Dockery, from the Committee on Military Affairs, to whom was referred the resolution instructing them to enquire into the expediency of so amending the Militia Laws as to require Captains or other Commanders once in three months to muster their respective Companies, reported a bill, entitled a bill to amend the Militia Laws of this State; which was read the first time and passed.

On motion of Mr. Shepard, the resolution relating to the establishment of three banks, heretofore laid on the table, was taken up for consideration; and, after some time having been spent thereon, on motion of Mr. Shepard, the resolution was ordered to lie on the table.

The Senate proceeded to consider the engrossed bill, entitled a bill to lay off and establish a county by the name of Jefferson; which was read the second time. The question recurring thereon, it was decided in the negative. Mr. Melvin demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Albright,  
Baker,

MESSRS. Morehead,  
Moore,  
Montgomery;

Carson,  
Davidson,  
Fox,  
Franklin,  
Holt,  
Jones,  
Kerr,  
Melchor,

Myers,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Williams of P., 21 yeas.

Those who voted in the negative, were,

MESSRS. Arrington,  
Biddle,  
Bunting,  
Cherry,  
Cooper,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Foy, of Onslow,  
Harper,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Melvin,  
Moody,  
Moye,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams, of Beaufort,  
Whitaker—25 nays.

So the bill was rejected.

On motion of Mr. Morehead, the Senate proceeded to consider the bill to incorporate the Greensborough Female College in the county of Guilford; which was read the second time and passed.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

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TUESDAY, DECEMBER 11, 1838.

Mr. Morehead, from the Judiciary Committee, to whom was referred a bill, entitled a bill to authorise Robert Walker, of Wilkes county, to build a mill on his own land on Roaring River, at or near a place called the Rock House, reported the same without amendment; which was read the third time and passed, and ordered to be enrolled.

Mr. Dockery, from the Committee on Claims, to whom was referred the claim in favor of Osborn Bowers, reported the following resolution, to wit:

*Resolved*, That the Treasurer pay to Osborn Bowers the sum of fifteen dollars, for four tables, purchased of him for the use of the Clerks of the two Houses; and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed.

Mr. Dockery, from the same Committee, to whom was referred the petition of Salathiel Stone, Sheriff of Stokes county, reported adversely to the prayer of the petitioner; which was read and concurred in; and the Committee was discharged from the further consideration of the subject.

Mr. Carson presented the following Resolution, to wit:

*Resolved*, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of three on the part of each House, to inquire into the failures of Sheriffs who have not duly made returns of the votes polled for their respective counties at the late election for Governor of this State; and that they report the result of their inquiry.

Which was read and adopted.

Mr. Shepard presented the following resolutions, to wit:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law in relation to the conveyance of property sold at Sheriff's Sale, so that a Sheriff may make a deed for property sold by a predecessor, when the predecessor neglected to give a deed.

*Resolved* further, That said Committee be instructed to inquire into the expediency of so amending the law in relation to the sale of the real estate of deceased persons, that when the personal property is not sufficient to discharge the debts, a sufficiency of the real estate for that purpose may be sold, without such an accumulation of costs as now exists.

Which were read and adopted.

Mr. Houlder presented the following Resolution, to wit:

*Resolved*, That the Committee on Finance inquire into the ex-

pediency of distributing among the several counties in this State, according to their representation in the House of Commons respectively, the unexpended balance of the surplus now on hand; and also the fourth instalment of such surplus, should the same ever be received. The said sums to be received by the counties in aid of the county funds, or to be loaned out by them, and the accruing interest only to constitute a portion of such funds; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Jones presented a resolution in favor of certain entries of lands paid for and not granted, in Wilkes county; which was read the first time and passed; and, on motion of Mr. Morehead, ordered to be referred to the Committee on Claims.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of two on the part of each House, to wait on His Excellency Edward B. Dudley and inform him of his re-election as Governor of this State, and to ascertain at what time it will be agreeable to him to appear before the two Houses and take the oaths of office; which was read and concurred in; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate that the Joint Select Committee on the communication from the State of Louisiana relating to a Southern Convention, be instructed to report to the two Houses the reasons why, in the opinion of the General Assembly, it is inexpedient at this time to summon a Convention of the Southern States; and further stating that their branch of said committee are Messrs. Waddell, Hoke, Boyden, Jas. Williams, and M'Neil.

Received from the House of Commons a message, informing the Senate that Messrs. Amis, B. L. Beale, Doak and Gorham form their branch of the Committee on Enrolled Bills for this week.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the memorial of the proprietors of Steam Saw Mills in the vicinity of the town of Wilmington, asking that the inspection laws may be so amended as to provide more effectually for the appointment of inspectors of timber and lumber for each of the mills aforesaid, reported a bill, entitled a bill to amend the inspection laws; which was read the first time and passed.

Mr. Moore presented a bill, entitled a bill to compel the Jailor of Stokes county to live in the Jail, and for other purpose; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill to extend the time for paying in Entry money; a bill to allow Charles B. Morris, late Sheriff of New Hanover county further time for the collection of Taxes; a bill to amend the 39th section of the Revised Statutes, entitled an Act concerning Courts of Justice, Practice, Pleas and Process; a bill to emancipate Caroline Cook and her four children, viz: Pamela, Archibald T., James Ellis and Martha Jane; a bill to incorporate the Trustees of Pleasant Grove Academy, in the county of Perquimons; and a bill to incorporate the Trustees of Davidson College; in which they ask the concurrence of the Senate.

The bill to allow Charles B. Morris, late Sheriff of New Hanover county, further time for the collection of taxes, and the bill to incorporate the Trustees of Davidson College, were read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: Resolution directing the Secretary of State to issue grants for lands sold at the late sale of the Cherokee lands in certain cases; Resolution in favor of David Royster, and Resolution directing Secretary of State to issue certain grants. In which they ask the concurrence of the Senate. Said Resolutions were severally read the first time and passed, and referred to the Committee on Claims.

On motion of Mr. Holt, the Senate proceeded to consider the bill to incorporate the Lexington Manufacturing Company; which was read the third time, when Mr. Edwards moved the following amendment, to wit:

*And be it further enacted,* That for all debts and liabilities which shall be due and owing by the Company at the time of its dissolution, the persons then composing the company shall be individually responsible to the extent of their respective shares of stock, and no farther.

Mr. Shepard then moved to strike out all the amendment proposed by Mr. Edwards, except the enacting clause, and insert in lieu thereof the following amendment:

That upon the dissolution of this corporation, the directors of

managers existing at the time, shall be Trustees for the creditors and stockholders, and shall have power to settle the concerns of the corporation, pay the debts, and divide the surplus property among the Stockholders; which was read and decided in the negative.

Mr. Edwards demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Albright,	MESSRS. Montgomery,
Cherry,	Reding,
Davidson,	Ribelin,
Dockery,	Sharp,
Franklin,	Shepard,
Hawkins,	Speed,
Holt,	Spruill,
Jones,	Taylor,
Metcher,	Williams of B. 19 yeas.
Moorehead,	

Those who voted in the negative, were,

MESSRS. Allison,	MESSRS. Hill,
Arrington,	Houlder,
Baker,	Kerr,
Bunting,	Melvin,
Carson,	Moore,
Edwards,	Moody,
Etheridge,	Moye,
Exum,	Reid,
Fox,	Reinhardt,
Foy, of Onslow,	Rabun,
Harper,	Williams, of P.
Henry,	Whitaker—24 nays.

The question then recurred on the adoption of the amendment proposed by Mr. Edwards, which was decided in the affirmative. Mr. Edwards demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Allison,	MESSRS. Kerr,
Arrington,	Melvin,
Baker,	Moore,

Bunting,  
 Carson,  
 Edwards,  
 Etheridge,  
 Exum,  
 Fox,  
 Foy of Onslow,  
 Harper,  
 Henry,  
 Hill,  
 Houlder,

Moody,  
 Moyer,  
 Reid,  
 Reding,  
 Reinhardt,  
 Rabun,  
 Sharp,  
 Spruill,  
 Williams, of Person,  
 Whitaker—27 yeas:

Those who voted in the negative, were,

MESSRS. Albright,  
 Cherry,  
 Davidson,  
 Dockery,  
 Franklin,  
 Hawkins,  
 Holt,  
 Jones,

MESSRS. Melchor,  
 Morehead,  
 Montgomery,  
 Ribelin,  
 Shepard,  
 Speed,  
 Taylor,  
 Williams of B. 16 nays:

On motion of Mr. Morehead,

*Ordered,* That said bill lie on the table.

Mr. Dockery moved that the Senate do now re-consider the vote by which the bill, entitled a bill to lay off and establish a county by the name of Jefferson, was on yesterday rejected. Upon this question Mr. Spruill demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Allison,  
 Albright,  
 Baker,  
 Carson,  
 Davidson,  
 Dockery,  
 Fox,  
 Franklin,  
 Holt,  
 Jones,  
 Kerr,

MESSRS. Melchor,  
 Morehead,  
 Moore,  
 Montgomery,  
 Reid,  
 Reding,  
 Reinhardt,  
 Rabun,  
 Ribelin,  
 Williams of P. 21 yeas:

Those who voted in the negative, were,

MESSRS. Arrington,	MESSRS. Houlder,
Bunting.	Melvin;
Cherry,	Moody,
Edwards,	Moye,
Etheridge,	Sharp,
Exum,	Shepard;
Foy of Onslow;	Speed,
Harper,	Spruill,
Hawkins,	Taylor,
Henry,	Williams of Beaufort;
Hill;	Whitaker—22 nays.

So the Senate refused to reconsider the vote.

On motion of Mr. Reinhardt, the Senate adjourned until to-morrow morning ten o'clock.

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WEDNESDAY, DECEMBER 12, 1838.

The Speaker announced to the Senate the following Committees, to wit: Messrs. Cherry and Henry are added to the Committee on the Currency and Banks as Depositories of the public money; Messrs. Davidson and Kerr form the Committee to wait on His Excellency the Governor; Messrs. Shepard, Edwards, Morehead, Exum, and Myers form the Committee on the Louisiana Resolutions; and the House of Commons was informed thereof by message.

Mr. Exum presented the resignation of Gabriel Sherard, a Justice of the Peace for the county of Wayne; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Melchor presented the resignation of John L. Beard, a Justice of the Peace for the county of Cabarrus; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Morehead, from the Judiciary Committee, to whom was referred a resolution relative to roads and toll bridges, reported adversely thereto, and asked to be discharged from its further consideration; which report was concurred in, and the Committee was discharged accordingly.



Mr. Morehead, from the same Committee, to whom was referred a bill, entitled a bill to exempt the aged and infirm from the performances of certain services, reported the same without amendment; which was read the second time and passed.

Mr. Jones, from the Committee on Finance, to whom was referred a resolution relative to distributing among the several counties of this State the unexpended surplus now on hand, reported unfavorably thereto, and asked to be discharged from its further consideration; which was agreed to; and the committee was discharged accordingly.

Mr. Holt, from the Committee on Private Bills, to whom was referred a bill entitled a bill to incorporate Junto Academy, in Orange county, reported the same without amendment; which was read the second time and passed.

Mr. Morehead, from the Judiciary Committee, to whom was referred a bill to compel owners of bridges to construct draws, reported the same with sundry amendments; which was read the second time and passed as amended.

Mr. Rabun presented the following resolution, to wit:

*Resolved*, That the Secretary of State issue to Benjamin Hawkins a grant for one hundred acres of land in Buncombe county, entry No. 5106, and for which the purchase money has been paid, as per Comptroller's certificate, dated 15th Dec. 1836.

Which was read the first time and passed, and, on motion of Mr. Edwards, referred to the Committee on Claims.

Mr. Cooper presented the following Resolution, to wit:

*Resolved*, That a message be sent to the House of Commons, proposing that this General Assembly adjourn *sine die*, on Wednesday, 22d day inst., and that the Clerks of both Houses be directed to make up their estimates to that day.

Which was read and ordered to lie on the table.

Mr. Exum presented a bill allowing compensation to the Wardens of the poor in the county of Wayne; which was read the first time and passed, and, on his motion, referred to the Committee on Private Bills.

On motion of Mr. Montgomery, the Senate proceeded to consider the bill to lay off and establish a county by the name

of Stanly; which was read the second time and rejected. Mr. Melvin demanded the yeas and nays, which were as follows

Those who voted in the affirmative were,

MESSRS. Allison,  
Albright,  
Baker,  
Carson,  
Davidson,  
Dockery,  
Fox,  
Franklin,  
Holt,  
Jones,  
Kerr,  
Melchor,

MESSRS. Morehead;  
Moore,  
McDiarmid,  
Montgomery;  
Myers,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Taylor,  
Williams of P., 24 yeas.

Those who voted in the negative, were;

MESSRS. Arrington,  
Biddle,  
Bunting,  
Cherry,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Foy, of O.  
Harper,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Melvin,  
Moody,  
Moye,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Williams, of Beaufort.  
Whitaker—23 nays.

The Speaker voted in the negative, so the bill was rejected.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to amend the 16th section of an act of the Revised Statutes, entitled an act concerning the General Assembly.

Received from the House of Commons a message, transmitting to the Senate the Message of His Excellency the Governor and the Report of the Board of Internal Improvements, proposing to print one copy for each member of the General Assembly; which was read and concurred in.

On motion of Mr. Edwards, the Senate proceeded to con-

sider the bill, entitled a bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases; which was read the second time and passed.

On motion of Mr. Fox, the Senate proceeded to consider the engrossed bill to incorporate the Trustees of Davidson College; which was read the second time, and, on motion of Mr. Edwards, referred to the committee on Education and the Literary Fund.

Mr. Cherry presented the following resolution, to wit:

*Resolved*, That the committee on Public Printing be instructed to inquire whether any, and if any, what mode can be adopted for expediting the printing for the Legislature.

Which was read and adopted.

Mr. Dockery presented the following resolution, to wit:

*Resolved*, That the Treasurer pay to Matthew Waddell the sum of twenty-four dollars and forty cents, for carrying a writ of election to the Sheriff of the county of Anson, to supply the vacancy occasioned by the resignation of Col. J. White; and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed, and, on motion of Mr. Exum, referred to the Committee on Claims.

On motion of Mr. Cooper, the Senate adjourned until to-morrow morning ten o'clock.

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THURSDAY, DEC. 13, 1838.

On motion of Mr. Morehead,

*Ordered*, That a message be sent to the House of Commons, proposing to postpone the appointment of Justices of the Peace until Saturday evening next.

Mr. Spruill presented the following resolution, to wit:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law, declaring the steal-

ing of Mulberry trees or the branches thereof growing in orchards felony; and that they be authorised to report by bill or otherwise.

Which was read and adopted.

Mr. Morehead presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to Messrs. Turner & Hughes, sixteen dollars, the price of Maps purchased for the use of the present Legislature.

Which was read the first time and passed.

Mr. McDiarmid presented the pension certificate of the County Court of Cumberland, in favor of Ann Morrison; which was read and ordered to be countersigned by the Speaker and transmitted to the House of Commons.

Mr. Morehead presented the following Resolution:

*Resolved*, That the Committee on Agriculture be instructed to inquire into the expediency of encouraging the culture of silk in this State by suitable premiums; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Dockery, from the Committee on Claims, to whom were referred the resolutions in favor of certain Entries of lands paid for and not granted, in Wilkes county; the resolution in favor of David Royster; the resolution in favor of Matthew Waddell; and the resolution in favor of Benjamin Hawkins, reported the resolutions without amendment; which were severally read the second time and passed.

Mr. Dockery, from the same committee, to whom was referred the resolution in favor of Thomas Winkler and others, reported the same without amendment; which was read the second time and passed.

Mr. Moody presented the following preamble and Resolution:

WHEREAS the Legislature have had the use of the bell of the Presbyterian Church for four sessions past, and by the frequent use the Steeple has become unsafe for the ringers of the bell:

*Therefore resolved*, That the Treasurer pay to the Trustees of

the Presbyterian Church, one hundred dollars for repairing the Steeple of said Church, and to be allowed the same in his settlement of the public accounts.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to postpone until Saturday evening next, the recommendation of Justices of the Peace.

Mr. Moore presented a bill to alter the times of holding Superior Courts of Law and Equity for the counties of Stokes and Guilford; which was read the first time and passed.

The Senate proceeded to consider the bill, entitled a bill to amend an Act concerning quarantine, and to prevent the introduction and communication of contagious diseases; which was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Morehead, the Senate proceeded to consider the bill, entitled a bill to incorporate the Greensborough Female College in the county of Guilford; which was read the third time, and, on motion of Mr. Edwards, referred to the Committee on Education and the Literary Fund.

On motion of Mr. Moye, the Senate proceeded to consider the engrossed bill for the better regulation of the town of Greenville; which was read the third time and passed, and ordered to be enrolled.

Mr. M'Diarmid presented the following resolution:

*Resolved*, That the Committee on Claims be instructed to inquire into the expediency of amending the law so as to provide for the payment of pension certificates in the year that the General Assembly is not in session; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Reinheart presented the following Resolution:

*Resolved*, That his Excellency, the Governor of the State of North Carolina, be authorised and requested to procure a house for the use of the Legislature, and give such price as he may

think proper, provided there should be a call session before the regular meeting of the Legislature.

Which was read the first time and passed.

On motion of Mr. Moore, the Senate proceeded to consider the bill to amend the inspection laws; which was read the second time, and, on motion of Mr. Morehead, ordered to lie on the table.

On motion of Mr. Edwards, the Senate proceeded to consider the resolution relative to an adjournment of the Legislature; which was read.

Mr. Cooper moved to amend the resolution by striking out the words "*twenty-second*," and insert in lieu thereof the words "*thirty-first*"; which was agreed to.

Mr. Carson then moved to lay the resolution on the table; which was decided in the negative.

Mr. Cooper demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Carson,	MESSRS. McDiarmid,
Cherry,	Montgomery,
Davidson,	Reding,
Edwards,	Reinhardt,
Etheridge,	Rabun,
Exum,	Ribelin,
Foy,	Spruill,
Franklin,	Taylor,
Hawkins,	Wilson,
Jones,	Whitaker—21 yeas.
Morehead,	

Those who voted in the negative, were,

MESSRS. Allison,	MESSRS. Houlder,
Albright,	Kerr,
Arrington,	Melvin,
Baker,	Melchor,
Biddle,	Moore,
Bunting,	Moody,
Cooper,	Moye,
Dockery,	Myers,
Fox,	Reid,

Harper,  
Henry,  
Hill,  
Holt,

Sharp,  
Williams of B.  
Williams of P. 25 nays.

Mr. Biddle moved that the resolution be postponed indefinitely; which motion did not prevail. Upon this motion, Mr. Cooper demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Biddle,  
Cherry,  
Davidson,  
Jones,

MESSRS. Montgomery,  
Spruill,  
Taylor,  
Whitaker—8 yeas.

Those who voted in the negative were,

MESSRS. Allison,  
Albright,  
Arrington,  
Baker,  
Bunting,  
Carson,  
Cooper,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy,  
Franklin,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Holt,

MESSRS. Houlder,  
Kerr,  
Melvin,  
Melchor,  
Morehead,  
Moore,  
Moody,  
Moye,  
McDiarmid,  
Myers,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Sharp,  
Williams, of Beaufort,  
Williams of Person,  
Wilson—38 nays.

Whereupon, on motion of Mr. Edwards, the resolution was postponed until Thursday next.

Mr. McDiarmid presented the resignation of L. Bethune, a Justice of the Peace for the county of Cumberland; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Allison presented the resignation of Benjamin Hurdle, a Justice of the Peace for the county of Orange; which

was read and accepted, and ordered to be sent to the House of Commons.

The Senate proceeded to consider the engrossed bill to incorporate Junto Academy, in Orange county; which was read the third time and passed and ordered to be enrolled.

Received from the House of Commons a message, informing the Senate that Messrs. Hill and Amis form their branch of the Joint Select Committee to wait on His Excellency the Governor to inform him of his election, and ascertain at what time it will be agreeable to him to appear before the two Houses and take the oaths of office.

Received from the House of Commons a message, stating that they have passed the engrossed bill to appoint Commissioners for the town of Hertford and for other purposes, in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

The engrossed bill to extend the time for paying in entry money, was read the first time and passed.

The engrossed bill to amend the thirty-ninth section of the Revised Statute, entitled an act concerning Courts of Justice, Practice, Pleas, and Process, was read the first time and passed, and, on motion of Mr. Wilson, was referred to the Committee on the Judiciary; and a bill to allow Charles B. Morris, late Sheriff of New Hanover county, further time for the collection of taxes, was read the second time, and, on motion of Mr. Edwards, referred to the Committee on Claims.

The Senate proceeded to consider the bill to exempt the aged and infirm from being compelled to serve in Fire Companies, and upon guards in any of the incorporated towns and cities of this State; which was read the third time and passed, and ordered to be engrossed.

The Senate proceeded to consider the bill to amend an Act, entitled an Act concerning Idiots and Lunatics; which was read the second time, amended and passed.

The Senate also proceeded to consider the bill, entitled a bill to compel owners of bridges to construct draws; which was read the third time, and, on motion of Mr. Biddle, ordered to lie on the table.

Mr. Dockery presented the petition of many citizens of the county of Robeson, praying the Legislature to pass a law putting free persons of color under the same restriction as slaves in buying and selling spirituous liquors; which was read and referred to the Committee on Propositions and Grievances.



Received from the House of Commons the following resignations, to wit: The resignations of Benjamin Sumner, a Justice of the Peace for the county of Person; James B. Williams, a Justice of the Peace for the county of Duplin; John Carter, a Justice of the Peace for the county of Surry; William Loudermilk, a Justice of the Peace for the county of Randolph; E. A. Chamlee, a Justice of the Peace for the county of Hertford; A. Hartly, a Justice of the Peace for the county of Burke; and William A. Lee, a Justice of the Peace for the county of Caswell; which were severally read and accepted.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

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FRIDAY, DEC. 14, 1838.

Mr. Shepard, from the Committee on Internal Improvements, to whom was referred the memorial of the President and Directors of the Raleigh and Gaston Rail Road Company, reported a bill, entitled a bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the first time and passed, and, on motion of Mr. Shepard, ordered that the bill and report lie on the table and be printed.

Mr. Rabun presented a bill, entitled a bill to amend an act passed in the year 1835, entitled an act to amend an act passed in 1820, chapter 1071, entitled an act for repairing and improving the road leading from the place known by the name of Old Fort, in Burke county, over the Swannanoah Gap to Asheville, in Buncombe county, and thence to the point of intersection with the road leading through Haywood county to the Southern boundary line of this State; which was read the first time and passed, and referred to the Committee on Internal Improvements.

Mr. Reding presented the following Preamble and Resolution:

Whereas, it is believed that doubts exist whether, according to the existing laws of the State, a defendant who has been convicted of a misdemeanor and ordered into custody by the Court till the fine and costs are paid, can discharge himself from the costs of the

prosecution by taking the oath of insolvency; and whereas, the practice of the Courts in different counties is understood to be various, therefore

*Resolved*, That the Committee on the Judiciary investigate the subject, and report such explanatory bill on the subject as may render the law certain and the practice uniform throughout the State.

Which was read and adopted.

Mr. Moore presented a bill to authorise the forming a Fire Company in the town of Bethania, Stokes county; which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Moore also presented a bill, entitled a bill to appoint Commissioners for the town of Bethania, in the county of Stokes; which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Cherry, from the Committee on Education and the Literary Fund, to whom was referred a bill, entitled a bill to incorporate the Trustees of Davidson College, reported the same with sundry amendments; which was read the third time and passed as amended, and ordered to be enrolled.

Mr. Cherry, from the same Committee, to whom was referred a bill, entitled a bill to incorporate the Greensboro' Female College, in the county of Guilford, reported the same with sundry amendments; which was read the third time and passed, and ordered to be engrossed.

The Senate proceeded to consider the bill, entitled a bill to amend an act, entitled an act concerning idiots and lunatics; which was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing that the state of affairs of the Bank of Cape Fear therewith transmitted to the Senate, be printed one copy for each member of the General Assembly, and to refer it to the Committee on Finance, with instructions to report whether it is in conformity with the requisitions of the charter; which was read and concurred in, and the House of Commons was informed thereof by message.

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: a bill to incorporate the town of Morganton, in Burke; a bill to authorize

Jesse T. and George S. Walton to construct a mill dam across the Catawba river; a bill concerning last Wills and Testaments; and a bill to establish a new county by the name of Cleveland.

The Senate proceeded to consider the bill to incorporate the Lexington Manufacturing Company; which was read the third time.

Mr. Morehead moved to commit the bill to the Committee on Private Bills, with instructions to strike out the amendment making the Stockholders liable in their individual capacity. Upon this question being taken, it was decided in the negative.

Mr. Edwards demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Biddle,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Hawkins,  
Holt,  
Jones,  
Melchor,  
Moorehead,

MESSRS. Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Taylor,  
Williams of B. 19 yeas.

Those who voted in the negative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Carson,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy,  
Harper,  
Henry,  
Hill,

MESSRS. Houlder,  
Kerr,  
Melvin,  
Moore,  
Moody,  
Moye,  
M'Diarmid,  
Reid,  
Reinhardt,  
Rabun,  
Spruill,  
Williams of P.,  
Wilson,  
Whitaker—28 nays.

Said bill then passed, and was ordered to be engrossed.

The Senate proceeded to consider the bill to compel owners of bridges to construct draws; which was read the third time and passed, and ordered to be engrossed.

The Senate proceeded to consider the resolution in favor of David Royster; which was read the third time and passed, and ordered to be enrolled.

The Senate proceeded to consider the following resolutions, to wit: a resolution in favor of Matthew Waddell; a resolution in favor of certain entries of lands paid for and not granted in Wilkes county; a resolution in favor of Thos. Winkler and others; and a resolution in favor of Benjamin Hawkins; which were severally read the third time and passed and ordered to be engrossed.

The Senate also took up for consideration the following resolutions, to wit: a resolution in favor of Turner & Hughes, and the resolution for repairing the Steeple of the Presbyterian Church; which were each read the second time and passed.

The Senate also proceeded to consider the engrossed bills to appoint Commissioners for the town of Hertford, and other purposes; and the bill to extend the time for paying in entry money; which was read the second time and passed.

The bill to alter the times of holding the Superior Courts of Law and Equity, for the counties of Stokes and Guilford; and the bill to compel the Jailer of Stokes county to live in the Jail, and for other purposes; were each read the second time and passed.

The resolution in favor of Osborn Bowers, was taken up and read the second time and passed; and the bill, entitled a bill to amend the Militia Laws of the State, was read the second time, and, on motion of Mr. Baker, ordered to lie on the table.

The Senate proceeded to consider the engrossed bills: to incorporate the town of Morganton, in the county of Burke; the bill to incorporate the Trustees of Pleasant Grove Academy, in the county of Perquimons; and a bill to emancipate Caroline Cook and her four children, Pamela, Archibald T., James Ellis and Martha Jane; which were severally read the first time and passed.

The Senate proceeded to consider the engrossed bill to authorize Jesse T. Walker and George S. Walton to construct a mill dam across the Catawba river; which was read the first time and passed, and, on motion of Mr. Carson, refer-

red to the Committee on Private Bills. Also, the engrossed bill concerning last Wills and Testaments; which was read the first time and passed, and, on motion of Mr. Shepard, referred to the Committee on the Judiciary. Also, the engrossed bill to establish a new county, by the name of Cleveland; which was read the first time and passed.

The Senate then took into consideration the resolution relating to the Governor's procuring a house for the General Assembly; which was read the second time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a joint select committee of three on the part of each House, to inquire into the failure of Sheriffs who have not made due returns of votes polled for their respective counties at the late election for Governor of this State; and further stating, that Messrs. J. P. Caldwell, G. Thomas and Whitaker, form their branch of the committee.

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

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SATURDAY, DECEMBER 15, 1838.

Mr. Wilson presented the memorial of many citizens of the County of Edgecomb, praying the Legislature to repeal the law, in relation to the election of ministerial officers of the courts, so far as it respects the county of Edgecomb; which was read, and on motion, ordered to lie on the table.

The Senate proceeded to consider the resolution in favor of Osborn Bowers; which was read the third time and passed, and ordered to be engrossed. Also, the bill to compel the Jailor of Stokes county to live in the Jail, and for other purposes; which was read the third time and passed, and ordered to be engrossed. Also, the engrossed bill to extend the time for paying in entry money, and the bill to appoint Commissioners for the town of Hertford and for other purposes; which were read the third time and passed, and ordered to be enrolled. And, also the resolutions in favor of Turner & Hughes, and the resolution for repairing the Steeple of the Presbyterian Church; which were severally read the third time and passed, and ordered to be engrossed-

The Senate then proceeded to consider the resolution relating to procuring a house for the use of the General Assembly; which was read the third time, and, on motion of Mr. Reinhardt, amended. Mr. Wilson moved that it be postponed indefinitely; which motion did not prevail. He then moved that it lie on the table; which was agreed to.— Also, the engrossed bills to incorporate the town of Morganton, in the county of Burke; and a bill to incorporate the Trustees of Pleasant Grove Academy, in the county of Perquimons; which were read the second time and passed. Also, the bill to alter the times of holding the Superior Courts of Law and Equity, for the counties of Stokes and Guilford; which was read the third time and passed, and ordered to be engrossed.

The Speaker announced to the Senate that Messrs. Carson, Morehead, and Speed form the Committee on the failure of Sheriffs to make returns of votes for Governor at the late election in this State; and the House of Commons was informed thereof by message.

The Senate took up for consideration the engrossed bill to emancipate Caroline Cook and her four children, Pamela, Archibald T., James Ellis, and Martha Jane; which was read the second time and passed.

On motion of Mr. Dockery, the bill to amend the Militia Laws of this State, was taken up for consideration; which was read the second time. Mr. Speed, moved to amend the bill by striking out the word *authorized*, and insert in lieu thereof the word *required*; which was agreed to; the bill then passed. Mr. Dockery then moved that said bill be made the order of the day for Wednesday next.

Mr. Franklin presented the following Resolution, to wit:

Whereas, it appears by the Treasurer's receipt, No. 771, that Hiram Higgins did, on the 2d December, 1835, pay into this office the sum of five dollars for fifty acres of land, by him entered in the county of Ashe, as per Entry Taker's receipt, No. 7,263; and that Solomon Perry did, on 7th January, 1828, pay into the Treasurer's Office the sum of five dollars for fifty acres of land, by said Perry entered in the county of Ashe, as per Entry Taker's certificate, No. 4,615: therefore,

*Resolved*, That the Secretary of State make out grants for the above named persons, any thing to the contrary notwithstanding.

Which was read the first time and passed, and, on motion of Mr. Morehead, referred to the Committee on Claims.

Mr. Davidson, from the Joint Select Committee appointed on the part of the Senate to wait upon His Excellency the Governor to ascertain at what time it would be convenient for him to appear before the two Houses to take the oath of office, reported that he would appear before the two Houses on Saturday, 29th instant, for that purpose.

On motion of Mr. Reid,

*Ordered*, That Mr. Spruill be added to the Committee on Agriculture.

On motion of Mr. Spruill, the Senate adjourned until Monday morning ten o'clock.

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MONDAY, DECEMBER 17, 1838.

Mr. Arrington presented the resignation of Joseph A. Drake, a Justice of the Peace for the county of Nash; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Shepard, from the Committee on Internal Improvements, to whom was referred the memorial of the President and Directors of the Roanoke Navigation Company, reported the following resolution, to wit:

*Resolved*, That the Public Treasurer be, and he is hereby authorised and required, to pay to the Roanoke Navigation Company one thousand dollars, this sum being in full for all claim or claims of said Company on account of deferred payments of the last subscription of twenty-five thousand dollars made by order of the State to the capital stock of said Company; and the said Treasurer is hereby authorised to pay the said one thousand dollars out of any moneys in the Treasury not otherwise appropriated.

Which was read the first time and passed.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred that part of the Governor's Message which relates to limited co-partnerships, reported adversely thereto, and asked to be discharged from its further consideration. The Committee was discharged accordingly.

Mr. Morehead, from the same Committee, to whom was

referred the Resolution relative to the crime of robbery, reported unfavorably thereto, and asked to be discharged from the further consideration of the subject. The Committee was discharged accordingly.

Mr. Jones, from the Committee on Finance, to whom was referred the resolution relative to amending the revenue laws, reported adversely thereto, and the Committee was discharged from its further consideration.

Mr. Moody, from the Committee on Agriculture, directed to inquire into the expediency of encouraging the culture of silk in this State by suitable premiums, reported adversely thereto, and the Committee was discharged from its further consideration.

Mr. Allison presented the following Resolution, to wit:

*Resolved*, That the Judiciary Committee be instructed to inquire into the propriety of so amending the existing law in relation to the number of Jurors to be drawn for the County and Superior Courts, so as to authorise the County Courts of this State, if deemed necessary, to draw and have summoned forty-two Jurors for each term, instead of thirty six, as now provided for by law; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Wilson presented the following Resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law directing in what manner vacancies shall be filled which may hereafter occur by resignation of Clerks of the Superior and County Courts, Clerks and Masters, and Sheriffs, and Superior and County Court Solicitors; and report by bill or otherwise.

Which was read and adopted.

Mr. Wilson also presented the following Resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law ratifying and declaring the several laws passed at the last session of the General Assembly, and known as the Revised Statutes, to be in full force as published by the Commissioners appointed for that purpose.

Which was read and adopted.



Mr. Myers presented the following Resolution:

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of requiring greater publicity to be given than now required by law to all conveyances in trust when made for the purpose of securing the payment of any debt or debts, when the property conveyed remains in the possession of the assigner; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Wilson presented a bill, entitled a bill to amend the law in relation to the sale of lands of deceased debtors; which was read the first time and passed, and, on his motion, ordered to be referred to the Committee on the Judiciary.

Mr. Moore presented a bill, entitled a bill to prevent betting on elections; which was read the first time and passed.

Mr. Fox presented the following Resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law now in force relative to trading with slaves as to require every owner or overseer to set forth in the permission given to the slave to sell property, an accurate statement of the article, the quantity and description of the same, so far as it can be done; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Exum presented a bill, entitled a bill making compensation to the Wardens of the poor; which was read the first time and passed.

Received from the House of Commons a message, proposing that the two Houses vote on Thursday next, at twelve o'clock, for Comptroller, and on the same day, at 12 o'clock, for Public Treasurer; which was read, and, on motion of Mr. Spruill, ordered to lie on the table.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill for the better regulation of the town of Greenville.

Received from the House of Commons a message, stating that they have passed the engrossed bill to repeal the act of Assembly of 1835, allowing compensation to jurors in the

county of Yaney, in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

Mr. Carson presented the following Resolution:

*Resolved*, That the Judiciary Committee inquire if any, and what further legislation is necessary to supply records of courts and other valuable public papers destroyed by fire, or other accidents; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly adjourn *sine die*, on Monday the 31st inst.; which was read, and, on motion of Mr. Spruill, ordered to lie on the table.

The Speaker announced to the Senate that Messrs. Montgomery and McDiarmid form the Committee on the part of the Senate on Enrolled Bills the present week; and the House of Commons was informed thereof by message.

The Senate proceeded to consider the resolution relating to procuring a House for the General Assembly; which was read the third time, and, on motion of Mr. Wilson, postponed indefinitely.

Mr. Rabun presented the following Resolution:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of furnishing the Company of Cavalry in Buncombe county, commanded by Col. Reuben Deaver, with the necessary arms for its equipment; and that they report by bill or otherwise.

Which was read and adopted.

The Senate took up for consideration the engrossed bill to emancipate Caroline Cook and her four children, Pamela, Archibald T. James Ellis, and Martha Jane; which was read the third time and passed, and ordered to be enrolled.

Mr. Exum demanded the yeas and nays; which were as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Albright,  
Arrington,  
Baker,

MESSRS. Morehead,  
Moore,  
Moody,  
Moye,

Biddle,  
 Bunting,  
 Cherry,  
 Cooper,  
 Davidson,  
 Edwards,  
 Etheridge,  
 Fox,  
 Foy,  
 Franklin,  
 Harper,  
 Hawkins,  
 Henry,  
 Hill,  
 Holt,  
 Jones,  
 Kerr,  
 Melchor,

McDiarmid,  
 Montgomery,  
 Myers,  
 Reid,  
 Reding,  
 Reinhardt,  
 Rabun,  
 Ribelin,  
 Sharp,  
 Shepard,  
 Speed,  
 Spruill,  
 Taylor,  
 Williams of Beaufort,  
 Williams, of Person,  
 Wilson,  
 Whitaker—43 years.

Those who voted in the negative, were,

MESSRS. Exum,  
 Houlder,

Melvin—3 nays.

The Senate then proceeded to consider the engrossed bill to incorporate the trustees of Pleasant Grove Academy, in the county of Perquimons; which was read the third time and passed, and ordered to be enrolled. Also, the engrossed bill to incorporate the town of Morganton, in the county of Burke; which was read the third time and passed, and ordered to be enrolled.

The Senate also took up for consideration the bill to amend the Inspection Laws; which was read the second time, and, on motion of Mr. Cooper, ordered to be re-committed to the Committee on Propositions and Grievances.

Mr. Dockery presented a bill, entitled a bill to amend an act to establish a Literary and Manual Labour Institution in the county of Wake, passed in 1833; which was read the first time and passed, and, on his motion, referred to the Committee on Education and the Literary Fund.

Received from the House of Commons the following resignations: The resignation of John B. Miller, a Justice of the Peace for the county of Stokes; Benjamin Ellis, a Justice of the Peace for the county of Rutherford; Edward McCallum, a Justice of the Peace for the county of Montgomery; which were severally read and accepted.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

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TUESDAY, DEC. 18, 1838.

Mr. Biddle presented the following resolution, to wit:

WHEREAS building lots in the city of Raleigh, are said to be much in demand, and would probably command good prices, and the State owning a number of lots and squares still unsold, and understood to be favorably located for improvement, but alike useless to the public and to the city unless brought into market:

*Therefore resolved*, That the Secretary of State sell at public auction, on a credit of twelve months, on bond and good security, all the aforesaid lots and squares, except the Capitol Square, the Government House Square, the two most northerly acres on the Baptist Meeting House Square, heretofore reserved by law as a site for said Meeting House; and that in selling said property, he sell the squares at each corner of the city in a body, and all the rest in single acre lots, and execute deeds conveying title in fee, from the State to the purchasers.

Which was read the first time and passed, and on his motion referred to the Committee on Finance.

Mr. Spruill presented a bill, entitled a bill to amend the 25th section of the Revised Statutes, concerning the General Assembly; which was read the first time and passed.

Mr. Dockery, from the Committee on Claims, to whom was referred a resolution in favor of Hiram Higgins and Solomon Perry of Ashe county, reported the same without amendment. Said resolution was then read the second time and passed.

Mr. Dockery, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of amending the pension laws, so as to provide for the payment of pensions in the year in which there shall be no session of the General Assembly, reported a bill, entitled a bill to amend an act, entitled an act for the relief of such persons as have been disabled by wound, or rendered incapable of procuring for themselves and families subsistence, in the militia service of this State, and providing for the widows and orphans of such as have died; which was read the first time and passed.

Mr. Dockery, from the same committee, to whom was referred the engrossed resolution directing the Secretary of State to issue grants to John Carson, Jasper Billings and others, the purchase money for which has been heretofore paid into the public Treasury, reported the same without amendment; which was read the second time and passed.

Mr. Dockery, from the same committee, to whom was referred an engrossed resolution directing the Secretary of State to issue grants for lands sold at the late sales of Cherokee lands, in certain cases, reported the same without amendment; which was read the second time and passed.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the county of Robeson, praying the Legislature to pass a law placing free persons of color under the same restrictions as slaves are, as regards buying and selling spirituous liquours, reported adversely to the prayer of the petitioners, and asked to be discharged from its further consideration. Upon this question, Mr. Cooper demanded the yeas and nays, which were as follows:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Cooper,  
Edwards,  
Foy,  
Franklin,  
Harper,  
Hawkins,  
Jones,  
Kerr,  
Melvin,  
Moore,

MESSRS. Moody,  
Moye,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Williams, of Beaufort,  
Williams of P., 25 yeas,

Those who voted in the negative, were,

MESSRS. Albright,  
Biddle,  
Bunting,  
Carson,  
Cherry,  
Davidson,  
Dockery,

MESSRS. Holt,  
Houlder,  
Melchor,  
Morehead,  
Montgomery,  
Myers,  
Reding,

Etheridge,  
Exum,  
Fox,  
Henry,  
Hill,

Ribelin,  
Taylor,  
Wilson,  
Whitaker—23 nays.

The committee was discharged accordingly.

The Senate took up for consideration a bill, entitled a bill making compensation to wardens of the poor; which was read the second time, and, on motion of Mr. Montgomery, ordered to lie on the table.

On motion of Mr. Shepard, the Senate proceeded to consider the resolution in favor of the Roanoke Navigation Company; which was read the second time, and, on his motion, amended and passed.

Mr. Carson, from the Judiciary Committee, to whom was referred two resolutions relative to the revenue laws of this State, reported a bill, entitled a bill to amend the revenue laws of this State; which was read the first time and passed, and, on motion of Mr. Shepard, ordered to lie on the table and be printed.

Mr. Spruill moved that the resolution in favor of the Roanoke Navigation Company, be now taken up for consideration; which was agreed to. He then moved that the rule of the Senate which prohibits the reading of public resolutions twice in on the same day be dispensed with; which was also concurred in.

The Senate then, on motion of Mr. Spruill, resolved itself into a committee of the whole House, Mr. Dockery being called to the Chair. The resolution was then read the third time; and after having spent some time thereon, the committee rose, and the Chairman reported the resolution to the House without amendment. The resolution was then put upon its third reading; which was decided in the affirmative—yeas 25—nays 20.

Mr. Reid demanded the yeas and nays, which were as follows:

Those who voted in the affirmative were,

MESSRS. Albright,  
Cherry,  
Davidson,

MESSRS. McDiarmid,  
Myers,  
Reding,

Dockery,	Reinhardt,
Edwards,	Rabun,
Franklin,	Ribelin,
Hawkins,	Sharp,
Holt,	Shepard,
Jones,	Speed,
Melchor,	Spruill,
Morehead,	Taylor,
Moore,	Williams of B. 25 yeas.
Moye,	

Those who voted in the negative, were,

MESSRS. Allison,	MESSRS. Harper,
Arrington,	Henry,
Baker,	Hill,
Biddle,	Houlder,
Bunting,	Melvin,
Carson,	Moody,
Cooper,	Reid,
Etheridge,	Williams of Person,
Exum,	Wilson,
Foy,	Whitaker—20 nays.

Ordered that said resolution be engrossed.

Mr. M'Diarmid presented the following resolution:

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of amending the law so as to require the County Courts to tax the county with all the costs in prosecutions for misdemeanor, when the defendant is acquitted; and that they report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning ten o'clock.

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WEDNESDAY, DEC. 19, 1838.

Received from the House of Commons a message, stating that Messrs. Foreman, D. Thomas, Barksdale, and Cardwell form their branch of the Committee on Enrolled Bills for this week.

Mr. Dockery, from the Committee on Claims, to whom was referred the engrossed bill to allow Charles B. Morris, late Sheriff of New Hanover county, further time for the collection of taxes, reported adversely thereto, and recommended the rejection of the bill; which was read and accordingly rejected.

Mr. Morehead, from the Judiciary Committee, to whom was referred the engrossed bill concerning last wills and testaments, reported the same without amendment; which was read the second time and passed.

Mr. Jones, from the Committee on Finance, made the following Report, to wit:

That they have carefully examined all the books and vouchers in the Treasurer's and Comptroller's Offices, and find that they correspond with the reports made by the two officers presiding over those departments to the present General Assembly for the two last fiscal years ending the 31st October, 1838.

They have also examined the deposits in Bank, and find them to correspond with the amount stated in the Treasurer's Report. The vouchers which have been examined by the Committee in the Comptroller's Office have been all cancelled as far as your Committee can judge; all the accounts have been kept in conformity with the laws regulating those departments.

The Committee think it but justice to say, that much credit is due to the Comptroller and Treasurer, for the able and faithful manner they have discharged the duties of the departments over which they preside.

Which was read, and, on motion of Mr. Wilson, ordered to be transmitted to the House of Commons with a proposition to print.

Mr. Holt, from the Committee on Private Bills, to whom was referred the bill to appoint Commissioners for the town of Bethania, in the county of Stokes; and the bill to authorise the forming of a Fire Engine Company in the town of Bethania, Stokes county, reported the same without amendment; which were each read the second time and passed.

Mr. Cherry, from the Committee on Education and the Literary Fund, to whom was referred a bill to amend an act, entitled an act to establish a Literary and Manual Labor Institution in the county of Wake, passed in 1833, reported the same without amendment; which was read the second time. Mr. Houlder moved to strike out six, in the



4th section, and insert in lieu thereof the word five; which motion did not prevail. The bill then passed its second reading.

Mr. Holt, from the Committee on Private Bills, to whom was referred a bill to incorporate the Salem Light Infantry Company, reported the same with an amendment; which was read the second time. Mr. Spruill moved to strike out the fifth section; which was agreed to. Thereupon the bill was rejected.

Mr. Morehead, from the Judiciary Committee, to whom was referred the resolution relative to trading with slaves, reported adversely thereto, and asked to be discharged from the further consideration of the subject. The committee was discharged accordingly.

Mr. Morehead, from the same Committee, to whom was referred the resolution requiring them to inquire into the expediency of so providing by law as to make it larceny to steal growing Mulberry Trees, reported adversely thereto; which was read, and, on motion of Mr. Davidson, ordered to lie on the table.

On motion of Mr. Spruill, the message from the House of Commons, proposing to vote on Thursday next, at eleven o'clock for Comptroller, and on the same day at 12 o'clock for Public Treasurer, was taken up and read and concurred in.

On motion of Mr. Shepard, the bill for the relief of the Raleigh and Gaston Rail Road Company, was taken up for consideration, and, on motion of Mr. Morehead, made the order of the day for Friday next at 11 o'clock.

Mr. Reding offered the following resolution:

*Resolved*, That the Committee on Claims be instructed to inquire into the expediency of instructing the Secretary of State to issue two grants to William Leach, of the county of Randolph, the purchase money for which has been heretofore paid, as per Treasurer's receipt, Nos. 307 and 437.

Which was read and adopted.

Received from the House of Commons a message, stating that they have passed a resolution relating to the Public Printing, in which they ask the concurrence of the Senate. Said resolution was read the first time and passed.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of three on the part of each House to take into consideration the expediency of es-

tablishing a Lunatic Asylum in this State; and that said committee report by bill or otherwise; which was read and concurred in.

On motion of Mr. Carson, the Senate proceeded to consider the engrossed bill to establish a new county by the name of Cleaveland; which was read the second time and rejected—yeas 21, nays 27. Mr. Reinhardt demanded the yeas and nays, on the passage of the bill its second reading; which were as follows:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Albright,  
Baker,  
Carson,  
Davidson,  
Dockery,  
Fox,  
Franklin,  
Holt,  
Jones,  
Kerr,

MESSRS. Montgomery,  
Melchor,  
Morehead,  
Moore,  
Myers,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin—yeas 21.

Those who voted in the negative were,

MESSRS. Arrington,  
Biddle,  
Bunting,  
Cherry,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Foy of Onslow,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Houlder,

MESSRS. Melvin,  
Moody,  
Moye,  
M'Diarmid,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of Beaufort,  
Williams of Person,  
Wilson,  
Whitaker—27 nays.

The Senate proceeded to consider the special order of the day, to wit: A bill to amend the Militia Laws of this State; which was read the third time. Mr. Dockery moved to amend the bill by striking out the words *and Battalions*, in the *second section*; which was agreed to. Also, to amend by striking out the words *each year*, in the same section,

and inserting in lieu thereof the words two years; which was also agreed to. Mr. Reid then moved to amend the bill, after the word commands, in the second section, by inserting the words "*at their usual regimental muster grounds;*" which was likewise agreed to. Also, by adding an additional section; which was rejected. Mr. McDiarmid then moved an additional section; which was rejected. The bill then passed its third reading as amended, and was ordered to be engrossed.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill to incorporate the trustees of Davidson College.

The Senate proceeded to consider the resolution in favor of Hiram Higgins and Solomon Perry, of Ashe; which was read the third time and passed, and ordered to be engrossed.

Also, the engrossed resolution directing the Secretary of State to issue certain grants, and the Resolution directing the Secretary of State to issue grants for lands sold at the late sale of the Cherokee lands, in certain cases; which were each read the third time and passed and ordered to be enrolled.

The Senate then took up for consideration the bill to amend 25th section of the Revised Statutes, concerning the General Assembly; which was read the second time and decided in the negative—yeas 9, nays 38. Mr. Cooper demanded the yeas and nays, as follows:

Those who voted in the affirmative were,

MESSRS. Baker,  
Carson,  
Cherry,  
Davidson,  
Kerr,

MESSRS. Moore,  
Reinhardt,  
Rabun,  
Spruill—9 yeas.

Those who voted in the negative, were,

MESSRS. Allison,  
Albright,  
Arrington,  
Biddle,  
Bunting,  
Cooper,  
Dockery,  
Etheridge,

MESSRS. Melvin,  
Melchor,  
Moorehead,  
Moody,  
Moye,  
Montgomery,  
Myers,  
McDiarmid,

Exum,  
 Fox,  
 Foy, of Onslow,  
 Franklin,  
 Harper,  
 Hawkins,  
 Henry,  
 Hill,  
 Holt,  
 Houlder,  
 Jones,

Reid,  
 Reding,  
 Ribelin,  
 Sharp,  
 Shepard,  
 Speed,  
 Taylor,  
 Williams of Beaufort,  
 Williams of Person,  
 Wilson,  
 Whitaker—38 nays.

On motion of Mr. Davidson, the Senate adjourned until to-morrow morning ten o'clock.

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THURSDAY, DECEMBER 20, 1838.

The Speaker announced to the Senate the following committees, to wit:

On the subject of establishing a Lunatic Assylum, Messrs. Franklin, Hill, and Albright.

To Superintend the election of Comptroller of Public Accounts, Messrs. Myers and Henry.

To superintend the election of Public Treasurer, Messrs. Fox and Reding.

And the House of Commons was informed thereof by message.

Mr. Albright offered the following resolution:

*Resolved*, That the Committee on the Judiciary, be instructed to inquire into the expediency of so amending the law as to allow slaves and free persons of colour, to exercise their gifts in religious assemblies by prayer or exhortation, under certain restrictions; and that they report by bill or otherwise.

Which was read and rejected.

Mr. Shepard offered the following Resolution:

*Resolved*, That hereafter it shall be the duty of the Public Printer, to deliver to the Secretary of State six copies of all such

documents as either branch of the Legislature may order to be printed; which documents, the Secretary of State shall have bound in six separate volumes, two to be deposited in the Public Library, two in the Senate Chamber, and two in the Chamber of the House of Commons.

Which was read the first time and passed.

Received from the House of Commons the following resignations, to wit: the resignation of John Gatlin, a Justice of the Peace for the county of Perquimons, Alexander Murchison, a Justice of the Peace for the county of Cumberland; which were read and accepted.

The Senate proceeded to consider the Engrossed bill, concerning last wills and testaments; which was read the third time, and, on motion of Mr. Edwards, ordered to lie on the table.

Received from the House of Commons a message, stating that Daniel W. Courts is in nomination for Public Treasurer; and William F. Collins is in nomination for Comptroller of Public Accounts.

Received from the House of Commons a message, informing the Senate that Messrs. Young and Baker form their branch of the committee to superintend the voting for Comptroller of Public Account; and further stating that they will commence voting on the return of the messenger.

The Senate proceeded to vote as follows:

#### FOR MR. COLLINS,

MESSRS. Speaker,  
Allison,  
Albright,  
Arrington,  
Baker,  
Biddle,  
Bunting,  
Cherry,  
Cooper,  
Davidson,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy,  
Franklin,

MESSRS. Kerr,  
Melvin,  
Melchor,  
Morehead,  
Moore,  
Moody,  
Moye,  
McDiarmid,  
Montgomery,  
Myers,  
Reid,  
Reding,  
Rabun,  
Ribelin,  
Sharp,  
Shepard,  
Speed,

Harper,  
Hawkins,  
Henry,  
Hill,  
Holt,  
Houlder,  
Jones,

Spruill,  
Taylor,  
Williams of B.  
Williams of P.,  
Wilson,  
Whitaker—47.

The Senate took up for consideration the bill, entitled a bill to amend an act to establish a Literary and Manual Labor Institution in the county of Wake, passed in 1833; which was read the third time. Mr. Taylor moved to amend the bill, by striking out all from the word *otherwise* to the words *and shall dispose*, in the first section; which was not agreed to. The bill then passed, and was ordered to be engrossed.

The Senate took up for consideration the bill to prevent betting on elections, which was read the second time. Mr. Moore moved to amend it, by inserting the words "wagered or bet;" which was agreed to. Mr. Cooper then moved that the bill be postponed indefinitely; which motion did not prevail. Upon this motion, Mr. Cooper demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,

MESSRS. Arrington,  
Bunting,  
Cherry,  
Cooper,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Holt,

MESSRS. Kerr,  
Melvin,  
Melchor,  
Moody,  
McDiarmid,  
Reid,  
Sharp,  
Speed,  
Williams of P., 18 yeas.

Those who voted in the negative, were,

MESSRS. Allison,  
Albright,  
Baker,  
Biddle,  
Carson,  
Davidson,  
Edwards,  
Etheridge,  
Exum,

MESSRS. Morehead,  
Moore,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Rabun,  
Ribelin,  
Shepard,

Fox,  
Foy,  
Franklin,  
Houlder,  
Jones;

Spruill,  
Taylor,  
Williams, of Beaufort;  
Wilson,  
Whitaker—28 nays.

On motion of Mr. Moore, the bill was referred to the Judiciary Committee.

Mr. Myers, from the joint select committee, appointed to superintend the election of Comptroller of Public Accounts, reported that William F. Collins, having received a unanimous vote, was duly elected; in which the Senate concurred.

Received from the House of Commons a message, stating that Messrs. Proctor and McNeill form their branch of the Committee to superintend the vote for Public Treasurer, and further stating that they will commence voting on the return of the messenger.

The Senate then proceeded to vote as follows:

FOR MR. COURTS,

MESSRS. Speaker,  
Allison,  
Albright,  
Arrington,  
Baker,  
Biddle,  
Bunting,  
Carson,  
Cherry,  
Cooper,  
Davidson,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy,  
Franklin,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Holt,  
Houlder,  
Jones,

MESSRS. Kerr,  
Melvin,  
Melchor,  
Morehead,  
Moore,  
Moody,  
Moye,  
McDiarmid,  
Montgomery,  
Myers,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of Beaufort,  
Williams, of Person,  
Wilson,  
Whitaker—49.

The Senate then took up the engrossed resolution relating to the Public Printing; which was read the second time and passed.

On motion of Mr. Cooper, the Senate proceeded to consider the resolution relating to an adjournment of the two Houses; which was read, and, on motion of Mr. Wilson, ordered to lie on the table.

On motion of Mr. Wilson, the Senate took up for consideration the message from the House of Commons, proposing to adjourn sine die on the 31st instant; which was read, and, on motion of Mr. Spruill, ordered to lie on the table.

Mr. Fox, from the Joint Select Committee appointed to superintend the vote for Public Treasurer, reported that Daniel W. Courts, having received a unanimous vote, was duly elected; in which the Senate concurred.

Mr. Carson, from the Committee on Weights and Measures, to whom was referred so much of the Governor's Message as relates to the same subject, reported a bill, entitled a bill concerning Weights and Measures, adopted by resolution of Congress as standards throughout the United States; which was read the first time and passed.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the petition of certain citizens of the county of Currituck, praying the Legislature to pass a law so as to prevent citizens of Virginia from driving their stock into this State for the purpose of ranging, reported a bill, entitled a bill to amend an act, entitled an act concerning cattle, horses, and hogs; which was read the first time and passed.

On motion of Mr. Moore, the Senate took up for consideration the bill making compensation to Wardens of the poor; which was read the second time. Mr. Speed then moved that the bill be indefinitely postponed; which motion prevailed.

Mr. Exum demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Albright,  
Arrington,  
Biddle,  
Bunting,  
Carson,

MESSRS. Moody,  
Moye,  
McDiarmid,  
Montgomery,  
Myers,  
Reid,



Cherry,  
Cooper,  
Davidson,  
Edwards,  
Hill,  
Houlder,  
Melvin,

Sharp,  
Speed,  
Spruill,  
Taylor,  
Williams of Beaufort,  
Wilson,  
Whitaker—26 years.

Those who voted in the negative, were,

MESSRS. Baker,  
Dockery,  
Etheridge,  
Exum,  
Fox,  
Foy,  
Franklin,  
Harper,  
Hawkins,  
Henry,

MESSRS. Jones,  
Kerr,  
Melchor,  
Moore,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Williams of P. 19 nays.

So the bill was indefinitely postponed.

The Senate took up for consideration the bill to amend an act, entitled an act for the relief of such persons as have been disabled by wounds; which was read the second time, and amended, on motion of Mr. McDiarmid, and passed.

Also, the engrossed bill to repeal the act of Assembly of 1835, allowing compensation to Jurors in the county of Yaney; which was read the second time and passed.

On motion of Mr. Spruill, the engrossed resolution relating to the Public Printing was taken up for consideration; which was read the third time and passed and ordered to be enrolled.

On motion of Mr. Taylor, the report of the Judiciary Committee on the resolution relative to stealing mulberry trees, was taken up for consideration; which was read, and on his motion, re-committed to the same Committee.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill to empower the Courts of Pleas and Quarter Sessions of Buncombe to draw Jurors for each week of the Superior Court of said county; a bill supplemental to an act, passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson; a bill appointing commissioners to lay off a public road from Burnsville;

(Yancy county.) to the Tennessee line; a bill to incorporate the trustees of the Rutherfordton Male and Female Academies; in which they ask the concurrence of the Senate.

The bill to empower the Court of Pleas and Quarter Sessions of Buncombe to draw Jurors for each week of the Superior Court of said county; the bill appointing commissioners to lay off a public road from Burnsville, (Yancy county,) to the Tennessee line; and the bill to incorporate the trustees of the Rutherfordton Male and Female Academies, were severally read the first time and passed.

On motion of Mr. Albright, the bill to authorise the issuing of Treasury notes, heretofore laid on the table, was taken up for consideration; which was read the second time. Mr. Morehead moved to amend the bill by striking out all after the words *a bill*, and inserting a substitute therefor. Mr. Jones then moved an amendment to the amendment in the second section, by filling up the blank with *one hundred thousand dollars*; which was agreed to. The amendment was then accepted by Mr. Albright. Mr. Wilson then moved that the bill and amendment be postponed indefinitely.

Pending this motion, the Senate, on motion of Mr. Morehead, adjourned until to-morrow ten o'clock.

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FRIDAY, DEC. 21, 1838.

Mr. Wilson, from the Judiciary Committee, to whom was referred a resolution instructing them to inquire into the expediency of passing a law ratifying and declaring the several laws passed at the late session of the General Assembly, and known as the Revised Statutes, to be in full force as published by the Commissioners appointed for that purpose, reported a bill to give effect to the Revised Statutes as the same have been published by the commissioners appointed for that purpose; which was read the first time and passed.

Mr. Baker presented a bill, entitled a bill limiting the time in which title to lands heretofore entered and paid for, may be perfected; which was read the first time and passed.

Mr. Dockery presented a bill, entitled a bill to prevent free negroes and mulattoes from trafficking in spirituous liquors; which was read the first time and passed.

The engrossed bill supplemental to an act, passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson, was read the first time and passed.

The Senate took up for consideration the engrossed bill to repeal the act of Assembly of 1835, allowing compensation to jurors in the county of Yaney; which was read the third time and passed and ordered to be enrolled.

On motion of Mr. Shepard, the resolution imposing duties on the Public Printer and Secretary of State, was taken up for consideration; which was read the second time, and, on his motion, amended and passed. Mr. Spruill then moved to amend the rule of the Senate so as to allow the resolution to be read the third time; which was done accordingly. The resolution passed, and was ordered to be engrossed.

The Senate then proceeded to consider the bill to amend an act, entitled an act for the relief of such persons as have been disabled by wounds, &c.; which was read the third time, and, on motion of Mr. Spruill, amended and passed, and ordered to be engrossed.

Also, the bill to amend an act, entitled an act concerning cattle, horses, and hogs; which was read the second time, and, on motion of Mr. Shepard, ordered to lie on the table.

The Senate then took up for consideration the engrossed bill to incorporate the Trustees of the Rutherfordton Male and Female Academies, and the bill to empower the Court of Pleas and Quarter Sessions of Buncombe to draw Jurors for each week of the Superior Court of said county; which were each read the second time and passed.

Mr. Exum presented the resignation of John Cox, a Justice of the Peace for the county of Wayne; which was read and accepted, and ordered to be sent to the House of Commons.

The Senate proceeded to consider the special order of the day, to wit: A bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the second time and rejected.

The Senate then took up for consideration the unfinished business of yesterday, to wit: "The bill to authorise the issuing of Treasury notes;" which was read the second time and postponed indefinitely. Mr. Albright demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Biddle,  
Bunting,  
Cherry,  
Cooper,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Holt,  
Houlder,

MESSRS. Kerr,  
Melvin,  
Moody,  
Moye,  
McDiarmid,  
Myers,  
Reid,  
Reinhardt,  
Rabun,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of Beaufort,  
Williams of Person,  
Wilson,  
Whitaker—37 yeas.

Those who voted in the negative, were,

MESSRS. Albright,  
Carson,  
Davidson,  
Franklin,  
Jones,

MESSRS. Melchor,  
Morehead,  
Moore,  
Reding,  
Ribelin—10 nays.

So the bill and amendment were indefinitely postponed.

Mr. Spruill moved that the Senate do now re-consider the vote by which the bill for the relief of the Raleigh and Gaston Rail Road Company was rejected; which motion prevailed.

Mr. Whitaker demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,

MESSRS. Moore,  
McDiarmid,  
Montgomery,  
Myers,  
Reding,

Dockery,  
Etheridge,  
Franklin,  
Hawkins,  
Holt,  
Jones,  
Melchor,  
Morehead,

Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of Beaufort,  
Whitaker—26 years.

Those who voted in the negative were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Exum,  
Fox,  
Foy,  
Harper,  
Henry,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
Moody,  
Moye,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson—22 nays.

So the vote was re-considered; and, on motion of Mr. Shepard, the bill was made the order of the day for Friday next.

The Senate proceeded to consider the bill concerning weights and measures, adopted by resolution of Congress as standards throughout the United States; which was read the second time, and, on motion of Mr. Carson, amended and passed.

Also, the engrossed bill appointing commissioners to lay off a public road from Burnsville, (Yancey county,) to the Tennessee line; which was read the second time and passed.

Mr. Baker from the Committee to whom was referred the bill to erect a new county out of portions of Wilkes and Burke counties, reported the same without amendment; which was, on his motion, ordered to lie on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill to lay off and establish a new county by the name of Union; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, proposing that the Statements of the Bank of the State of North-Carolina, the Bank of Cape Fear, and the Merchants' Bank

of Newbern, be printed; which was read and concurred in, and the House of Commons was informed thereof by message.

On motion of Mr. Morehead,

*Ordered*, That Mr. Edwards have leave of absence from the service of this House, from and after to-morrow, until Wednesday next. Also, on his motion, leave of absence was granted to Mr. Taylor, from and after to-morrow, until Wednesday next; and, on motion of Mr. Hill, leave of absence was granted to Mr. Bunting, from and after to-day, until Thursday next.

Mr. Carson, from the Joint Select Committee to whom was referred the resolution of the Senate concerning the failure of the sheriffs of certain counties to make returns of the votes for Governor at the late election, reported the following Resolution, to wit:

That, whereas the returns made by the Sheriffs of the counties of Gates, Perquimons, and Guilford, of the votes for Governor in the late election, were by them believed to be duly made, and that the defects therein were in form, and not in substance; and whereas, those made by the Sheriff of Rutherford were by him duly made, and in full discharge of his duty:

*Resolved* therefore, That no proceedings in law be taken thereupon, and that they stand severally acquitted and discharged from all liability whatever.

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

On motion of Mr. Holt, the Senate adjourned until to-morrow morning ten o'clock.

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SATURDAY, DEC. 22, 1838.

On motion of Mr. Spruill,

*Ordered*, That Green Hill, Assistant Door-Keeper, have leave of absence from the service of this House for to-day.

Mr. Melchor presented the resignation of G. W. Spears, a Justice of the Peace for the county of Cabarrus; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Moore presented the resignation of Alexander Hampton, a Justice of the Peace for the county of Stokes; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Morehead, from the Judiciary Committee, to whom was referred the engrossed bill to amend the thirty-ninth section of the Revised Statutes, entitled an act concerning Courts of Justice, Practice, Pleas, and Process, reported the same with an amendment; which was read and agreed to. The bill then passed the second time as amended.

On motion of Mr. Davidson,

*Ordered*, That the Committee on Public Printing have leave to sit during the session of the Senate.

Mr. Morehead, from the Judiciary Committee, to whom was referred the resolution relative to wearing arms concealed about the persons of individuals, reported a bill entitled a bill to suppress the practice of wearing arms concealed about the persons of individuals; which was read the first time and passed, and, on motion of Mr. Morehead, ordered to lie on the table and be printed.

Mr. Morehead, from the same Committee, to whom was referred the resolution relative to deeds in trust and mortgages, reported adversely thereto; which was read and concurred in, and the committee was discharged from its further consideration.

Mr. Holt, from the Committee on Private Bills, to whom was referred the bill allowing compensation to the Wardens of the poor in the county of Wayne, reported the same without amendment; which was read the second time and passed. Mr. Exum moved to suspend the rules of the Senate, so as to allow the bill to be read the third time. The bill was then read the third time and passed, and ordered to be engrossed.

Mr. Doekery, from the Committee on Claims, to whom was referred the resolution in favor of William Leach, of Randolph county, reported the following resolution, to wit:

*Resolved*, That the Secretary of State be, and he is hereby instructed, to issue to William Leach, of the county of Randolph, two grants for land heretofore paid for, as per Treasurer's receipt, No. 307, entry taker's certificate, No. 1682, for 9 acres; and receipt No. 439, entry taker's certificate, No. 1681, for 25 acres.

Which was read the first time and passed.

Mr. Cherry, from the Judiciary Committee, to whom was referred the resolution instructing them to inquire into the propriety of so amending the existing law in relation to the number of Jurors to be drawn for the County and Superior Courts, reported a bill, entitled a bill to amend the 27th section of an act, entitled an act concerning Courts of Justice, Practice, Pleas, and Process; which was read the first time and passed.

Mr. Holt presented the following Resolution:

*Resolved*, That the Committee on Banks as Depositories of the public money, inquire into the condition of those Banks of the State in which the State is interested as stockholder, so far as regards their paying specie for their bills, when presented; the amount of bills they have issued at their different branches and agencies; where made payable, and what facilities they furnish different sections of the State in obtaining a supply of specie change; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Taylor presented the following Resolution, to wit:

*Resolved*, That a message be sent to the House of Commons, proposing to instruct the Committee on Finance to inquire whether the revenue laws may not be so amended as to obtain a more equal valuation of the lands in this State; and also to inquire whether said laws may not be so amended as to give to the proprietors of lands a more speedy and convenient mode of redress, when dissatisfied with the assessment thereof by the commissioners.

Which was read and adopted.

Mr. Biddle, from the Joint Select Committee on Public Buildings, to whom was referred the report of the Commissioners appointed to superintend the re-building of the Capitol, reported a bill, entitled a bill making an appropriation for carrying on and completing the Capitol and for other purposes; which was read the first time and passed, and, on motion of Mr. Taylor, ordered that the report be printed.

Mr. Williams, of Person, presented a bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas and Process, so as to alter the times for holding the County Courts of Person county; and for other purposes; which was read the first time and passed.



Received from the House of Commons a message, stating that they concur in the proposition of the Senate to print the report of the Committee of Finance.

Received from the House of Commons a message, stating that they have passed the following engrossed bill concerning the election and qualification of Constables in certain cases, in which they ask the concurrence of the Senate.— Said bill was read the first time and passed.

Mr. Morehead then moved to suspend the rules of the Senate, so as to allow the bill to be read the second and third times; which was agreed to.

The bill was then read the second time, and, on motion of Mr. Morehead, amended, and then read the third time and passed as amended, and ordered to be enrolled.

Received from the House of Commons a message, transmitting therein the memorial of the Internal Improvement Convention to the Senate, proposing that it be referred to a Joint Select Committee to be composed of the Committees on Internal Improvements in each House, and to print it, ten copies for each member of the General Assembly; which was read and concurred in.

On motion of Mr. Carson, the Senate proceeded to consider the bill to amend the revenue laws of this State; which was read the second time and amended, on motion of Mr. Carson. Mr. Cherry further moved to amend it by adding an additional section; which was also agreed to. Then, on motion of Mr. Biddle, ordered to lie on the table until Monday next.

On motion of Mr. Fox, the Senate took up for consideration a bill, entitled a bill to lay off and establish a new county by the name of Union; which was read the first time and passed.

On motion of Mr. Morehead, the Senate also took up for consideration the bill limiting the time in which title to lands heretofore entered and paid for may be perfected; which was read the second time and passed.

On motion of Mr. Kerr, the vote by which was passed the bill, entitled a bill concerning the election and qualification of Constables in certain cases, was re-considered. He then moved to amend the bill by adding an additional section; which was agreed to. The bill then passed its third reading as amended, and was ordered to be enrolled.

Mr. Dockery then moved that the Senate do now take up for consideration the bill to prevent free negroes and mu-

lattoes from trafficking in spirituous liquors; which was agreed to. The bill was then read the second time, and, on motion of Mr. Dockery, amended, and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolution: A bill to incorporate the Rocky Mount Manufacturing Company—a resolution in favor of Charles L. Hinton; in which they ask the concurrence of the Senate. Said resolution was read the first time and passed.

On motion of Mr. Carson, the Senate adjourned until Monday morning ten o'clock.

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MONDAY, DECEMBER 24, 1838.

The Speaker presented to the Senate a communication from the Public Printer relative to the printing of a map included in the report of the Board of Internal Improvements; which was read, and, on motion of Mr. Wilson, ordered to be referred to the Committee on Public Printing.

On motion of Mr. Melvin,

*Ordered,* That Mr. McDiarmid have leave of absence from the service of this House from and after to-day until Thursday next.

Mr. Morehead, from the Judiciary Committee, to whom was referred the resolution requiring them to inquire into the expediency of amending the laws relative to runaway slaves; also, the expediency of further legislating on the subject of outlawry against that species of population, reported adversely thereto; which was read and concurred in, and the committee was discharged from the further consideration of the subject.

Mr. Reinhardt presented the petition of sundry citizens of the counties of Burke, Lincoln, Iredell, and Wilkes, praying the Legislature to erect a new county out of portions of said counties; which was read, and, on his motion, referred to the Senators of said counties.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was re-committed the bill to amend the Inspection Laws, reported the same with an amendment,

which was read the third time, and, on motion of Mr. Melvin, ordered to lie on the table.

Mr. Williams, (of Beaufort,) presented the resignation of Frederick Grist, a Justice of the Peace for the county of Beaufort; which was read and accepted, and ordered to be sent to the House of Commons.

On motion of Mr. Moore, the Senate proceeded to consider the bill to appoint Commissioners for the town of Bethania, in the county of Stokes; which was read the third time, and, on motion of Mr. Moore, amended and passed, and ordered to be engrossed.

The Senate then took up for consideration the bill to authorise the forming of a Fire Engine Company in the town of Bethania, Stokes county; which was read the third time, and, on motion of Mr. Moore, amended and passed, and ordered to be engrossed.

Also, the bill to amend an act, entitled an act concerning cattle, horses, and hogs, which was read the third time, and, on motion of Mr. Moore, amended, and passed and ordered to be engrossed.

Mr. Rabun presented a bill, entitled a bill authorising the making a turnpike road in Haywood county; which was read the first time and passed, and, on his motion, referred to the Committee on Propositions and Grievances.

Mr. Shepard offered the following resolution, to wit:

*Resolved.* That the Committee on the Judiciary be instructed to inquire into the expediency of allowing the Comptroller of the Treasury compensation for the additional services imposed upon him by an act of the last Legislature; by which act he is required to open an account with each individual purchaser of land sold at the Cherokee land sales.

Which was read and adopted.

The Senate then took up for consideration the bill concerning weights and measures, adopted by resolution of Congress as standards throughout the United States; which was, on motion of Mr. Moore, ordered to lie on the table.

Also, the engrossed bill to empower the Court of Pleas and Quarter Sessions of Buncombe to draw Jurors for each week of the Superior Court of said county; which was read the third time and passed, and ordered to be enrolled.

Mr. Spruill presented the following resolution, to wit:

*Resolved*, That Green Hill be appointed to collect all the books and papers which have been furnished for the use of the Legislature, and deposit them in the Public Library; and that he collect all the furniture which has been procured for the use of the Legislature, immediately on the adjournment thereof, and that he deposit the same in the Public Arsenal, and that the Governor be directed to allow him a reasonable compensation for his services, which shall be paid by the public Treasurer.

Which was read the first time and passed.

The Senate proceeded to consider the engrossed bill to incorporate the Trustees of the Rutherfordton Male and Female Academies; which was read the third time and passed, and ordered to be enrolled.

Mr. Cherry presented a bill, entitled a bill to authorize the business of Banking; which was read the first time and passed, and, on his motion, ordered to be printed.

The Speaker announced to the Senate, that Messrs. Davidson and Whitaker, form the committee on the part of the Senate, on enrolled bills this week; and the House of Commons was informed thereof by message.

On motion of Mr. Myers, the Senate took up for consideration, the engrossed bill to lay off and establish a new county, by the name of Union; which was read the second time, and on his motion, amended. Mr. Biddle then moved that the bill and amendment lie on the table; which was agreed to.

The Speaker presented to the Senate a communication from Thomas J. Lemay, informing the Senate that the memorial of the Internal Improvement Convention to the Legislature, is printed one copy, for each member of the General Assembly, and that the remaining copies will be ready for delivery on Wednesday or Thursday next.

Mr. Biddle presented a bill, making the measurement of ton timber and saw mill lumber uniform in the State; which was read the first time and passed.

The Senate then proceeded to consider the engrossed bill, to amend the thirty-ninth section of the Revised Statute, entitled an act concerning Courts of Justice, Practice, Pleas and Process; which was read the third time and passed, and ordered to be enrolled.

Also the bill to prevent free negroes and mulattoes from trafficking in spirituous liquors, was taken up for consideration; which was read the third time and passed, and ordered to be engrossed.

Also the bill limiting the time in which title to lands heretofore entered and paid for, may be perfected; which was read the third time, and amended and passed, and ordered to be engrossed.

On motion of Mr. Reinhardt,

*Ordered*, That a message be sent to the House of Commons, proposing to vote on Wednesday next, for Col. and Major of the Cavalry of the tenth Brigade of North Carolina Militia, and inform them that Thomas N. Herndon is in nomination for the appointment of Colonel, and Andrew Motz is in nomination for the appointment of Major for said Brigade.

Received from the House of Commons a message, stating that they have passed the engrossed *resolutions* relating to the General Government; in which they ask the concurrence of the Senate. Said resolutions were read first time and passed, and, on motion of Mr. Wilson, ordered to lie on the table.

The Senate then proceeded to consider the engrossed bill, appointing Commissioners to lay off a public road from Burnsville, (Yancy county,) to the Tennessee line; which was read the third time and passed, and ordered to be enrolled.

Also, the bill to incorporate the Rocky Mount Manufacturing Company; which was read the first time and passed.

The Senate proceeded to consider the bill to amend the revenue laws of this State; which was read the second time, and, on motion of Mr. Albright, amended and passed.

Also, the engrossed bill, supplemental to an act, passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson; which was read the second time and passed.

Received from the House of Commons a message, stating that Messrs. Gilliam, Hoke, and Petty form their branch of the Joint Select Committee on the subject of a Lunatic Asylum.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Flealden Hensley and others; in which they ask the concurrence of the Senate. Said resolution was read the first time and passed.

Received from the House of Commons the following resignations, to wit: The resignation of Golden Davis, a Justice of the Peace for the county of Ashe; R. Kendall, a Justice of the Peace for the county of Montgomery; and Vineyard E. Campbell, a Justice of the Peace for the county of Beaufort; which were severally read and accepted.

On motion of Mr. Albright, the Senate adjourned until to-morrow morning ten o'clock.

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TUESDAY, DEC. 25, 1838.

The Senate proceeded to consider the bill, entitled a bill to amend the revenue laws of this State; which was read the third time, and, on motion of Mr. Morehead, ordered to lie on the table.

Also the engrossed bill supplemental to an act, passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson; which was read the third time and passed, and ordered to be enrolled.

Mr. Davidson, from the Judiciary committee, to which was referred so much of the Governor's message as relates to exempting lands from execution, reported a bill to secure a homestead freehold to the citizens of North Carolina; which was read the first time and passed, and, on motion of Mr. Spruill, ordered to be printed.

The Senate then took up for consideration the bill making an appropriation for carrying on and completing the capitol, and for other purposes; which was read the second time and passed.

Also the engrossed resolution in favor of Charles L. Hinton, and the resolution in favor of Ftalden Hensley and others; which were each read the second time and passed.

Also the bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas and Process, so as to alter the time for holding the County Courts of Person county, and for other purposes; which was read the second time and passed.

Also the resolution concerning the books, papers and furniture of the General Assembly; and the resolution in favor of William Leach, were each read the second time and passed.

The Senate then proceeded to consider the engrossed bill to incorporate the Rocky Mount Manufacturing Company; which was read the second time and passed.

Also the bill to amend the 27th section of an act, entitled an act concerning Courts of Justice, Practice, Pleas and Process; which was read the second time and passed.

The Senate then took up for consideration a bill making the measurement of ton timber and saw mill lumber uniform in this State; which was, on motion of Mr. Moore, ordered to lie on the table.

Also the bill to give effect to the Revised Statutes, as the same have been published by the Commissioners appointed for that purpose; which was read the second time and passed. Mr. Morehead moved to suspend the rules of the Senate, so as to read the bill the third time; which was agreed to. The bill was then read the third time and passed, and ordered to be engrossed.

Also the bill concerning weights and measures, adopted by resolution of Congress as standards throughout the United States; which was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Cape Fear and Western Steamboat Company of North Carolina; in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

Received from the House of Commons a message, informing the Senate that Messrs. Stockard, Keener, Young, and Tuton form their branch of the committee on enrolled bills for this week.

The Senate then took up for consideration the engrossed bill, entitled a bill to lay off and establish a new county by the name of Union; which was read the second time. Mr. Fox then moved an amendment thereto; and, before the question was taken thereon, the Senate, on motion of Mr. Exum, adjourned until to-morrow morning ten o'clock.

WEDNESDAY, DECEMBER 26, 1838.

Mr. Davidson, from the joint select committee on Public Printing, to whom was referred a communication from Thomas Loring, relative to a lithographic map, reported the following resolution, to wit:

*Resolved*, That the joint order to print the report of the board of Internal Improvements and certain documents accompanying it, be rescinded, so far as relates to a lithographic map, included in said order.

Which was read and adopted.

Mr. Davidson, from the same committee, to whom was referred a resolution instructing them to inquire whether any, and if any, what mode can be adopted for expediting the printing for the Legislature, reported the following resolution:

*Resolved*, That the Committee on Printing be instructed to confer with the Public Printer, and adopt such means as will expedite the printing which now is, or hereafter may be required for the use of this House.

Which was read and adopted.

Mr. Albright presented the following resolution, to wit:

*Resolved*, That the Committee on Propositions and Grievances be instructed to inquire into the expediency of regulating by law the weight of sack salt; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Morehead, from the Judiciary Committee, to whom was referred a resolution relative to stealing Mulberry trees, reported a bill to prevent the stealing of Mulberry trees; which was read the first time and passed.

Mr. Baker presented the following resolution, to wit:

*Resolved*, That the Committee on Internal Improvements inquire into the expediency of the State's making a contribution in aid of clearing out the road, leading from Morganton in this State over the Iron Mountain to the Tennessee line; and that they report by bill or otherwise.

Which was read and adopted.



Received from the House of Commons a message, concurring in the proposition of the Senate to vote at 11 o'clock this day for Major, and at 12 o'clock for Colonel Commandant of Cavalry of the 10th Brigade; and further stating that Messrs. Killian and E. S. Bell form their branch of the committee to superintend the vote for the first officer named; and Messrs. McLaughlin and J. Blount form their committee to superintend the election for the other.

The Speaker announced to the Senate that Messrs. Williams, (of Beaufort) and Allison form the committee to superintend the vote for Major of the Cavalry of the 10th Brigade; and that Messrs. Moye and Williams, (of Person,) form the committee on the part of the Senate to superintend the election for Colonel Commandant of the 10th Brigade of North Carolina Cavalry; and the House of Commons was informed thereof by message.

The Senate then proceeded to vote for Major as follows, to wit:

FOR MR. MOTZ,

MESSRS. Speaker,  
Allison,  
Albright,  
Arrington,  
Baker,  
Biddle,  
Carson,  
Cherry,  
Cooper,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Franklin,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Holt,  
Houlder,  
Kerr,

MESSRS. Melvin,  
Melchor,  
Moorehead,  
Moore,  
Moody,  
Moye,  
Montgomery,  
Myers,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Sharp,  
Shepard,  
Spruill,  
Speed,  
Taylor,  
Williams of Beaufort,  
Williams of Person,  
Wilson,  
Whitaker—44.

Mr. Ribelin offered the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law as not to allow women to swear illegitimate children before they are born; and that the said committee be instructed to inquire into the expediency of increasing the fine for not swearing from five dollars to twenty-five dollars.

Which was read and rejected.

Mr. Spruill presented the following resolution:

*Resolved*, That a message be sent to the House of Commons, proposing that the two Houses of this Legislature adjourn on Monday the 7th day of January next *sine die*; and that the Clerks make up the estimates to that day inclusive.

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

Mr. Melvin offered the following resolution:

*Resolved*, That the Secretary of State be, and he is hereby authorised to issue to John McGee, of Bladen county, a grant for fifty acres of land on his entry No. 84, for which the purchase money has been paid.

Which was read the first time and passed, and, on motion of Mr. Spruill, was referred to the Committee on Claims.

The Speaker presented to the Senate the memorial of Chang-Eng, the Siamese twin brothers, praying the Legislature to relieve them from a tax imposed on them by certain Sheriffs; which was read, and, on motion of Mr. Morehead, referred to the Committee on the Judiciary.

Mr. Williams, (of Beaufort,) from the Joint Select Committee to superintend the vote for Major of the Cavalry of the 10th Brigade, reported that Andrew Motz, having received a majority of the whole number of votes given, was duly elected; in which the Senate concurred.

Mr. Morehead, from the Judiciary Committee, to whom was referred the bill to prevent betting on elections, reported the same with an amendment; which was read the second time and postponed indefinitely.

Mr. Cooper demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Arrington,  
Cherry,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Foy,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Holt,

MESSRS. Houlder,  
Kerr,  
Melvin,  
Melchor,  
Moody,  
Reid,  
Reinhardt,  
Sharp,  
Speed,  
Williams of Beaufort,  
Williams of Person,  
Whitaker—25 yeas.

Those who voted in the negative, were,

MESSRS. Albright,  
Baker,  
Biddle,  
Carson,  
Davidson,  
Dockery,  
Fox,  
Franklin,  
Morehead,  
Moore,

MESSRS. Moye,  
Montgomery,  
Myers,  
Reding,  
Rabun,  
Ribelin,  
Shepard,  
Spruill,  
Taylor,  
Wilson—20 nays.

Mr. Shepard, from the Committee on Internal Improvements, to whom was referred the memorial of the Internal Improvement Convention, reported the following resolutions, to wit:

*Resolved*, That it is expedient that the State guarantee a loan to be effected by the Raleigh and Gaston Rail Road Company, to the amount of five hundred thousand dollars.

*Resolved*, That the Committee on Internal Improvements be instructed to report a bill authorising a subscription on the part of the State of four-fifths of the capital stock of the Fayetteville and Yadkin Rail Road Company, *provided* the remainder of the stock be taken by individuals, and the capital of said Company does not exceed two millions of dollars.

*Resolved*, That the Committee on Internal Improvements be instructed to report a bill authorising the subscription by the State of three-fifths of the capital stock of the Roanoke Inlet Company, *provided* individuals take the remaining two-fifths, and the capi-

tal stock of said company does not exceed one million two hundred and fifty thousand dollars.

*Resolved*, That one hundred and fifty thousand dollars, the balance due of the State's subscription to the Raleigh and Wilmington Rail Road, ought to be advanced immediately, and that a survey for a McAdamized Turnpike Road from Raleigh to Greensborough, *via* Hillsborough, be ordered.

*Resolved*, That it is proper that three millions of dollars be borrowed by the State to carry the above objects into execution, and that a bill be reported for that purpose by the Committee on Internal Improvements.

Which was read, and, on his motion, ordered to lie on the table and the report and resolutions be printed.

The Senate proceeded to vote for Col. Commandant of the 10th Brigade of Cavalry as follows, to wit:

FOR MR. HERNDON,

MESSRS. Speaker,  
Allison,  
Albright,  
Arrington,  
Baker,  
Biddle,  
Carson,  
Cherry,  
Cooper,  
Davidson,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy,  
Franklin,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Houlder,  
Jones,

MESSRS. Kerr,  
Melvin,  
Melchor,  
Morehead,  
Moore,  
Moody,  
Moye,  
Montgomery,  
Myers,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams, of Beaufort,  
Williams, of Person,  
Wilson,  
Whitaker—46 yeas.

Mr. Cherry presented the memorial of Susan D. Nye Hutchison on the subject of Female Education; which was, on his motion, ordered to be referred to the Committee on Education.

Mr. Moyer, from the joint select committee, appointed to superintend the vote for Col. Commandant of the 10th Brigade of Cavalry, reported that Thomas N. Herndon, having received a majority of the whole number of votes given, was duly elected. In which the Senate concurred.

On motion of Mr. Carson, the Senate took up for consideration, the bill to amend the revenue laws of this State; which was read the third time. Mr. Moore moved the following amendment thereto, to wit: in the first section, after the word lands, insert the words and improvements, such as *Factories and Merchant Mills and costly dwellings and edifices, which may be made or erected during the interval between the appointments of the regular Boards of assessors.* The question being taken on this amendment, it was decided in the negative—yeas 10, nays 36.

Mr. Moore demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Dockery,  
Edwards,  
Etheridge,  
Franklin,

MESSRS. Henry,  
Moore,  
Myers,  
Reid,  
Reinhardt—10 yeas.

Those who voted in the negative were,

MESSRS. Albright,  
Arrington,  
Baker,  
Biddle,  
Carson,  
Cherry,  
Cooper,  
Davidson,  
Exum,  
Fox,  
Foy,  
Harper,  
Hawkins,  
Hill,  
Holt,  
Houlder,  
Jones,  
Kerr,

MESSRS. Melchor,  
Morehead,  
Moody,  
Moyer,  
Montgomery,  
Reding,  
Rabun,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B.  
Williams of P.,  
Wilson,  
Whitaker—36 nays.

Mr. Carson then moved sundry amendments thereto; which were agreed to. The bill then passed, and was ordered to be engrossed.

The Senate then took up for consideration the unfinished business of yesterday, to wit: the engrossed bill to lay off and establish a new county by the name of Union; which was read the second time. Mr. Fox moved the following amendment thereto, to wit: beginning at the corner of Anson, Montgomery, Cabarrus, and Mecklenburg, running up the Cabarrus line four miles; thence nearly south-west, till it strikes the South Carolina line about twelve miles above the stone corner; thence with the South Carolina line to the Anson corner: *Provided*, That the said division line shall not at any point, approach the town of Charlotte nearer than sixteen miles. Pending this question, Mr. Exum moved that the bill and amendment be indefinitely postponed; which motion prevailed, and, upon this question, demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Arrington,  
Biddle,  
Cherry,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Foy,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Holt,  
Houlder,  
Kerr,

MESSRS. Melvin,  
Moody,  
Moye,  
Reid,  
Reinhardt,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of Beaufort,  
Williams of Person,  
Wilson,  
Whitaker—29 yeas,

Those who voted in the negative, were,

MESSRS. Allison,  
Albright,  
Baker,  
Carson,  
Davidson,  
Dockery,

MESSRS. Melchor,  
Morehead,  
Moore,  
Montgomery,  
Myers,  
Reding,

Fox,  
Franklin,  
Jones;

Rabun,  
Ribelin—nays 17.

So the bill and amendment were indefinitely postponed.

On motion of Mr. Dockery, the resolutions relating to the General Government were taken up for consideration. Mr. Shepard then moved that they be made the order of the day for to-morrow at 11 o'clock; which motion prevailed. Upon this question, Mr. Biddle demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Carson,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy,  
Hawkins,  
Henry,  
Hill,

MESSRS. Houlder,  
Jones,  
Kerr,  
Melvin,  
Morehead,  
Reid,  
Reinhardt,  
Rabun,  
Shepard,  
Taylor,  
Williams of Person,  
Wilson,  
Whitaker—26 yeas.

Those who voted in the negative, were,

MESSRS. Albright,  
Biddle,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Melchor,  
Moore,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Speed,  
Spruill,  
Williams of B. 20 nays.

So the resolutions were made the order of the day for to-morrow at 11 o'clock.

On motion of Mr. Henry, the Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, DEC. 27, 1838.

Received from the House of Commons a message, stating that they concur in the reference made by the Senate to the Committee on Finance, upon the subject of the valuation of lands for taxation.

Received from the House of Commons a message, stating that they have passed the engrossed bill concerning the Charlotte Male and Female Academies.

Also, the engrossed resolution relating to the Sheriff of Ashe; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to exempt the aged and infirm from being compelled to serve in fire companies and upon guards in any of the incorporated towns and cities of this State.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions: A bill to incorporate the Yadkin Manufacturing Company; a bill to improve a part of the State Road leading from the town of Franklin across the Nantahala and Valley River Mountain to the new town site called Murphy; a bill to incorporate the High Shoals Manufacturing Company; resolution in favor of Samuel Shemn; resolution in favor of Dove Pannell; resolution in favor of Simon M. Smithwick; resolution in favor of James C. Turrentine, Sheriff of Orange county; and a resolution relating to the Public Domain; in which they ask the concurrence of the Senate.

Mr. Cherry, from the Committee on Education and the Literary Fund, to whom was referred the resolution instructing them to inquire into the expediency of establishing Common Schools in every county of the State, reported a bill to divide the counties into School Districts and for other purposes; which was read the first time and passed, and, on motion of Mr. Moore, ordered to be printed, one copy for each member of the Legislature.

Mr. Spruill offered the following Resolution, to wit:

*Resolved*, That a message be sent to the House of Commons, proposing that the Secretary be directed to have the reports of the Chairman of the Committee on Education and the Literary Fund printed and attached to the acts passed at this session of the Le-



gislature; and that ten copies of said report be printed for each member of the General Assembly.

Which was read and adopted.

Mr. Jones, from the Committee on Finance, to whom was referred a resolution directing the sale of certain squares and lots of land belonging to the State, in and about the city of Raleigh, reported the following resolution, to wit:

*Resolved*, That the Secretary of State, after due notice given, sell at public auction, on a credit of twelve months, on bonds and good security, the square of land on which stands the old Male and Female Academies, between the lots of John H. Bryan and Mrs. Delia Haywood; that said square shall be divided and sold in four equal sized lots. Also, an acre lot of land near John Hutchins', joining his own lot, and which is intersected by the rail road. And the Secretary of State is hereby authorised and required to execute deeds of conveyance in fee from the State to the purchaser, so soon as the purchase money for said lots are paid for.

Which was read the first time and passed.

Mr. Jones, from the same Committee, to whom was referred the resolution on the subject of amending the revenue laws and equalizing the valuation of lands,

Reported, that a bill amending the revenue laws and, as your Committee believe, embracing the defects the resolution inquires into, has passed the Senate, and no doubt will pass the other branch of the Legislature; and therefore recommend the rejection of the said resolution.

Which was read and concurred in.

Mr. Carson presented the petition of the South Western Rail Road Bank, praying that the clause in the Bank charter of this State above recited, may be so modified as to legalize the subscriptions made to this institution by certain Banks, and to allow them to hold in it to the amount subscribed for by them; which was read, and, on his motion, ordered to lie on the table.

The Senate then proceeded to consider the order of the day, to wit: The Resolutions relating to the General Government; which were read the second time.

Pending the question, the Senate, on motion of Mr. Shepard, adjourned until 4 o'clock, P. M.

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## FOUR O'CLOCK, P. M.

The Senate met according to adjournment, and took up for consideration the unfinished business of the day, to wit: The Resolutions relating to the General Government. The Preamble and Resolutions are as follows, to wit:

Whereas, we believe that a great crisis has arrived in the political history of our country, on the issue of which, we conceive the safety of our free institutions to depend--and whereas, we consider it our bounden duty, as the Representatives of the Freemen of North Carolina, to express in calm and dispassionate language, our opinions on the great questions which have been for some time, and some of which still are, agitating the public mind:

*Resolved therefore,* That this General Assembly do condemn, in the most decided manner, that act of the Senate of the United States expunging the records of that body, as a palpable violation of the plain letter of the Constitution, and as an act of party servility calculated to degrade the character of the Senate.

Which resolution was read the second time.

Mr. Edwards moved to strike out the words "*and as an act of party servility calculated to degrade the character of the Senate;*" and upon that question demanded the yeas and nays, which were as follows:

Those who voted in the affirmative, are,

MESSRS. Allison,	MESSRS. Hill,
Arrington,	Henry,
Baker,	Houlder,
Bunting,	Kerr,
Cooper,	McDiarmid,
Edwards,	Reid,
Etheridge,	Reinhardt,
Exum,	Rabun,
Fox,	Williams of Person,
Foy of Onslow,	Wilson,
Hawkins,	Whitaker—23 yeas.

Those who voted in the negative, were,

MESSRS. Albright,	MESSRS. Moody,
Biddle,	Moye,
Carson,	Montgomery,

Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moore,

Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B. 25 nays

Mr. Wilson then moved to add thereto the words, "*Provided, that we do not mean hereby to condemn the patriotic efforts of our late President against the United States Bank;*" which was rejected. Mr. Wilson demanded the yeas and nays; which are as follows, to wit:

Those who voted in the affirmative were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Echeridge,  
Exum,  
Fox,  
Foy, of Onslow,  
Hawkins,

MESSRS. Henry,  
Hill,  
Houlder,  
Kerr,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker, 23 yeas.

Those who voted in the negative were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moore,

Messrs. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B, 25 n'ys

Mr. Reid then offered the following resolution as an amendment thereto, to wit:

*Resolved*, That all political power resides with the people. That Representatives are the agents of the people. That the people have a right, through their representatives in the General Assembly, to *INSTRUCT* their Senators in Congress, and that when a Senator is so *instructed* there rests on him a *moral obligation* to *OBEY* or *RESIGN*, which ought not to be *disregarded*.

Which was read and rejected; and upon this amendment he demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Allison,	MESSRS. Hill,
Arrington,	Houlder,
Baker,	Kerr,
Bunting,	Melvin,
Cooper,	McDiarmid,
Edwards,	Reid,
Etheridge,	Reinhardt,
Exum,	Rabun,
Fox,	Williams of Person,
Foy, of Onslow,	Wilson,
Hawkins,	Whitaker—23 yeas.
Henry,	

Those who voted in the negative were,

MESSRS. Albright,	MESSRS. Moody,
Biddle,	Moye,
Carson,	Montgomery,
Cherry,	Myers,
Davidson,	Reding,
Dockery,	Ribelin,
Franklin,	Sharp,
Harper,	Shepard,
Holt,	Speed,
Jones,	Spruill,
Melchor,	Taylor,
Morehead,	Williams of B. 25 nays.
Moore,	

Mr. Reid further moved to amend it, by adding thereto, the following, to wit:

*Resolved*, That we approve of the course pursued by our Senators in Congress, in defending the Constitution and the rights of the people, against the abolition fanatics of the North, who have attempted to jeopardize the lives and property of our citizens.

Which was read and also rejected, and upon this question demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy, of Onslow,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams, of Person,  
Wilson,  
Whitaker—23 yeas,

Those who voted in the negative were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moore,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B. 25 nays.

The first resolution then passed by the following vote, to wit:

Those who voted in the affirmative were,

MESSRS. Albright,  
Biddle,

MESSRS. Moore,  
Moody,

Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moye,

Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B. 25 yeas.

Those who voted in the negative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy, of Onslow,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 nays.

2. *Resolved*, That resolutions ought to be passed by the Senate of the United States, condemnatory of that act, and rescinding the resolutions authorising it to be done.

Which was read the second time, and passed. The yeas and nays being demanded, were as follows:

Those who voted in the affirmative, were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,

Melchor,  
Morehead,  
Moore,

Taylor,  
Williams of B. 25 years.

Those who voted in the negative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy, of Onslow,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 nays.

3. *Resolved*, That this General Assembly do condemn the sub-treasury system, which this administration is endeavoring to establish, as another item in that series of fatal experiments, of this and the past administration, which are the main source of that derangement in the currency, and prostration of commercial credit, that have been so severely felt of late, in every branch of industry—and which, if suffered to become a law, will by its tendency to augment executive power, to unite the purse and the sword in the hands of the executive, and to destroy the credit system, by the exaction of specie in the Government dues, ultimately change the real character of our Government, and place in peril the liberties of our country.

Which resolution was read the second time and passed, by the following vote, 24 to 23:

Those who voted in the affirmative, were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Helt,  
Jones,

MESSRS. Moore,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,

Melchor,  
Morehead,

Taylor,  
Williams of B. 24 years.

Those who voted in the negative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy, of Ouslow,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 nays,

Mr. Wilson then proposed the following resolution, to wit:

*Resolved*, That the Public revenue is collected from the people for the support of government, and not for Banking purposes, and no more revenue ought to be collected than is absolutely necessary for the wants of Government.

Which was read and rejected.

Mr. Wilson demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy of Ouslow,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
M'Diarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 yeas.



Those who voted in the negative were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Moorehead,  
Moore,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B 25 nays.

4. *Resolved*, That we consider the public lands of the United States, as the common property of all the States, and that we therefore condemn the late act of Congress, allowing settlers on the public lands the right of pre-emption at the minimum price, as an act of gross injustice to the old States, who originally ceded them, or who contributed to a common fund for their purchase.

Which was read the second time and passed by the following vote—26 to 22.

Those who voted in the affirmative were,

MESSRS. Allison,  
Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,

MESSRS. Moore,  
Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams, of B., 26 yeas.

Those who voted in the negative were,

MESSRS. Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,

Etheridge,  
Exum.  
Fox,  
Foy, of Onslow,  
Hawkins,  
Henry,

Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker, 22 nays.

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5. Resolved, That we believe that the proper and equitable disposition of the public domain, is, to divide the proceeds arising from their sales, among the several States of the Union, according to the ratio of the Federal population.

Which was read the second time.

Mr. Wilson moved the following proviso thereto:

*Provided, nevertheless,* That the said distribution should not render necessary an increase of the Taxes or Tariff.

Which was read and rejected.

Mr. Fox demanded the yeas and nays:

Those who voted in the affirmative, are,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy of Onslow,  
Hawkins,  
Hill,

MESSRS. Henry,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 yeas.

Those who voted in the negative, were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,

Holt,  
Jones,  
Melchor,  
Morehead,  
Moore,

Speed,  
Spruill,  
Taylor,  
Williams of B. 25 nays

The resolution then passed by the following vote:

Those who voted in the affirmative were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moore,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B, 25 ye's

Those who voted in the negative were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Echeridge,  
Exum,  
Fox,  
Foy, of Onslow,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker, 23 nays.

6. *Resolved*, That we do most solemnly protest against the wasteful extravagance of the present administration, and their profligate expenditure of the public money, which not only creates a demand for heavy taxation, in order to meet the exorbitant appropriations of the General government, but which tends to the corruption of public morals and the degradation of the national character.

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Said resolution was read the second time, and passed by the following vote:

Those who voted in the affirmative were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moore,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B. 25 yeas.

Those who voted in the negative were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy, of Onslow,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 nays.

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7. Resolved, That the power and patronage of the Executive Department of the Federal Government, have increased to an alarming extent, and ought to be diminished.

Which was also read the second time and passed. The yeas and nays being demanded, are as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,

Davidson,	Reding,
Dockery,	Ribelin,
Franklin,	Sharp,
Harper,	Shepard,
Holt,	Speed,
Jones,	Spruill,
Melchor,	Taylor,
Morehead,	Williams of B. 25 yeas.
Moore,	

Those who voted in the negative were,

MESSRS. Allison,	MESSRS. Hill,
Arrington,	Houlder,
Baker,	Kerr,
Bunting,	Melvin,
Cooper,	McDiarmid,
Edwards,	Reid,
Etheridge,	Reinhardt,
Exum,	Rabun,
Fox,	Williams, of Person,
Foy, of Onslow,	Wilson,
Hawkins,	Whitaker—23 nays.
Henry,	

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8. *Resolved*, That our Senators in Congress will represent the wishes of a majority of the people of this State, by voting to carry out the foregoing resolutions.

Which was read the second time.

Mr. Wilson then moved to add thereto, the words "*and they are instructed so to do;*" which was read and rejected. Upon this question he demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Allison,	MESSRS. Hill,
Arrington,	Houlder,
Baker,	Kerr,
Bunting,	Melvin,
Cooper,	McDiarmid,
Edwards,	Reid,
Etheridge,	Reinhardt,
Exum,	Rabun,
Fox,	Williams of Person,

Foy, of Onslow,  
Hawkins,  
Henry,

Wilson,  
Whitaker—23 yeas.

Those who voted in the negative, were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moye,

MESSRS. Moore,  
Moody,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B. 25 yeas.

The resolution then passed by the following vote:

Those who voted in the affirmative, were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moore,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B. 25 yeas.

Those who voted in the negative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,

Etheridge,  
Exum,  
Fox,  
Foy, of Onslow,  
Hawkins,  
Henry,

Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 nays.

Mr. Wilson then proposed the following amendment:

*Resolved*, That our Senators are hereby *INSTRUCTED*, and our Representatives requested to vote for an entire separation of the funds of the Government from all Banks.

Which was read and rejected.

Mr. Wilson demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy, of Onslow,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
McDiarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 yeas.

Those who voted in the negative, were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moore,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B. 24 nays.

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9. *Resolved*, That the Governor of this State be requested to forward a copy of these resolutions to each of our Senators in Congress, with a request that they lay them before the Senate of the United States—and one to each of the Governors of the several States of the Union, with a request that they lay them before their respective Legislatures.

Which was read the second time, and, on motion of Mr. Biddle, the question was taken on said resolution and the preamble, and passed. The yeas and nays being demanded, were as follows, to wit:

Those who voted in the affirmative were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moore,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B. 25 yeas:

Those who voted in the negative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy of Onslow,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
M'Diarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 nays.

So the preamble and resolutions passed their second reading without amendment.

Mr. Shepard then moved to suspend the rules of the Senate, so that the resolutions may be read the third time;



which was agreed to. The preamble and resolutions were then read and passed.

Mr. Fox demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative were,

MESSRS. Albright,  
Biddle,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Harper,  
Holt,  
Jones,  
Melchor,  
Morehead,  
Moore,

MESSRS. Moody,  
Moye,  
Montgomery,  
Myers,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of B. 25 yeas.

Those who voted in the negative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy of Onslow,  
Hawkins,  
Henry,

MESSRS. Hill,  
Houlder,  
Kerr,  
Melvin,  
M'Diarmid,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Wilson,  
Whitaker—23 nays.

*Ordered*, said preamble and resolutions to be enrolled.

On motion of Mr. Biddle, the Senate adjourned until to-morrow morning ten o'clock.

FRIDAY, DEC. 28, 1838.

Received from the House of Commons the resignation of Rt. Haywood, a Justice of the Peace for the county of Wake; which was read and accepted.

Mr. Biddle presented the following Preamble and Resolution, to wit:

Whereas, there are vast bodies of valuable Swamp Land in the lower part of Craven county, a part belonging to the State, and a part to individuals; and it being impossible for the owners to drain it without the assistance of the State; and whereas, by means of canals it would be brought into cultivation, yielding both to the interest of individuals and of the Literary Fund:

*Therefore Resolved*, That the President and Directors of the Board of Internal Improvements be, and they are hereby authorised, to cause a survey to be made, to test the practicability of uniting by canal South Dividing Creek and Chapel Creek; the first of said Creeks running into Pamptico river; the other into Bay river.

*Resolved*, That said Board be authorised to cause a survey to be made for the purpose of uniting by canal Trent Creek and Smith's Creek; the first of said Creeks running into Bay river; the other into Neuse river; and, if said works are practicable, to commence them forthwith.

Which was read the first time and passed.

Mr. Jones presented the following resolution, to wit:

*Resolved*, That the Secretary of State deposite the Sale Book, (containing an account of the State Sales of Cherokee Lands,) with the Comptroller of Public Accounts.

Which was read the first time and passed. Mr. Jones then moved to suspend the rules of the Senate, so that the resolution may be read the second and third times; which was agreed to. The resolution then was read the second and third times and passed, and ordered to be engrossed.

Mr. Holt presented the following Preamble and Resolution, to wit:

Whereas, it is believed that a great deficiency of specie change now exists in the United States, and that at points remote from the Mints authorized to coin this kind of currency, there exists a scarcity perplexing and obstructive to the interests not only of the trading and manufacturing classes, but to the great injury of all the productive branches of trade and industry—so much so as to induce the Legislatures of many of the States to seek relief in the issue of Treasury notes:

And whereas, it is known that the operations of the Branch Mint in this State are frequently suspended at long intervals for the want of bullion to coin, and that its coinage is confined to gold bullion alone, and that it is located in a region suffering peculiarly from the want of small coin as change.

*Be it therefore Resolved*, That our Senators and Representatives in Congress be requested to use their best endeavors to have a law passed directing the coinage of small change at the Branch Mint at Charlotte, in this State; and that the Governor forward to our Senators and Representatives a copy of this resolution.

Which was read the first time and passed.

Mr. Ribelin presented the following resolution, to wit:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law so as to give magistrates power to act on accounts as high as one hundred dollars, and no higher.

Which was read and adopted.

Mr. Carson presented a bill to modify an act, entitled an act, &c; which was read the first time and passed, and ordered to be referred to the Judiciary Committee.

Mr. Cherry presented a bill, entitled a bill to punish persons who may maliciously obstruct any Rail Road in North Carolina; which was read the first time and passed, and, on his motion, referred to the Judiciary Committee.

Mr. Franklin presented the following resolution, to wit:

*Resolved*, That the Committee on Public Buildings be instructed to inquire and report to this House what amount has been expended in the purchase of furniture for the same.

Which was read and adopted.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to amend the militia laws of this State.

Received from the House of Commons a message, stating that they have passed the engrossed bill to lay off and establish a county by the name of Cherokee; in which they ask the concurrence of the Senate.

The Senate then proceeded to consider the engrossed resolutions in favor of Charles L. Hinton, and one in favor of Flealden Hensley and others; which were each read the third time and passed, and ordered to be enrolled.

Also, the bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas, and Process, so as to alter the times for holding the County Courts of Person county and for other purposes; and the bill to amend the 27th section of an act, entitled an act concerning Courts of

Justice, Practice, Pleas, and Process; which were each read the third time and passed, and ordered to be engrossed.

The Senate then took up for consideration the resolution in favor of Wm. Leach, and one concerning the books, papers and furniture of the General Assembly; which were each read the third time and passed, and ordered to be engrossed.

The Senate then proceeded to consider the special order of the day, to wit: The bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the second time. Mr. Shepard then moved to strike out the whole of the original bill after the enacting clause, and insert in lieu thereof an amendment which he proposed; which was read and agreed to. Mr. Morehead then moved to amend the amendment, by striking out the 13th section of said amendment, and insert in lieu thereof a section which he proposed; which was read and agreed to. The bill then passed its second reading as amended.

Mr. Exum demanded the yeas and nays, which were as follows, to wit:

Those who voted in the affirmative were,

MESSRS. Albright,  
Baker,  
Bunting,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Echeridge,  
Franklin,  
Hawkins,  
Holt,  
Jones,

Messrs. Morehead,  
Moore,  
McDiarmid,  
Montgomery,  
Myers,  
Reding,  
Rabun,  
Ribelin,  
Shepard,  
Spruill,  
Taylor,  
Whitaker, 25 yeas.

Those who voted in the negative were,

MESSRS. Allison,  
Arrington,  
Biddle,  
Edwards,  
Exum,  
Fox,  
Foy,

MESSRS. Melvin,  
Melchor,  
Moody,  
Moye,  
Reid,  
Reinhardt,  
Sharp,

Harper,  
Hill,  
Houlder,  
Kerr,

Williams of B,  
Williams of Person,  
Wilson, 21 days.

The Senate then proceeded to consider the resolutions relating to Internal Improvement; which were read the second time, and, on motion of Mr. Biddle, made the order of the day for Monday next, at 11 o'clock.

Also, the bill to amend the Inspection Laws; which was read the third time, and, on motion of Mr. McDiarmid, ordered to lie on the table.

On motion of Mr. Biddle, the Senate took up for consideration the bill making the measurement of ton timber and saw mill lumber uniform in this State; which was read the second time and amended and passed. Mr. Biddle then moved to suspend the rules of the Senate, so that the bill may be read the third time; which was agreed to. The bill was then read the third time and passed, and ordered to be engrossed.

The Senate then took up for consideration the engrossed bill to incorporate the High Shoals Manufacturing Company; which was read the first time and passed. Mr. Carson then moved to suspend the rules of the Senate, so as to read the bill the second and third times; which was agreed to. The bill was then read the second and third times and passed and ordered to be enrolled.

Also, the engrossed bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina; which was read the second time. Mr. Wilson moved to strike out the word perpetual, in the first section; which was agreed to. The bill then passed the second reading as amended. Mr. Morehead then moved to suspend the rules of the Senate so as to read the bill the third time. The bill was accordingly read and passed and ordered to be enrolled.

Mr. Rabun presented a bill, entitled a bill making an appropriation to aid in cutting a road from the Old Fort in Buncombe county through the Swananno Gap, &c.; which was read the first time and passed, and, on his motion, referred to the Committee on Propositions and Grievances.

The Senate then proceeded to consider the engrossed bill to incorporate the Rocky Mount Manufacturing Company, which was read the third time and passed, and ordered to be enrolled.

On motion of Mr. Rabun, the Senate proceeded to consider the engrossed resolution in favor of Samuel Chunn; which was read the first time and passed. Mr. Rabun then moved to suspend the rules of the Senate, so as to read the resolution a second time; which was agreed to. The resolution was then read and passed, and, on his motion, referred to the Committee on the Judiciary.

On motion of Mr. Taylor, the Senate adjourned until tomorrow morning ten o'clock.

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SATURDAY, DEC. 29, 1838.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred a bill authorising the making a turnpike road in Haywood county, reported the same without amendment; which was read the second time, and passed.

Mr. Shepard, from the Committee on Internal Improvements, to whom was referred a bill to amend an act passed in the year 1835, entitled an act, to amend an act passed in 1820, Chapter 1071, entitled an act for repairing and improving the road leading from the place known by the name of the old Fort, in Burke county, over the Swannanoah Gap to Asheville, in Buncombe county, and thence to the point of intersection with the road leading through Haywood county, to the Southern boundary line of this State, reported the same without amendment; which was read the second time and passed.

Mr. Melchor presented a bill to incorporate the Cabarrus County Cotton Factory; which was read the first time and passed, and on his motion referred to the Committee on Private Bills.

Mr. Cooper presented a bill, entitled a bill to prevent the issuing of writs of *capias ad satisfaciendum*, in certain cases; which was read the first time and passed.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the resolution instructing them to inquire into the expediency of regulating by law the weight of sack salt, reported a bill to regulate the weight of sacks of salt; which was read the first time and passed.

Mr. Moore presented a bill, entitled a bill to prevent frauds in voting at elections for members of Assembly; which was read the first time and passed.

The Senate proceeded to consider the engrossed resolution in favor of James C. Turrentine, sheriff of Orange county; which was read the first time and passed.

Received from the House of Commons a message, proposing to raise a joint select committee of two, on the part of each House, to superintend the qualification of the Governor elect; which was read and concurred in.

The Speaker then announced to the Senate, that Messrs. Shepard and Edwards form the committee on the part of the Senate for that purpose; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. Waddell and William P. Williams form the committee on their part, to make arrangements for the qualification of the Governor elect.

On motion of Mr. McDiarmid, the Senate proceeded to consider the bill to amend the inspection laws; which was read the third time. Mr. McDiarmid moved to strike out all the bill after the first section, and insert in lieu thereof an amendment which he proposed; which was read and agreed to. Mr. Moore then moved to strike out the word "only" in the first section, and insert the words "and, also, ton timber: *provided*, it be required by all the parties interested;" which was read and rejected. The bill then passed as amended, and was ordered to be engrossed.

Received from the House of Commons a message, informing the Senate that they are now ready to receive the Senate in their hall to witness the qualification of the Governor elect. The Senate, thereupon, repaired to the House of Commons, and, after witnessing the qualification of the Governor elect, returned to the Senate Chamber, and proceeded to business.

The Senate then took up for consideration the following engrossed resolution, to wit: A resolution relating to the Public Domain; a resolution in favor of Simon M. Smithwick; a resolution in favor of Dove Pannell; which were severally read the first time and passed.

The resolution relating to the Sheriff of Ashe was taken up and read the first time and passed. Mr. Morehead moved to suspend the rules of the Senate, so as to read the resolution the second and third times; which was agreed to.—

The resolution then passed the second and third readings and was ordered to be engrossed.

The Senate then proceeded to consider the following engrossed bills, to wit: A bill concerning the Charlotte Male and Female Academy; a bill to lay off and establish a county by the name of Cherokee; a bill to improve a part of the State Road leading from the town of Franklin, in Macon county, across the Nantahala and Valley River Mountain, to the new town site called Murphy; and a bill to incorporate the Yadkin Manufacturing Company; which were severally read the first time and passed. Also, the resolution in favor of John McGee; which was read the second time and passed.

Also, the bill making an appropriation for carrying on and completing the Capitol and for other purposes; which was read the third time, and, on motion of Mr. Dockery, ordered to lie on the table.

Also, a bill, entitled a bill to prevent stealing Mulberry Trees; which was read the second time and passed.

The resolution relating to the sale of Public Lots in the City of Raleigh was taken up and read the second time and passed.

On motion of Mr. Morehead, the Senate adjourned until Monday morning ten o'clock.

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MONDAY, DEC. 31, 1838.

Mr. Foy, (of Carteret & Jones,) appeared, produced his credentials, was qualified before the House, and took his seat.

Mr. Morehead, from the Judiciary Committee, to whom was referred the subject of further providing by law for the execution of deeds to purchasers under certain considerations, reported a bill, entitled a bill authorising Sheriffs and Coroners to make deeds in certain cases; which was read the first time and passed.

Mr. Foy, (of Onslow,) presented the resignation of Gardner Shepard, a Justice of the Peace for the county of Onslow; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Morehead, from the Judiciary Committee, to whom



was referred the resolution requiring them to inquire into the expediency of extending the jurisdiction of a single magistrate, reported adversely thereto; which was read and concurred in; and the committee was discharged from the further consideration of the subject.

Mr. Davidson, from the committee to whom was referred the memorials of sundry citizens of Burke, Lincoln, Wilkes, and Iredell, praying the erection therefrom of a new county, reported adversely thereto; which was read and concurred in.

Mr. Biddle, from the Committee on Public Buildings, to whom was referred the resolution instructing them to inquire and report to this House what amount has been expended in the purchase of furniture for the same, reported that five hundred dollars have been furnished for the same; which was read, and the committee discharged from its further consideration.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to amend an act concerning cattle, horses, and hogs.

Received from the House of Commons a message, proposing to print the Communication of his Excellency the Governor, with the Report of the Treasurer of the University, one copy for each member of the General Assembly; and further proposing that the two Houses vote on this day for eight Trustees, at 12 o'clock; which was read, and the first proposition concurred in, and the other not agreed to.

On motion of Mr. Biddle,

*Ordered*, That a message be sent to the House of Commons, proposing to vote for Trustees on to-morrow at four o'clock.

Received from the House of Commons a message, stating that they have concurred in the proposition of the Senate, that the two Houses adjourn *sine die*, on the 7th January, 1839.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate to the engrossed bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina.

Mr. Dockery presented the following resolution, to wit:

*Resolved*, That the Committee on Public Buildings be, and they are hereby instructed to inquire whether any, and if any, what amount is now due for work and labor done upon the State House,

over and above the amount drawn by the Governor from the State and Cape Fear Banks, included in the bill now upon the table of the Senate; and that they report to the Senate as early as possible.

*Resolved further,* That said Committee report to this House the amount, as near as possible, necessary to complete the Senate Chamber and Commons Hall, and prepare the same for the reception of the Legislature.

Which was read and agreed to.

On motion of Mr. Williams, (of Beaufort,)

*Ordered,* That Mr. Dockery be added to the Committee on Public Buildings and the Re-building of the Capitol.

Received from the House of Commons a message, stating that they have passed the engrossed bill for the better regulation of the County Courts of Rutherford; in which they ask the concurrence of the Senate. Said bill 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 an act concerning quarantine and to prevent the introduction and communication of contagious diseases with sundry amendments; which were read and not concurred in.

Received from the House of Commons a message, informing the Senate that John C. Williams, of Cumberland, David C. Freeman, of Beaufort, Charles Chalmers, of Moore, Spier Whitaker, of Halifax, Wm. Eaton, of Warren, James T. Morehead, of Guilford, George F. Davidson, of Iredell, Louis D. Wilson, of Edgecombe, M. Q. Waddell, of Chatham, Wm. B. Shepard, of Pasquotank, Cad. Jones, sr. of Hillsborough, Robt. B. Gilliam, of Granville, Weston R. Gales, of Raleigh, Benj. Sumner, of Person, and Michael Hoke, of Lincoln, are in nomination for the appointment of Trustees of the University; and further stating that they concur in the proposition of the Senate to vote to-morrow at 4 o'clock for Trustees, and that Messrs. J. P. Caldwell and Reid form their branch of the Committee to superintend said elections.

The Speaker then announced to the Senate that Messrs. Spruill and Arrington form the Committee on the part of the Senate to conduct said elections; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill to amend the charter of the Bank of Cape Fear; a bill vest-

ing in the United States of America jurisdiction over a certain tract of land in the town of Fayetteville; a bill to appoint commissioners to lay off a part of the great State Road from Presly Shepard's to Frederick Seevent's; a bill to incorporate the Phoenix Company, in the town of Fayetteville; a bill to amend and supply the defects of an act passed at the present session, entitled an act to extend the time for entry money; a bill concerning the militia of the county of Beaufort. Also, the following engrossed resolutions: Resolution in favor of John C. Ehringhaus; resolution in favor of Willis D. Howd; in which they ask the concurrence of the Senate.

The Senate took up for consideration the bill, entitled a bill to prevent stealing Mulberry Trees; which was read the third time, and, on motion of Mr. Holt, amended, and passed and ordered to be engrossed.

Upon this question, Mr. Allison demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Arrington,  
Biddle,  
Cherry,  
Davidson,  
Dockery,  
Edwards,  
Fox,  
Foy, (of Cart. & Jones,)  
Franklin,  
Harper,  
Hawkins,  
Henry,  
Hill,

MESSRS. Holt,  
Melchor,  
Morehead,  
Moye,  
McDiarmid,  
Rabun,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams, of B., 25 yeas.

Those who voted in the negative were,

MESSRS. Allison,  
Albright,  
Baker,  
Carson,  
Cooper,  
Etheridge,  
Exum,  
Foy, of Onslow,  
Houlder,  
Kerr,  
Melvin,

MESSRS. Moore,  
Moody,  
Montgomery,  
Myers,  
Reid,  
Reding,  
Reinhardt,  
Ribelin,  
Williams of Person,  
Wilson,  
Whitaker, 22 nays.

The Senate proceeded to consider the special order of the day, to wit: the bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the third time. Mr. Allison moved the following amendment thereto, as an additional section, to wit:

*Be it further enacted*, That the private property of the Stockholders in said Company, shall be liable to the amount of Stock owned by each, in addition to the property of said company, for the payment of principal and interest of the loan authorised to be made by this act; and before this act goes into operation, there shall be a general meeting of the Stockholders who shall agree to accept the loan on the terms proposed in this act.

Which was read and agreed to.

Upon this amendment, Mr. Houlder demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,

MESSRS. Allison,	MESSRS. Kerr,
Albright,	Melvin,
Arrington,	Melchor,
Baker,	Morehead,
Biddle,	Moore,
Bunting,	Moody,
Carson,	Moye,
Cherry,	McDiarmid,
Cooper,	Montgomery,
Davidson,	Myers,
Dockery,	Reid,
Edwards,	Reding,
Etheridge,	Reinhardt,
Exum,	Rabun,
Fox,	Ribelin,
Foy, of Onslow,	Sharp,
Foy, (of C. & Jones,)	Shepard,
Franklin,	Spruill,
Harper,	Taylor,
Hawkins,	Williams of Beaufort,
Henry,	Williams of Person,
Hill,	Wilson,
Holt,	Whitaker—47 yeas.
Houlder,	

Mr. Speed voted in the negative.

The bill then passed, as amended, by the following vote, to wit:

Those who voted in the affirmative, are,

MESSRS. Albright,	MESSRS. Melchor,
Baker, —	Moorehead,
Biddle,	Moore,
Bunting, —	Moody,
Carson,	Montgomery,
Cherry,	Myers,
Davidson,	Reding,
Dockery,	Rabun, —
Fox, —	Ribelin,
Foy (of C. & Jones,)	Shepard,
Franklin,	Speed,
Hawkins, —	Spruill,
Henry, —	Taylor,
Hill, —	Williams of Beaufort,
Holt,	Whitaker—30 yeas.

Those who voted in the negative were,

MESSRS. Allison, —	MESSRS. Kerr, —
Arrington, —	Melvin, —
Cooper, —	Moye, —
Edwards, —	McDiarmid, —
Etheridge, —	Reid, —
Exum, —	Reinhardt, —
Foy of Onslow,	Sharp,
Harper,	Williams of Person, —
Houlder, —	Wilson—18 nays.

*Ordered* said bill to be engrossed.

On motion of Mr. Shepard, the Senate took up for consideration the resolutions relating to Internal Improvements; which were read the second time. Mr. Biddle proposed the following amendment thereto:

*Resolved*, That the Committee on Internal Improvements be instructed to report a bill, authorising a subscription on the part of the State of three-fifths of the capital stock of the Fayetteville and Yadkin Rail Road Company: *Provided*, the remainder of the stock be taken by individuals, and the capital of said Company does not exceed one million five hundred thousand dollars.

*Resolved*, That the Committee on Internal Improvements be in-

structed to report a bill, authorising the subscription by the State of three-fifths of the capital stock of the Beaufort and Waynesboro' Rail Road Company: *Provided*, individuals take the remaining two fifths, and the capital stock of said Company does not exceed six hundred thousand dollars.

*Resolved*, That the Committee on Internal Improvements be instructed to report a bill, authorising an appropriation by the State of twenty-five thousand dollars, for improving the navigation of Neuse river between Newbern and Waynesboro'.

*Resolved*, That the Committee on Internal Improvements be instructed to report a bill, making an appropriation by the State of twenty-five thousand dollars, for improving the navigation of Tar river between Washington and the point where the Wilmington and Raleigh Rail Road crosses said river.

*Resolved*, That it is proper, that one million five hundred thousand dollars be borrowed by the State, to carry the above objects into execution, and that a bill be reported for that purpose, by the Committee on Internal Improvements.

The question being on substituting the first resolution of the amendment, for that of the original, Mr. Dockery called for a division of the question. The question was then taken on the first clause of the amendment to the word *provided*; which was agreed to. Mr. Arrington then moved to reconsider the vote just taken; which was agreed to. Mr. McDiarmid then moved to strike out the word *fifths*, and insert *fourths*; which motion prevailed. The question then recurred on the adoption of the first branch of the resolution as amended; which was decided in the negative.—Mr. McDiarmid demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Baker,  
Bunting,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Franklin,  
Henry,  
Holt,  
Melchor,  
Morehead,

MESSRS. Moore,  
McDiarmid,  
Montgomery,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Shepard,  
Speed,  
Spruill—21 yeas.

Those who voted in the negative were,

MESSRS. Alison,	MESSRS. Houlder,
Albright,	Kerr,
Arrington,	Melvin,
Biddle,	Moody,
Cooper,	Moye,
Edwards,	Myers,
Etheridge,	Reid,
Exum,	Sharp,
Fox,	Taylor,
Foy, of Onslow,	Williams of B.
Foy (of C. & Jones,)	Williams of Person,
Harper,	Wilson,
Hawkins,	Whitaker—27 nays.
Hill,	

Mr. Shepard then moved the following preamble and resolutions, as an amendment to the original resolutions, to wit:

Whereas a Convention has lately assembled in the city of Raleigh, purporting to represent a large mass of the population of North Carolina, and to speak their wishes upon the subject of Internal Improvement; and whereas this Convention has presented a memorial to the Legislature of the State, calling their attention to certain specified works of Internal Improvements, as ardently desired by the people of the State, and likewise praying the General Assembly to borrow three millions of dollars on the credit of the State, in order to execute the plans of improvement contained in said memorial; and whereas it is the desire of this Legislature to execute the wishes of the people upon all subjects relating to their domestic affairs, whenever those wishes are fully and unequivocally expressed.

*Be it therefore resolved,* That in order to ascertain the sentiments of the people of North Carolina, upon the subjects contained in the memorial of the Convention on Internal Improvement, lately assembled in the city of Raleigh, it shall be the duty of the sheriff, in each and every county of this State, at the ensuing election to be held for members of the Legislature, to open polls to ascertain the opinion of a majority of the people of said county or counties upon the subject of Internal Improvement, which polls shall be held under the same rules and regulations as now exist for the election of members to the General Assembly. That the said sheriff be required to compare and certify the results of said elections within five days after the closing of said polls, and to transmit the same within twenty days thereafter

to the Governor of the State. That all persons qualified to vote for members of the House of Commons, may vote at said polls; those persons wishing a plan of Internal Improvement to be adopted by the State similar to the one contained in said memorial, voting upon a printed or written ticket "*Improvement*;" those of a contrary opinion "*no Improvement*."

*Be it further resolved*, That it shall be the duty of the sheriffs to make duplicate statements of said polls in their counties, sworn to before the clerk of the County Court or a justice of the peace; one copy of which shall be deposited in said clerk's office, and the other copy transmitted to the Governor of the State at Raleigh.

*And be it further resolved*, That when the returns aforesaid shall have been received, the same shall be opened by the Governor, in the presence of the Secretary of State and Treasurer; and in case a majority of the votes polled shall be in favor of "*Improvement*," the same shall be forthwith made known by a proclamation of the Governor to the people of the State.

*And be it further resolved*, That all sheriffs who shall fail to open, or cause to have opened polls at each election ground in his county, or who shall fail to make returns thereof, as aforesaid, shall, for each omission, be liable to a penalty of fifty dollars, to be recovered under the direction of the Attorney General, in the name of the Governor of the State.

Which were read, and, on motion of Mr. Dockery, the resolutions and amendments were ordered to lie on the table.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

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TUESDAY, JANUARY 1, 1839.

The Speaker announced to the Senate that Messrs. Spruill and Kerr form the Committee the present week on enrolled bills; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that William D. Crawford is added to the nomination for Trustee of the University.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate, that the Secretary of State be directed to have the report of the



Committee on Education printed and appended to the acts of this session of the General Assembly. And also, in the proposition that the said report be printed, ten copies for each member of the General Assembly.

Mr. Shepard presented the memorial of the Dismal Swamp Canal Company, praying the Legislature to pass a law exempting the lock-keepers on said Canal from military duty and working on roads; which was read, and, on his motion, referred to the Committee on Military Affairs.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the bill making an appropriation to aid in cutting a road from the Old Fort, in Buncombe county, through the Swannanoah Gap, &c., reported adversely thereto, and asked to be discharged from the further consideration of the subject. The bill was then read the second time and passed.

Mr. Morehead, from the Judiciary Committee, to whom was referred the resolution in favor of Samuel Chunn, reported the same without amendment; which was read the third time and passed, and ordered to be enrolled.

Mr. Morehead, from the same committee, to whom was referred a bill to punish persons who may maliciously obstruct any Rail Road in North Carolina, reported the same without amendment; which was read the second time and passed.

Mr. Morehead, from the same Committee, to whom was referred the resolution concerning defendants convicted in State cases and prayed into execution, reported a bill, entitled a bill to amend the 50th chapter of the Revised Statutes, entitled insolvent debtors; which was read the first time and passed.

Mr. Doekery, from the Committee on Military Affairs, to whom was referred a bill to incorporate a Light Infantry Company in the City of Raleigh, reported an amendment thereto; which was read the second time and passed.

On motion of Mr. Carson,

*Ordered*, That Mr. Jones have leave of absence from the service of this House, from and after yesterday, the remainder of the session.

On motion of Mr. Hawkins, Mr. William W. Cherry, of Bertie, was added to the nomination for the appointment of Trustee to the University; and the House of Commons was informed thereof by message.

On motion of Mr. Morehead,

*Ordered*, That the Committee on the Judiciary have leave to sit during the session of the Senate.

Mr. Shepard presented a bill to incorporate the North Carolina Mutual Fire Insurance Company; which was read the first time and passed.

Mr. Taylor presented a bill, entitled a bill to provide for the election of Engrossing Clerks; which was read the first time and passed.

On motion of Mr. Edwards, the Senate proceeded to consider the resolution relative to the amendment of the Constitution; which was read, and, on his motion, amended, by filling up the blank with the word three.

The resolution was then rejected by the following vote, to wit:

Those who voted in the affirmative were,

MESSRS. Arrington,	MESSRS. Henry,
Bunting.	Kerr,
Cherry,	Rabun,
Edwards,	Shepard,
Etheridge,	Speed,
Exum,	Williams of Person,
Fox,	Wilson,
Foy, of Onslow,	Whitaker—17 yeas.
Hawkins,	

Those who voted in the negative were,

MESSRS. Allison,	MESSRS. Morehead,
Albright,	Moore,
Baker,	Moody,
Biddle,	Moye,
Carson,	McDiarmid,
Cooper,	Montgomery,
Davidson,	Myers,
Dockery,	Reid,
Foy of Cart. & Jones.	Reding,
Franklin,	Reinhardt,
Harper,	Ribelin,
Henry,	Sharp,
Holt,	Spruill,
Houlder,	Taylor,
Melvin,	Williams of B. 31 nays
Melchor,	

Mr. McDiarmid presented a bill, entitled a bill to amend an act, entitled an act to incorporate the Fayetteville and Western Rail Road Company; which was read the first time and passed.

On motion of Mr. Shepard, the Senate took up for consideration the resolutions relating to Internal Improvements; which were read. Mr. Biddle then moved to reconsider the vote taken on yesterday, by which the first resolution was rejected; which was agreed to. The first resolution was then read. Mr. Biddle moved to amend the resolution by striking out the words "*three fourths*," and insert *three fifths*; which was agreed to. Mr. Biddle then moved to add the second resolution in his series as an amendment to the first resolution as passed; which was agreed to. Mr. Fox moved that the question be divided, and taken on the first resolution; and on this question Mr. Allison demanded the yeas and nays; which was decided in the affirmative.

Those who voted in the affirmative were,

MESSRS. Allison,	MESSRS. Melvin,
Arrington,	Morehead,
Baker,	Moody,
Bunting,	Moye,
Cooper,	Montgomery,
Edwards,	Myers,
Exum,	Reid,
Fox,	Reinhardt,
Foy of Onslow,	Rabun,
Harper,	Taylor,
Hawkins,	Williams of Person,
Houlder,	Wilson,
Kerr,	Whitaker—26 yeas.

Those who voted in the negative, were,

MESSRS. Albright,	MESSRS. Holt,
Biddle,	Melchor,
Carson,	Moore,
Cherry,	McDiarmid,
Davidson,	Reding,
Dockery,	Ribelin,
Etheridge,	Sharp,
Foy of C. & Jones.	Shepard,
Franklin,	Speed,

Henry,  
Hill,

Spruill,  
Williams of B. 22 nays

The question was then taken on the first resolution; which was decided in the negative. Mr. Allison demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,

MESSRS. Baker,  
Bunting,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Fox,  
Foy of C. & Jones,  
Franklin,  
Henry,  
Holt,  
Melvin,

MESSRS. Melchor,  
Morehead,  
Moore,  
McDiarmid,  
Montgomery,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Shepard,  
Spruill, 23 yeas.

Those who voted in the negative, were,

MESSRS. Allison,  
Albright,  
Arrington,  
Biddle,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Foy, of Onslow,  
Harper,  
Hawkins,  
Hill,

MESSRS. Houlder,  
Kerr,  
Moody,  
Moye,  
Myers,  
Reid,  
Sharp,  
Taylor,  
Williams of B.  
Williams, of Person,  
Wilson,  
Whitaker—24 nays.

The second resolution was then read; and, on motion of Mr. Dockery, the resolutions were laid on the table.

The Senate took up for consideration, the engrossed resolution relating to the public domain; which were read the second time and passed, by the the following vote:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Albright,

MESSRS. Morehead,  
Moore,

Baker,	Moody,
Biddle,	Moye,
Carson,	Montgomery,
Cherry,	Myers,
Davidson,	Reding,
Dockery,	Ribelin,
Foy, of C. & Jones,	Sharp,
Franklin,	Shepard,
Harper,	Speed,
Holt,	Spruill,
Houlder,	Taylor,
Melchor,	Williams of B. 28 years.

Those who voted in the negative, were,

MESSRS. Arrington,	MESSRS. Hill,
Bunting,	Kerr,
Cooper,	Melvin,
Edwards,	McDiarmid,
Etheridge,	Reid,
Exum,	Reinhardt,
Fox,	Rabun,
Foy, of Onslow,	Williams of Person,
Hawkins,	Wilson,
Henry,	Whitaker—20 nays.

Mr. Etheridge moved to suspend the rules of the Senate, so as to read the resolutions a third time; which was agreed to. The resolutions were then read the third time and passed, and ordered to be enrolled.

The Senate then took up for consideration, the engrossed bill to amend the charter of the Bank of Cape Fear; which was read the first time and passed. Mr. Henry moved to suspend the rules of the Senate, so as to read the bill a second time; which was agreed to. The bill was then read the second time and passed, and, on motion of Mr. Morehead, referred to the Committee on the Judiciary.

On motion of Mr. Holt, the Senate took up for consideration, the resolution concerning specie change; which was read the second time and passed. Mr. Holt moved to suspend the rules of the Senate, so as to read the resolution the third time; which was agreed to. The resolution was then read the third time, and, on motion of Mr. Fox, amended and passed, and ordered to be engrossed.

On motion of Mr. Dockery, the engrossed bill to amend and supply the defects of an act, passed at the present Gen-

eral Assembly, entitled an act to extend the time for paying in entry money, was taken up and read the first time, and passed. Mr. Dockery then moved to suspend the rules of the Senate, so as to read the bill the second and third times; which was agreed to. The bill was then read the second and third times and passed, and ordered to be enrolled.

Mr. Moorehead, from the Judiciary Committee, to whom was referred the resolution requiring them to examine into the expediency of taxing the county with the payment of costs in certain cases, reported adversely thereto; which was read and concurred in, and the committee was discharged from the further consideration of the subject.

On motion of Mr. Baker, the Senate took up for consideration the bill to lay off and establish a county by the name of Boon. Mr. Spruill then moved that the bill lie on the table; which was agreed to.

On motion of Mr. Cherry, the bill to divide the counties into school districts and for other purposes, was made the order of the day for to-morrow at 11 o'clock.

Mr. Reinhardt asked leave to withdraw from the files of the Senate, the memorials of sundry citizens of Burke, Wilkes, Lincoln and Iredell, relative to the erection of a new county; which was granted.

On motion of Mr. Speed, Mr. Charles E. Johnston of Chowan, was added to the nomination for the appointment of Trustee of the University. The Senate then adjourned until half past three o'clock, P. M.

HALF PAST 3 O'CLOCK, P. M.

On motion of Mr. Moore, William R. Holt was added to the nomination for Trustee to the University; and the House of Commons was informed thereof by message.

A message was then sent to the House of Commons, informing them that the Senate is now ready to proceed to the election of Trustees to the University. The Senate then proceeded to vote as follows:

FOR MR. SHEPARD,

MESSRS. Speaker,  
Albright,  
Arrington,  
Biddle,

MESSRS. Melchor,  
Morehead,  
Moore,  
Moody,

Bunting,	Moye,
Carson,	McDiarmid,
Cherry,	Montgomery,
Cooper,	Myers,
Davidson,	Reid,
Dockery,	Reding,
Edwards,	Reinhardt,
Etheridge,	Rabun,
Exum,	Ribelin,
Fox,	Sharp,
Foy of Onslow,	Speed,
Franklin,	Spruill,
Harper,	Taylor,
Hawkins,	Williams of Beaufort,
Henry,	Williams of Person,
Holt,	Wilson,
Kerr,	Whitaker—46. ✓
Melvin,	

## FOR MR. WHITAKER,

MESSRS. Speaker,	MESSRS. Foy of Onslow,
Allison,	Hil,
Arrington,	Houlder,
Baker,	Kerr,
Bunting,	Melvin,
Cooper,	Reid,
Etheridge,	Shepard,
Exum,	Williams of Person,
Fox,	Whitaker—18.

## FOR MR. WILSON,

MESSRS. Allison,	MESSRS. Houlder,
Albright,	Kerr,
Arrington,	Melvin,
Baker,	Melchor,
Biddle,	Morehead,
Bunting,	Moore,
Carson,	Moye,
Cherry,	McDiarmid,
Cooper,	Montgomery,
Davidson,	Myers,
Dockery,	Reid,
Edwards,	Reding,
Etheridge,	Reinhardt,
Exum,	Rabun,

Fox,  
Foy, of Onslow,  
Franklin,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Holt,

Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Williams of Beaufort,  
Williams of Person,  
Whitaker—44.

FOR MR. EATON,

MESSRS. Speaker,  
Allison,  
Arrington,  
Baker,  
Bunting,  
Cooper,  
Edwards,  
Fox,

MESSRS. Foy of Onslow,  
Hawkins,  
Hill,  
Houlder,  
Kerr,  
Reid,  
Williams of Person,  
Whitaker—16.

FOR MR. WILLIAMS,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Dockery,  
Etheridge,  
Exum,  
Fox,  
Foy of Onslow,  
Henry,  
Hill,

MESSRS. Houlder,  
Melvin,  
Melchor,  
Morehead,  
McDiarmid,  
Montgomery,  
Reid,  
Reinhardt,  
Rabun,  
Williams of Person,  
Whitaker--22.

FOR MR. MOREHEAD,

MESSRS. Speaker,  
Allison,  
Albright,  
Arrington,  
Baker,  
Biddle,  
Bunting,  
Carson,  
Cherry,  
Cooper,  
Davidson,

MESSRS. Kerr,  
Melvin,  
Melchor,  
Moore,  
Moody,  
Moye,  
McDiarmid,  
Montgomery,  
Myers,  
Reid,  
Reding,



Dockery,  
 Edwards,  
 Etheridge,  
 Exum,  
 Fox,  
 Foy of Onslow,  
 Franklin,  
 Harper,  
 Hawkins,  
 Henry,  
 Hill,  
 Holt,  
 Houlder,

Reinhardt,  
 Rabun,  
 Ribelin,  
 Sharp,  
 Shepard,  
 Speed,  
 Spruill,  
 Taylor,  
 Williams of Beaufort,  
 Williams of Person,  
 Wilson,  
 Whitaker—47.

FOR MR. HOKE,

MESSRS. Allison,  
 Arrington,  
 Baker,  
 Biddle,  
 Bunting,  
 Carson,  
 Cooper,  
 Davidson,  
 Edwards,  
 Etheridge,  
 Exum,  
 Fox,  
 Foy, of Onslow,  
 Henry,  
 Hill,

MESSRS. Holt,  
 Houlder,  
 Kerr,  
 Melvin,  
 Morehead,  
 Moore,  
 McDiarmid,  
 Montgomery,  
 Reid,  
 Reinhardt,  
 Rabun,  
 Ribelin,  
 Williams of Person,  
 Wilson,  
 Whitaker—30.

FOR MR. GILLIAM,

MESSRS. Speaker,  
 Arrington,  
 Carson,  
 Cherry,  
 Cooper,  
 Davidson,  
 Franklin,  
 Moore,

MESSRS. Moody,  
 Moye,  
 Sharp,  
 Shepard,  
 Speed,  
 Spruill,  
 Taylor—15.

FOR MR. HOLT,

MESSRS. Albright,  
 Carson,  
 Cherry,

MESSRS. Moody,  
 Moye,  
 Myers,

Davidson,  
Dockery,  
Fox,  
Franklin,  
Harper,  
Hawkins,  
Henry,  
Melchor,  
Morehead,  
Moore,

Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Shepard,  
Spruill,  
Taylor,  
Williams of Beaufort,  
Wilson, 25.

## FOR MR. CHERRY.

MESSRS. Speaker,  
Albright,  
Biddle,  
Carson,  
Cooper,  
Davidson,  
Dockery,  
Edwards,  
Etheridge,  
Franklin,  
Harper,  
Hawkins,  
Holt,  
Melchor,  
Morehead,

MESSRS. Moore,  
Moody,  
Moye,  
Montgomery,  
Myers,  
Reid,  
Reding,  
Rabun,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Taylor,  
Williams of Beaufort,  
Wilson—30.

## FOR MR. CRAWFORD,

MESSRS. Albright,  
Moody,

Ribelin, 3.

## FOR MR. FREEMAN,

MESSRS. Biddle,  
Moye,

Williams of B.  
Wilson—4.

## FOR MR. CHALMERS,

MESSRS. Allison,  
Baker,  
Biddle,  
Bunting,  
Cherry,  
Davidson,  
Dockery,

MESSRS. Melvin,  
Melchor,  
Morehead,  
Moore,  
Moody,  
McDiarmid,  
Montgomery,

Exum,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Holt,  
Houlder,  
Kerr,

Myers,  
Reding,  
Sharp,  
Speed,  
Spruill,  
Taylor,  
Wilson—29.

FOR MR. DAVIDSON,

MESSRS. Albright,  
Baker,  
Carson,  
Cherry,  
Dockery,  
Edwards,  
Etheridge,  
Foy, of Onslow,  
Franklin  
Harper,  
Hill,  
Holt,  
Melvin,  
Melchor,  
Morehead,  
Moody,

MESSRS. Moye,  
McDiarmid,  
Montgomery,  
Myers,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams, of Beaufort,  
Wilson—31.

FOR MR. WADDELL,

MESSRS. Albright,  
Edwards,

MESSRS. Hawkins,  
Myers—4.

FOR MR. JONES,

MESSRS. Speaker,  
Allison,  
Houlder,

MESSRS. Kerr,  
McDiarmid,  
Shepard—6.

FOR MR. GALES,

MESSRS. Speaker,  
Biddle,  
Franklin,  
Harper,  
Reding,

MESSRS. Reinhardt,  
Taylor  
Williams of Beaufort,  
Whitaker—9.

FOR MR. SUMNER,

Mr. Williams, of Person—1.

## FOR MR. JOHNSTON,

MESSRS. Cherry,  
Holt,MESSRS. Sharp,  
Speed—4.

## FOR MR. WHITFIELD,

Mr. Exum—1.

On motion of Mr. Wilson, the Senate adjourned until tomorrow morning ten o'clock.

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WEDNESDAY, JANUARY 2, 1839.

Mr. Arrington presented the resignation of David M. Deans, a justice of the peace for the county of Nash; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Wilson from the Judiciary Committee, to whom was referred a bill to amend the law concerning the sale of lands of deceased debtors, reported the same; which was read, and, on his motion, was ordered to lie on the table.

Mr. Arrington also presented the resignation of William Leigh, a justice of the peace for the county of Nash; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Morehead, from the Judiciary Committee, to whom was referred the memorial of the Siamese twin brothers, reported against the memorialists; which was read and concurred in.

Mr. Morehead, from the same committee, reported a bill to amend an act of the Revised Statutes, Chapter 12, entitled Bastard Children; which was read the first time and passed.

Mr. Morehead, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of allowing the Comptroller of the Treasury compensation for the additional service imposed on him by an act of the last General Assembly, by which he is required to open an account with each individual purchaser of land sold at the Cherokee land sales, reported the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to Wm. F. Collins, Comptroller of this State, the sum of six hundred and fifty dollars, in full compensation for the additional services and responsibilities created by the act of the Legislature at its last session, in relation to the sale of the Cherokee land; and that the Treasurer be allowed that sum in the settlement of his public accounts.

Which was read the first time and passed.

Mr. Holt, from the Committee on Private Bills, to whom was referred a bill to authorise Jesse T. Walton and George S. Walton, to construct a mill dam across the Catawba river, reported adversely thereto; which was read and concurred in.

Mr. Spruill, from the joint select committee, to superintend the election for eight Trustees of the University, reported that James T. Morehead, Michael Hoke, George F. Davidson, Louis D. Wilson, Robert B. Gilliam, Charles Chalmers, William B. Shepard and William Eaton, Jr. having each received a majority of the whole number of votes given, were duly elected. In which the Senate concurred.

Mr. Biddle, from the Committee on Public Buildings, to whom was referred the resolution requiring them to ascertain the amount due up to this time, for work done on the Capitol, reported that the sum of eleven thousand nine hundred dollars is now due for work done on said Capitol; which was read and concurred in.

Mr. Morehead presented the following resolution, to wit:

*Resolved*, That the Public Treasurer, pay to each of the door keepers of both 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.

Which was read the first time and passed.

Mr. Cherry presented a bill to amend an act, entitled an act to provide for the collection and management of a revenue for this State; which was read the first time and passed.

On motion of Mr. Shepard, the Senate took up for consideration the bill to incorporate the North Carolina Mutual Fire Insurance Company; which was read the second time and passed.

The resolution relating to the sale of Public lots in the city of Raleigh was taken up, and read the third time, and rejected.

The Senate then took up for consideration, the engrossed bill to amend the charter of the Bank of Cape Fear; which was read the third time and passed, and ordered to be enrolled.

Also, the resolution in favor of John M'Gee, was read the third time and passed, and ordered to be engrossed.

The Senate then proceeded to the order of the day, to wit: The bill to divide the counties into school districts; which was read the second time and amended, and unanimously passed by the following vote:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Albright,  
Arrington,  
Baker,  
Biddle,  
Bunting,  
Carson,  
Cherry,  
Cooper,  
Davidson,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Foy of Onslow,  
Franklin,  
Harper,  
Hawkins,  
Henry,  
Hill,  
Holt,  
Houlder,  
Kerr,

MESSRS. Melvin,  
Melchor,  
Morehead,  
Moore,  
Moody,  
Moye,  
McDiarmid,  
Montgomery,  
Myers,  
Reid,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of Beaufort,  
Williams of Person,  
Wilson,  
Whitaker—47 yeas.

The Senate then proceeded to consider the bill, making an appropriation for carrying on and completing the Capitol, and for other purposes; which was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Biddle, the Senate took up that part of

the report of the Committee on Public Buildings, relating to the deficit in the disbursements of the public funds appropriated for rebuilding the Capitol. After some time spent therein, the subject was, on motion of Mr. Whitaker, ordered to lie on the table.

On motion of Mr. Cooper, the Senate took up for consideration, the bill to prevent the issuing of writs of *capias ad satisfaciendum*, in certain cases; which was read the second time and passed, and, on motion of Mr. Cherry, referred to the Judiciary Committee.

Mr. Spruill presented a bill, entitled a bill to amend an act, passed at the present session of the General Assembly, entitled an act to extend the time for recording grants, deeds, mesne conveyances, &c.; which was read the first time and passed, and, on his motion, referred to the Committee on the Judiciary.

On motion of Mr. Cherry, the Senate proceeded to consider the Engrossed bill concerning last wills and testaments; which was read the third time and rejected by the following vote, to wit:

Those who voted in the affirmative, were,

MESSRS. Bunting,  
Carson,  
Edwards,  
Helt,

MESSRS. Morehead,  
Moore,  
Montgomery,  
Reding—8 yeas.

Those who voted in the negative were,

MESSRS. Allison,  
Albright,  
Arrington,  
Baker,  
Biddle,  
Cherry,  
Cooper,  
Davidson,  
Dockery,  
Etheridge,  
Exum,  
Fox,  
Foy, of Onslow,  
Franklin,  
Harper,  
Hawkins,

MESSRS. Melvin,  
Melchor,  
Moody,  
Moye,  
McDiarmid,  
Myers,  
Reid,  
Reinhardt,  
Rabun,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Spruill,  
Taylor,  
Williams of Beaufort,

Henry,  
Hill,  
Houlder,  
Kerr,

Williams of Person,  
Wilson,  
Whitaker—39 nays.

Mr. Baker moved that the Senate do now re-consider the vote by which the bill to authorise Jesse T. Walton and George S. Walton to construct a mill dam across the Catawba river, was rejected; which motion did not prevail.

On motion of Mr. Rabun, the Senate took up for consideration the engrossed bill to lay off and establish a county by the name of Cherokee; which was read the second time and passed. Mr. Rabun moved to suspend the rules of the Senate, so as to read the bill the third time; which was agreed to. The bill was then read and passed, and ordered to be enrolled.

On motion of Mr. McDiarmid, the Senate also took up the bill to amend an act, entitled an act to incorporate the Fayetteville and Western Rail Road Company; which was read the second time, and, on motion of Mr. Davidson, amended and passed.

Mr. Houlder demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Albright,  
Baker,  
Bunting,  
Carson,  
Cherry,  
Davidson,  
Dockery,  
Fox,  
Franklin,  
Henry,  
Holt,  
Melchor,

MESSRS. Morehead,  
Moore,  
McDiarmid,  
Montgomery,  
Reding,  
Reinhardt,  
Rabun,  
Ribelin,  
Shepard,  
Speed,  
Spruill—23 yeas.

Those who voted in the negative were,

MESSRS. Allison,  
Arrington,  
Biddle,  
Cooper,  
Edwards,  
Etheridge,

MESSRS. Kerr,  
Moody,  
Moye,  
Myers,  
Reid,  
Sharp,



Exum,  
Foy of Onslow,  
Harper,  
Hawkins,  
Hill,  
Houlder,

Taylor,  
Williams of Beaufort,  
Williams of Person,  
Wilson,  
Whitaker—23 nays.

The Speaker voted in the affirmative; consequently, the bill passed its second reading.

The Senate then proceeded to consider the bill to incorporate the Raleigh Guards, and Henderson Light Infantry Company; which was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Hill, the Senate adjourned until to-morrow morning ten o'clock.

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THURSDAY, JAN. 3, 1839.

Mr. Spruill offered the following resolutions, to wit:

*Resolved*, That so much of the second of the rules of order of the Senate as relates to the order of business be rescinded, for the balance of the session.

*Resolved*, That the thirteenth of the rules of order of the Senate be dispensed with for the balance of the session.

Which were read and adopted.

Received from the House of Commons the pension certificate of the County Court of Mecklenburg in favor of Martha Thompson; which was read and ordered to be countersigned by the Speaker.

The engrossed bill to authorise the construction of a bridge across Trent river, was taken up and read the first time and passed.

Mr. Dockery, from the Military Committee, to whom was referred the memorial of the Dismal Swamp Canal Company, praying the Legislature to pass a law exempting the lock keepers from military service and working on roads, reported a bill to exempt the lock keepers on the Dismal Swamp Canal from working on roads and military service; which was read the first time and passed.

Mr. Shepard, from the Committee on Internal Improve-

ments, to whom was referred the memorial of sundry citizens of Robeson county, reported the following resolution, to wit:

*Resolved*, That two thousand five hundred dollars be appropriated to be spent under the direction of the Board of Internal Improvement for removing obstructions in Lumber river, one half between Lumberton and Gilchrist bridge, and the other half between said town and the South Carolina line.

Which was read the first time and passed.

Mr. McDiarmid presented a bill, entitled a bill for appointing a patrol in Cumberland county; which was read the first time and passed.

On motion of Mr. Carson, the Senate took up for consideration the bill to modify an act, entitled an act to confer Banking privileges on the Stockholders of the Louisville, Cincinnati, and Charleston Rail Road Company, on certain terms and conditions; which was read the second time and rejected.

Mr. Fox demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Carson,	MESSRS. Dockery,
Cherry,	Morehead,
Davidson,	Reinhardt—6 yeas.

Those who voted in the negative, were,

MESSRS. Allison,	MESSRS. Melchor,
Albright,	Moore,
Arrington,	Moody,
Baker,	Moye,
Biddle,	McDiarmid,
Bunting,	Montgomery,
Cooper,	Myers,
Edwards,	Reid,
Etheridge,	Reding,
Exum,	Rabun,
Fox,	Ribelin,
Foy of Onslow,	Sharp,
Foy of C. & Jones.	Shepard,
Franklin,	Speed,
Harper,	Spruill,
Hawkins,	Taylor,

Hill,  
Holt,  
Houlder,  
Kerr,  
Melvin,

Williams of B.  
Williams, of Person,  
Wilson,  
Whitaker—41 nays.

Mr. Morehead, from the Judiciary Committee, to whom was referred the communication from the Governor with the report of Wm. H. Haywood, jr., commissioned to settle the Military Claim of this State on the General Government, reported the following resolution:

*Resolved*, That the Treasurer pay to William H. Haywood, jr. commissioned to settle the military claim of this State on the General Government, the sum of six hundred and fifty dollars, out of any money in the Public Treasury not otherwise appropriated, for his services and expenses; and that the Treasurer be allowed the same in the settlement of his accounts.

Which was read the first time and passed.

Mr. Morehead then moved that the rules of the Senate be dispensed with, so as to read the resolution the second and third times; which was agreed to. The resolution was then read the second and third times and passed, and ordered to be engrossed.

Mr. Morehead, from the same committee, to whom was referred the bill to prevent the issuing of writs of *capias ad satisfaciendum* in certain cases, reported against the passage of the bill; which was read the third time and rejected.

Mr. Morehead, from the same committee, to whom was referred the bill to amend an act, passed at the present session, entitled an act to extend the time for recording grants, deeds, mesne conveyances, &c., reported the same without amendment; which was read the second and third times and passed and ordered to be engrossed.

Mr. Morehead, from the same committee, to whom was referred the resolution requiring them to enquire into the expediency of passing a law directing in what manner vacancies shall be filled which may hereafter occur by resignation of Clerks and Masters, and Sheriffs, &c., reported a bill authorising the Chairman of the County Court to accept of the resignation of certain officers therein named; which was read the first time and passed.

On motion of Mr. Shepard, the Senate took up for consideration the bill to incorporate the North Carolina Mutual

Fire Insurance Company; which was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Cherry, the Senate took up for consideration the bill to divide the Counties into School Districts and for other purposes; which was read the third time. Mr. Moore moved to strike out the words *one hundred dollars* in the 8th line of the first section, and insert the following: "An amount according to the free white population;" which was rejected. Mr. Whitaker then moved to strike out the fifth section; which was also rejected. Mr. Moore then moved to insert, after the word appointment, the following, to wit: "And such return shall state the number of free white male children in each district between the ages of 5 and 15 years, over 15 and under 20, and such females between the ages of five and twelve years of age, and the number of schools usually kept in said district, the condition, character, qualifications of teachers, the number of scholars usually attending such schools, and the branches taught thereat;" which was read and rejected. Mr. Moye moved to strike out one hundred in the fifth section, and insert fifty; which was agreed to.

Upon the question, Mr. Exum demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Allison,	MESSRS. Morehead,
Albright,	Moore,
Arrington,	Moody,
Baker,	Moye,
Biddle,	McDiarmid,
Carson,	Myers,
Exum,	Reid,
Fox,	Reding,
Foy (of C. & Jones,)	Reinhardt,
Franklin,	Rabun,
Harper,	Ribelin,
Hawkins,	Sharp,
Holt,	Williams of Beaufort,
Houlder,	Williams of Person,
Melvin,	Whitaker—31 yeas,
Melchor,	

Those who voted in the negative, were,

MESSRS. Bunting,	MESSRS. Henry,
Cherry,	Kerr,

Cooper,	Montgomery,
Davidson,	Shepard,
Dockery,	Speed,
Edwards,	Spruill,
Etheridge,	Taylor,
Foy, of Onslow,	Wilson—16 nays.

The bill then passed by the following vote:

Those who voted in the affirmative were,

MESSRS. Allison,	MESSRS. Houlder,
Albright,	Kerr,
Arrington,	Melvin,
Baker,	Morehead,
Biddle,	Moody,
Bunting,	Moye,
Carson,	M'Diarmid,
Cherry,	Montgomery,
Cooper,	Reid,
Davidson,	Reding,
Dockery,	Reinhardt,
Edwards,	Rabun,
Etheridge,	Ribelin,
Exum,	Sharp,
Fox,	Shepard,
Foy, of Onslow,	Speed,
Foy, of C. & Jones,	Spruill,
Franklin,	Taylor,
Harper,	Williams of Beaufort,
Hawkins,	Williams of Person,
Henry,	Wilson—43 yeas.
Hill,	

Those who voted in the negative were,

MESSRS. Melchor,	MESSRS. Myers,
Moore,	Whitaker—4 nays.

Ordered that said bill be engrossed.

On motion of Mr. McDiarmid, the Senate took up for consideration the bill to amend an act, entitled an act to incorporate the Fayetteville and Western Rail Road Company; which was read the third time.

Mr. Biddle proposed an amendment, authorising and requiring the Board of Internal Improvement, to subscribe on

behalf of the State, for three fifths of the stock of the North Carolina Central Rail Road Company, "so soon as it shall be made to appear to the said Board, that two fifths of the said stock has been subscribed for and taken by individuals, and at least one fourth of said stock has actually been paid up into the hands of the Treasurer of said company; and also designating in what manner, and at what times the stock so subscribed by the State shall be paid, &c.;" which was read and rejected by the following vote, to wit:

Those who voted in the affirmative were,

MESSRS. Arrington, —	MESSRS. Morehead,
Biddle,	Moore,
Carson,	McDiarmid,
Cherry,	Montgomery,
Cooper, —	Reding,
Davidson,	Sharp,
Dockery,	Shepard,
Foy of C. & Jones,	Speed,
Harper,	Spruill,
Henry, —	Williams of B. 21 yeas.
Melchor,	

Those who voted in the negative, were,

MESSRS. Allison, —	MESSRS. Kerr, —
Albright,	Melvin, —
Baker, —	Moody,
Bunting, —	Moye,
Edwards, —	Myers,
Etheridge, —	Reid, —
Exum, —	Reinhardt, —
Fox, —	Rabun, —
Franklin,	Ribelin,
Hawkins, —	Taylor, —
Holt,	Williams of Person,
Houlder, —	Wilson, 24 nays.

Mr. Speed further moved to amend by adding the following section, to wit:

*And be it further enacted,* That the Treasurer of the State subscribe for three hundred thousand dollars worth of the stock in the Roanoke Inlet Company. which shall be paid under the rules and regulations prescribed for the payment of stock in the Fayetteville and Western Rail Road.

Which was read and rejected by the following vote:

Those who voted in the affirmative were,

ME SRS. Carson,	MESSRS. Morehead,
Cherry,	Moore,
Cooper,	Reding,
Davidson,	Sharp,
Dockery,	Shepard,
Etheridge,	Speed,
Foy, (of C. & Jones,)	Spruill,
Harper,	Williams of B. 17 yeas.
Holt,	

Those who voted in the negative were,

MESSRS. Allison,	MESSRS. Melvin,
Albright,	Melchor,
Arrington,	Moody,
Baker,	Moye,
Bunting,	McDiarmid,
Edwards,	Montgomery,
Exum,	Myers,
Fox,	Reid,
Franklin,	Reinhardt,
Hawkins,	Ribelin,
Henry,	Taylor,
Hill,	Williams of Person,
Houlder,	Wilson,
Kerr,	Whitaker—28 nays.'

Mr. Speed then proposed the following amendment, to wit:

*And be it further enacted,* That the Board of Internal Improvement be required to procure a survey (by some Engineer of high distinction,) and report upon the practicability and probable cost of opening a communication between Albemarle Sound and the Ocean, at Nags Head.

Which was read and agreed to. The question was then taken on the passage of the bill as amended, and decided in the affirmative.—yeas 25, nays 22.

Mr. Houlder demanded the yeas and nays; which are as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Albright,	MESSRS. Melchor,
Baker,	Morehead,

Bunting.—	Moore,
Carson,	—McDiarmid,
Cherry,	Montgomery,
Davidson,	Reding,
Dockery,	—Reinhardt,
Fox, —	—Rabun,
Franklin,	Ribelin,
Henry, —	Shepard,
Hill, —	Speed,
Holt,	Spruill, 25 years.
Melvin, —	

Those who voted in the negative were,

MESSRS. Allison, —	MESSRS. Kerr,
Arrington, —	Moody,
Biddle,	Moye,
Cooper, —	Myers,
Edwards, —	—Reid,
Etheridge, —	Sharp,
Exum, —	Taylor,
Foy (of C. & Jones,)	Williams of Beaufort,
Harper,	—Williams of Person,
Hawkins, —	—Wilson,
Houlder, —	—Whitaker—22 nays.

Ordered that said bill be engrossed.

The Senate took up for consideration the resolution making compensation to the Comptroller; which was read the second and third times, and, on motion of Mr. Spruill, amended, and passed, and ordered to be engrossed.

On motion of Mr. Davidson, the vote by which was rejected the bill to prevent the issuing of writs of *habeas corpus ad satisfaciendum* in certain cases, was re-considered, and, on motion of Mr. Cooper, re-committed to the Committee on the Judiciary.

Mr. Spruill, from the Committee on Finance, to whom was referred the report and detailed statement of the President of the Bank of the State of North Carolina, made to the Public Treasurer and by him transmitted to the General Assembly; also, the returns of the President of the Merchant's Bank of Newbern, and the returns made by the President and Cashier of the Bank of Cape Fear, reported that the same are in conformity with the requirement of the laws of this State; which was read and concurred in.



Received from the House of Commons a message, stating they insist upon the amendment to the engrossed bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases; which was read, and, on motion of Mr. Speed,

*Resolved*, That a message be sent to the House of Commons, proposing a committee of conference on the disagreeing vote of the two Houses on the amendments proposed to the foregoing bill.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolutions, to wit: A bill authorising the Justices of the Peace in certain counties in this State to class themselves for holding the Courts of Pleas and Quarter Sessions; resolutions to pay for furniture procured for the use of the General Assembly; resolution to re-imburse expenses of the Governor; resolution in favor of Joseph H. Waters; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to amend an act, entitled an act concerning idiots and lunatics.

Mr. Shepard offered the following resolution:

*Resolved*, That the Board of Internal Improvement be directed to pay over to the President and Directors of the Wilmington and Raleigh Rail Road the balance of the State's subscription which may be now due.

Which was read the first time and passed.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

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FRIDAY, JAN. 4, 1839.

Received from the House of Commons a message, stating that they have passed the engrossed bill to authorise the construction of a bridge across Trent river; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, stating

*Wm/a*

that they have passed the following engrossed bills: A bill to amend an act, passed on the 7th day of January, 1837, entitled an act concerning the public printing of the State; a bill to prevent the malicious obstructions of Rail Roads; a bill authorising the Governor to appoint an agent in the county of Macon; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: a bill to regulate drill musters in the 87th regiment; a bill to incorporate the Trustees of the Salisbury Female Academy; a bill concerning the ranging of horses, hogs, and cattle in Currituck county; and a resolution concerning the Swamp Lands; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, therein transmitting to the Senate the message of His Excellency the Governor, covering the resignations of Justices of the Peace received at the Executive Office since the commencement of the present session.

Received from the House of Commons a message, stating that Messrs. Mills, D. Thomas, Eaton and Faison form their branch of the committee on enrolled bills for the present week.

Received from the House of Commons a message, stating that they have passed the following engrossed bill: to authorise the laying off and establishing a Turnpike Road from Cove Creek in Rutherford county, to Thomas Foster's, in Buncombe county; in which they ask the concurrence of the Senate.

On motion of Mr. Albright, the Senate took up for consideration the bill to regulate the weight of sacks of salt; which was read the second time and passed. The bill was then read the third time, and, on motion of Mr. Edwards, was indefinitely postponed.

On motion of Mr. Taylor, the bill to suppress the practice of wearing arms concealed about the person of individuals was taken up and read the second time, and, on his motion, amended; and, on motion of Mr. Henry, indefinitely postponed.

The Speaker presented to the Senate the following communication, to wit:

WASHINGTON CITY, December 31st, 1838.

To the Honorable the General  
Assembly of North Carolina.

*See P. 361-  
362*

GENTLEMEN:

Having learned from unofficial sources, which however leave no doubt upon our minds of the correctness of their information, that certain resolutions have passed your honorable bodies, expressive of the opinions of a majority of each of them upon political matters, some of which have been and others still are pending before the country, we have been induced to anticipate their coming to hand, and respectfully address you concerning them. In thus anticipating the reception of a copy of the resolutions through an official channel, we trust that an apology will be found in the information we have received of the intention of the Legislature to adjourn at an early day. The resolutions do not expressly instruct us to carry into effect the opinions expressed therein, nor are we able to perceive in them impliedly any authoritative command such as instructions convey. We are therefore left to infer that it was the intention of the General Assembly not to assert or exercise the right of instruction, from the absence of the mandatory terms heretofore used, when the General Assembly of North Carolina has thought proper to resort to it. The ground heretofore occupied by us is wholly unchanged and scarcely needs recapitulation; we have publicly declared that whenever instructions are given us by the Legislature, we will either obey them or resign.

We therefore respectfully ask of your honorable bodies, if we are wrong in our construction of the resolutions, that we may be set right in time to act as becomes the position in which we stand. With a view to prevent any misinterpretation of our motives, we disclaim any intention of disrespect to the Legislature, considering it not only a duty to ourselves, thus respectfully to make this request, but that we owe it to the people of the State of North Carolina, whose interests have been confided to us in the Senate of the United States.

We have the honor to be, with great respect,

Your obedient servants,

ROBERT STRANGE.  
BEDFORD BROWN.

Which was read.

Mr. Cherry then offered the following resolution, to wit:

*Resolved*, That the resolutions passed by the General Assembly, and transmitted to our Senators in Congress, are sufficiently

plain and intelligible to be comprehended by any one desirous of understanding them; that we believe this communication anticipating the reception of said resolutions, and making inquiry as to their meaning, is not in good faith; and that it would be inconsistent with the self respect of this General Assembly, to make any reply to it.

Which was read and made the order of the day for this day, at one o'clock.

On motion of Mr. Shepard, the resolution requiring the Board of Internal Improvement to pay over to the President and Directors of the Wilmington and Raleigh Rail Road the balance of the State's subscription. was taken up and read the second time and passed by the following vote:

Those who voted in the affirmative, were,

MESSRS. Albright, ✓	MESSRS. Morehead, ✓
Biddle, ✓	Moore, ✓
Bunting, ✓	Moody, ✓
Carson, ✓	Moye, ✓
Cherry, ✓	McDiarmid, ✓
Davidson, ✓	Reding, ✓
Dockery, ✓	Ribelin, ✓
Foy of Cart. & Jones, ✓	Sharp, ✓
Franklin, ✓	Shepard, ✓
Hill, —	Speed, ✓
Melchor, ✓	Williams of B, 22 yeas. ✓

Those who voted in the negative were,

MESSRS. Allison, —	MESSRS. Houlder, —
Arrington, —	Kerr, —
Baker, —	Melvin, —
Cooper, —	Myers, ✓
Edwards, —	Reid, —
Etheridge, —	Rabun, —
Exum, —	Spruill, ✓
Fox, —	Taylor, ✓
Foy of Onslow, —	Williams of Person, —
Harper, ✓	Wilson, —
Hawkins, —	Whitaker—22 nays. —

The Speaker voted in the affirmative; consequently the resolution passed its second reading. It was then read the third time, and, on motion of Mr. Shepard, amended and passed, and was ordered to be engrossed.

On motion of Mr. Spruill, the Senate took up the resolution relating to the communication from the Hon. Bedford Brown and Robert Strange; which was read the second time and passed.

Up on this question, Mr. McDiarmid demanded the yeas and nays, which are as follows:

Those who voted in the affirmative, were,

MESSRS. Albright,	MESSRS. Moody,
Biddle,	Moye,
Carson,	Montgomery,
Cherry,	Myers,
Davidson,	Reding,
Dockery,	Ribelin,
Foy, of C. & Jones,	Sharp,
Franklin,	Shepard,
Harper,	Speed,
Holt,	Spruill,
Melchor,	Taylor,
Morehead,	Williams of B. 25 yeas.
Moore,	

Those who voted in the negative, were,

MESSRS. Allison,	MESSRS. Hill,
Arrington,	Houlder,
Baker,	Kerr,
Bunting,	Melvin,
Cooper,	McDiarmid,
Edwards,	Reid,
Etheridge,	Reinhardt,
Exum,	Rabun,
Fox,	Williams of Person,
Foy of Onslow,	Wilson,
Hawkins,	Whitaker, 23 nays.
Henry,	

The resolution was then read the third time, and passed by the following vote:

Those who voted in the affirmative were,

MESSRS. Albright,	MESSRS. Moody,
Biddle,	Moye,
Carson,	Montgomery,
Cherry,	Myers,

Davidson,	Reding,
Dockery,	Ribelin.
Foy of C. & Jones,	Sharp,
Franklin,	Shepard,
Harper,	Speed,
Holt,	Spruill,
Melchor,	Taylor,
Morehead,	Williams of B. 25 years,
Moore,	

Those who voted in the negative were,

MESSRS. Allison,	MESSRS. Hill,
Arrington,	Houlder,
Baker,	Kerr,
Bunting,	Melvin,
Cooper,	McDiarmid,
Edwards,	Reid,
Etheridge,	Reinhardt,
Exum,	Rabun,
Fox,	Williams of Person,
Foy of Onslow,	Wilson,
Hawkins,	Whitaker, 23 nays.
Henry,	

*Ordered* that said resolution be engrossed.

*Ordered*, That Mr. Myers have leave to withdraw from the files of the Senate, the papers relative to the County Bill of Union.

*Ordered*, That Mr. Carson have leave to withdraw from the files of the Senate, the papers relating to the County Bill of Cleveland.

*Ordered*, That Mr. Fox have leave to withdraw from the files of the Senate, the papers which he introduced relating to the Union County Bill.

The bill authorising the making a Turnpike Road, in Haywood county, was taken up, and read the third time and passed, and ordered to be engrossed.

On motion of Mr. Rabun, the bill making an appropriation to aid in cutting the road from the old Fort in Burke county, through the Swannanoah Gap, &c. was taken up, and read the third time, and amended on his motion.

The bill was then rejected by the following vote:

Those who voted in the affirmative, were,

MESSRS. Baker,	MESSRS. Morehead,
Bunting,	McDiarmid,
Carson,	Montgomery,
Etheridge,	Reinhardt,
Hawkins,	Rabun,
Henry,	Ribelin, 13 years.
Holt,	

Those who voted in the negative, were,

MESSRS. Allison,	MESSRS. Kerr,
Albright,	Melvin,
Arrington,	Melchor,
Biddle,	Moore,
Cooper,	Moye,
Edwards,	Myers,
Exum,	Reid,
Fox,	Reding,
Foy, of Onslow,	Sharp,
Foy, of C. & Jones,	Spruill,
Franklin,	Taylor,
Harper,	Williams of Beaufort,
Hill,	Williams of Person,
Houlder,	Wilson, 28 days.

On motion of Mr. Dockery, the resolution relating to an appropriation of money for removing obstructions in Lumber river, was taken up and read the second time, and rejected by the following vote:

Those who voted in the affirmative, were,

MESSRS. Carson,	MESSRS. Melchor,
Cherry,	Morehead,
Davidson,	Moore,
Dockery,	McDiarmid,
Etheridge,	Montgomery,
Foy of C. & Jones,	Myers,
Franklin,	Rabun,
Hawkins,	Ribelin,
Holt,	Shepard,
Melvin,	Speed, 20 years.

Those who voted in the negative, were,

MESSRS. Allison,	MESSRS. Kerr,
Arrington,	Moye,

Baker,  
 Biddle,  
 Bunting,  
 Cooper,  
 Exum,  
 Fox,  
 Foy of Onslow,  
 Harper,  
 Hill,  
 Houlder,

Reid,  
 Reding,  
 Reinhardt,  
 Sharp,  
 Spruill,  
 Williams of Beaufort,  
 Williams of Person,  
 Wilson.  
 Whitaker, 23 nays.

The engrossed bill to authorise the construction of a Bridge across Trent river, was taken up, and read the second time, and passed.

Also, the bill to exempt the Lock-keepers on the Dismal Swamp Canal, from working on roads and military service, was taken up, and read the second time, and, on motion of Mr. Spruill, was ordered to lie on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill, limiting the time in which title to lands heretofore entered and paid for, may be perfected, with sundry amendments; and asking the concurrence of the Senate. The amendments were read, and not concurred in.

On motion of Mr. Spruill, the Senate adjourned until half past 3 o'clock.

#### HALF PAST 3 O'CLOCK.

On motion of Mr. Hill,

*Ordered,* That a message be sent to the House of Commons, proposing to vote immediately for Colonel Commandant and Lieutenant Colonel of Cavalry attached to the third Brigade of North Carolina militia; and informing them that Charles Henry is in nomination for the appointment of Commandant, and Christopher D. Hill is in nomination for the appointment of Lieutenant Colonel for said Brigade.

The bill to incorporate the Phoenix Company, in the town of Fayetteville, Cumberland county, was taken up and read the first time and passed.

On motion of Mr. arson, the Senate took up for consideration the bill to authorise the laying off and establishing a Turnpike Road from Cove Creek, in Rutherford county, to Thomas Foster's, in Buncombe county; which was read the first time and passed.



The engrossed resolution in favor of Simon M. Smithwick was taken up and read the second and third times and passed, and ordered to be enrolled.

Also, the engrossed resolution in favor of Dove Pannell was read the second and third times and passed, and ordered to be enrolled.

The Senate then took up for consideration the engrossed bill concerning the Charlotte Male and Female Academy; which was read the second and third times and passed, and ordered to be enrolled.

Also, the engrossed bill to improve a part of the State Road leading from the town of Franklin, in Macon county, across the Nantahala and Valley River Mountain to the new town site called Murphy; which was read the second time and passed. Mr. Spruill demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Albright,	MESSRS. Holt,
Baker,	Kerr,
Bunting,	Moore,
Carson,	Morehead,
Cherry,	McDiarmid,
Davidson,	Montgomery,
Dockery,	Myers,
Edwards,	Reding,
Etheridge,	Reinhardt,
Fox,	Rabun,
Foy, of Onslow,	Ribelin,
Franklin,	Shepard,
Harper,	Speed,
Hawkins,	Taylor,
Henry,	Williams of P 30 yeas

Those who voted in the negative were,

MESSRS. Allison,	MESSRS. Melchor,
Arrington,	Moye,
Biddle,	Reid,
Cooper,	Sharp,
Exum,	Spruill,
Hill,	Williams of Beaufort,
Houlder,	Wilson
Melvin,	Whitaker—16 nays.

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

The engrossed resolution in favor of James C. Turrentine, Sheriff of Orange county, was taken up and read the second and third times and passed, and ordered to be enrolled.

The Senate then proceeded to consider the engrossed bill for the better regulation of the County Courts of Rutherford; which was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they do not agree to vote immediately for Colonel Commandant and Lieutenant Colonel of Cavalry attached to the third brigade of North Carolina militia.

Received from the House of Commons a message, stating that they have passed the engrossed bill for the relief of the Raleigh and Gaston Rail Road Company, with an amendment; in which they ask the concurrence of the Senate.— Said amendment was read and concurred in.

The engrossed bill authorising the Justices of the Peace in certain counties in this State to class themselves for holding the Courts of Pleas and Quarter Sessions, was taken up, and read the second and third times and passed, and ordered to be enrolled.

The resolution for draining Swamp Land in Craven county, was taken up and read the second time and rejected. Mr. Wilson then moved that said vote be now reconsidered; which was agreed to, and, on motion of Mr. Spruill, ordered to lie on the table.

Also, the resolution in favor of the Door Keepers; which was read the second and third times and passed, and ordered to be engrossed.

The Senate then took up for consideration the bill for appointing a patrol in Cumberland county; which was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Biddle, the resolution for draining Swamp Land in Craven county, was taken up and read the second time, and, on his motion, amended, and rejected.

On motion of Mr. Carson,

*Ordered*, That Mr. Reinhardt have leave of absence from the service of the Senate, from and after the 6th inst. the balance of the session.

On motion of Mr. McDiarmid,

*Ordered*, That Mr. Melvin have leave of absence from the service of the Senate, from and after the 6th inst. the balance of the session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill to incorporate the Washington Mining Company; a bill to incorporate the Buncombe Warm Spring Company; a bill to amend the Inspection Laws; a bill to amend an act, entitled an act to establish Clemmonsville Academy, in the county of Davidson, and to appoint Trustees thereof; in which they ask the concurrence of the Senate.

The first named bill was read the first, second, and third times and passed and ordered to be enrolled.

On motion of Mr. Montgomery,

*Ordered*, That Mr. Myers have leave of absence from the service of the Senate, from and after the 6th inst., the balance of the session.

On motion of Mr. Carson, the Senate adjourned until tomorrow morning ten o'clock.

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SATURDAY, JANUARY 5, 1839.

The Speaker announced to the Senate that Messrs. Speed, Montgomery and Bunting form the committee on the disagreeing vote of the two houses on the amendments to the bill concerning quarantine.

The Speaker presented to the Senate, the resignation of George Albright, a Justice of the Peace for the county of Guilford; which was read and accepted, and ordered to be sent to the House of Commons.

Received from the House of Commons a message, stating that J. P. Caldwell, R. Jones and Winston form their branch of the committee of conference, on the engrossed bill to amend an act concerning quarantine.

Received from the House of Commons a message, stating that they have passed the engrossed resolution, relating to the Wilmington and Raleigh Rail Road, with an amendment; which was read, and, on motion of Mr. Morehead, ordered to lie on the table.

Mr. Morehead, from the joint select committee, to whom

was referred the subject of inquiring into the expediency of erecting a Penitentiary in this State, reported the following resolution.

*Resolved*, That his Excellency Edward B. Dudley, be requested to open a correspondence with the Governors of the several States which have adopted the Penitentiary system, to procure all the information he can obtain in relation to the houses of *refuge*, for orphan children and minor offences; also, of Lunatic Asylums; and to lay the same before the next Legislature.

Which was read the first time and passed.

Mr. Morehead presented the following resolution:

*Resolved*, That the last quarter of the States' subscription to the Wilmington and Raleigh Rail Road Company, shall be payable in such proportions as may be required of the individual stockholders.

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

Mr. Edwards presented a bill, entitled a bill to incorporate the Weldon Rail Road Company; which was read the first and second times.

Mr. Morehead then proposed the following amendment:

*Be it further enacted*, That the subscribers to the capital stock of said Rail Road, shall be individually responsible to the amount of their subscription of stock, for all debts and liabilities contracted by said corporation.

Which was read and rejected by the following vote:

Those who voted in the affirmative were,

MESSRS. Allison,  
Bunting,  
Cooper,  
Exum,  
Fox,  
Harper,  
Henry,  
Houlder,  
Kerr,

MESSRS. Moye,  
Montgomery,  
Reid,  
Reinhardt,  
Rabun,  
Spruill,  
Williams of Person,  
Wilson,  
Whitaker—18 yeas.

Those who voted in the negative, were,

MESSRS. Albright,  
Arrington,  
Baker,  
Carson,  
Dockery,  
Edwards,  
Franklin,  
Hawkins,  
Hill,  
Melchor,

MESSRS. Morehead,  
Moore,  
M'Diarmid,  
Reding,  
Ribelin,  
Sharp,  
Shepard,  
Speed,  
Williams of B. 20 days.

The bill then passed the second and third reading, and was ordered to be engrossed.

Mr. Fox moved that the Senate do now re-consider the vote by which was rejected the bill making an appropriation to aid in cutting a road from the old Fort, in Buncombe county, through the Swannanoah Gap, &c.; which motion was not agreed to.

On motion of Mr. McDiarmid, the Senate took up for consideration the engrossed bill to incorporate the Phoenix Company, in the town of Fayetteville, Cumberland county; which was read the second and third times. Mr. Morehead then moved to strike out the tenth section; which was rejected by the following vote:

Those who voted in the affirmative were,

MESSRS. Davidson,  
Dockery,  
Franklin,  
Hawkins,  
Holt,  
Melchor,  
Morehead,

MESSRS. McDiarmid,  
Montgomery,  
Ribelin,  
Shepard,  
Speed,  
Taylor,  
Williams of B 14 yeas.

Those who voted in the negative, were,

MESSRS. Allison,  
Arrington,  
Baker,  
Bunting,  
Carson,  
Cooper,  
Edwards,  
Etheridge,

MESSRS. Houlder,  
Kerr,  
Moore,  
Moye,  
Reid,  
Reding,  
Reinhardt,  
Rabun,

Exum,  
 Fox,  
 Foy, of Onslow,  
 Harper,  
 Henry,  
 Hill,

Sharp,  
 Spruill,  
 Williams of Person,  
 Wilson,  
 Whitaker—27 yeas.

Said bill then passed, and was ordered to be enrolled.

Mr. Speed, from the Committee of Conference on the amendment made by the House of Commons to the engrossed bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases, reported that said Committee do not agree. He then moved that the Senate adhere to their disagreement to the amendments of the House of Commons; which was agreed to.

On motion of Mr. Carson, the bill to authorise the laying off and establishing a turnpike road from Cove Creek, in Rutherford county, to Thomas Foster's, in Buncombe county, was taken up and read the second time. Mr. Reid moved to strike out the clause in the bill which requires the Treasurer of the State to subscribe for the State to the amount of one hundred shares; which was agreed to by the following vote:

Those who voted in the affirmative, were,

MESSRS. Allison,  
 Albright,  
 Arrington,  
 Biddle,  
 Bunting,  
 Cherry,  
 Cooper,  
 Edwards,  
 Etheridge,  
 Exum,  
 Fox,  
 Foy of Onslow,  
 Harper,  
 Hawkins,  
 Houlder,

MESSRS. Kerr,  
 Melchor,  
 Moye,  
 Montgomery,  
 Reid,  
 Reding,  
 Reinhardt,  
 Sharp,  
 Shepard,  
 Speed,  
 Spruill,  
 Taylor,  
 Williams of Beaufort,  
 Williams of Person,  
 Wilson—30 yeas.

Those who voted in the negative were,

MESSRS. Baker,  
 Carson,

MESSRS. Morehead,  
 Moore,

Davidson,  
Franklin,  
Holt,

McDiarmid,  
Rabun,  
Ribelin—10 days.

The bill then passed as amended.

Mr. Morehead submitted the following resolution, to wit:

*Resolved*, That the President and Directors of the Board of Internal Improvement be required to cause a survey to be made from some eligible point in the Fayetteville and Western Rail Road, (as soon as the same shall be located,) to Greensborough, in Guilford county, and that said survey, with an estimate of the cost of constructing a road from the points aforesaid, be laid before the next Legislature.

Be it further Resolved, That the costs of such survey be paid out of any funds belonging to the Board of Internal Improvement, not otherwise appropriated.

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

Mr. Moore presented the following resolution, to wit:

*Resolved*, That the President and Directors of the Board of Internal Improvement be required to cause a survey to be made from some eligible point in the Fayetteville and Western Rail Road, (as soon as the same shall be located,) to Salem, or the Cross Roads, in Stokes county; and that said survey, with an estimate of the cost of constructing a road from the points aforesaid, be laid before the next Legislature.

Be it further Resolved, That the costs of such survey be paid out of any funds belonging to the Board of Internal Improvement, not otherwise appropriated.

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

Received from the House of Commons a message, proposing that the joint resolution to adjourn on the 7th inst. be rescinded, and that the two Houses adjourn sine die on Tuesday the 8th inst.; which was read, and, on motion of Mr. Shepard, ordered to lie on the table.

On motion of Mr. Carson, the bill to authorise the laying off and establishing a Turnpike Road from Cove Creek, in Rutherford county, to Thomas Foster's, in Buncombe county, was taken up and read the third time, and, on his motion, amended and passed, and ordered to be enrolled.

Ordered, that Mr. Baker have leave to withdraw from the Senate, the papers relating to the County bill of Wilkes and Burke.

On motion of Mr. McDiarmid,

Ordered, That Mr. Arrington have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.

On motion of Mr. Speed,

Ordered, That Mr. Sharp have leave of absence from the service of the Senate, from and after the 7th inst., the balance of the session.

On motion of Mr. Arrington, the Senate adjourned until half past 3 o'clock.

#### HALF PAST 3 O'CLOCK, P. M.

The Senate took up for consideration, the engrossed bill to authorise the construction of a bridge across Trent river; which was read the third time and passed, and ordered to be enrolled.

Also, the bill concerning the Militia of the county of Beaufort; which was read the first, second, and third times, and passed, and ordered to be enrolled.

Mr. Hill presented a bill, entitled a bill supplemental to an act, passed at the present session, entitled an act to amend an act, entitled an act incorporating the Fayetteville and Western Rail Road Company; which was read the first and second times. Mr. Allison moved to lay it on the table until Saturday next; which was decided in the negative, by the following vote:

Those who voted in the affirmative were,

MESSRS. Allison,	MESSRS. Kerr,
Arrington,	Moye,
Biddle,	Reid,
Cooper,	Sharp,
Etheridge,	Spruill,
Exum,	Williams of B.
Foy, of Onslow,	Williams, of Person,
Houlder,	Wilson—16 yeas.

Those who voted in the negative were,

MESSRS. Albright,	MESSRS. Melchor,
Baker,	Morehead,



Bunting,  
 Dockery,  
 Fox,  
 Franklin,  
 Harper,  
 Henry,  
 Hill,  
 Holt,

Moore,  
 McDiarmid,  
 Montgomery,  
 Reding,  
 Rabun,  
 Ribelin,  
 Taylor—19 nays.

The said bill then passed the second and third readings, and was ordered to be engrossed.

On motion of Mr. Spruill,

*Ordered*, That Mr. Albright have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

On motion of Mr. Speed,

*Ordered*, That Mr. Cherry have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

On motion of Mr. Allison,

*Ordered*, That Mr. Foy, of Onslow, have leave of absence from and after Monday next, the remainder of the session.

On motion of Mr. Wilson, the message from the House of Commons, relative to an adjournment of the two Houses, sine die, was taken up and read, and not concurred in.

Mr. Reid demanded the yeas and nays, which are as follows:

Those who voted in the affirmative were,

MESSRS. Biddle,  
 Carson,  
 Cherry,  
 Davidson,  
 Franklin,  
 Holt,  
 Morehead,

MESSRS. Moore,  
 McDiarmid,  
 Reding,  
 Speed,  
 Taylor,  
 Williams of B. 12 yeas.

Those who voted in the negative were,

MESSRS. Allison,  
 Albright,  
 Arrington,  
 Baker,  
 Bunting,  
 Cooper,

MESSRS. Houlder,  
 Hill,  
 Kerr,  
 Melchor,  
 Moye,  
 Montgomery,

Dockery,  
 Edwards,  
 Etheridge,  
 Exum,  
 Fox,  
 Foy of Onslow,  
 Harper,  
 Hawkins,  
 Henry,

Reid,  
 Rabun,  
 Ribelin,  
 Sharp,  
 Shepard,  
 Spruill,  
 Williams of P.  
 Wilson—28 days.

On motion of Mr. Cooper, the bill to prevent the issuing of writs of *habeas corpus* ad satisfaciendum in certain cases, was read the third time and rejected.

The engrossed bill to incorporate the Yadkin Manufacturing Company was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Carson, the engrossed bill authorising the Governor to appoint an agent in the county of Macon, was taken up, and read the first time, and, on motion of Mr. Shepard, ordered to lie on the table.

The bill to punish persons who may maliciously obstruct any Rail Road in North Carolina, and the bill relating to the public roads in Buncombe county, were taken up and read the third time and passed, and ordered to be engrossed.

Also, the engrossed bill to appoint Commissioners to lay off a part of the great State Road from Presley Shepard's to Frederick Seevent's, was read the first, second, and third times and passed, and ordered to be enrolled.

On motion of Mr. Speed,

*Ordered,* That Mr. Henry have leave of absence from the service of the Senate, from and after Monday next.

The Senate then proceeded to consider the bill authorising Sheriffs and Coroners to make deeds in certain cases, and the bill, entitled a bill to amend the fifty-eighth chapter of the Revised Statutes, entitled solvent debtors, were read the second and third times and passed, and ordered to be engrossed.

The engrossed resolution in favor of John C. Ehringhaus was taken up, and read the first, second, and third times, and passed, and ordered to be enrolled.

The Senate then proceeded to consider the bill to amend an act, entitled an act to provide for the collection and management of a revenue for this State; which was read the second time, and, on motion of Mr. Carson, was indefinitely postponed.

Also, the engrossed resolution in favor of Joseph Waters; which was read the first, second, and third times and passed, and ordered to be enrolled.

Mr. Shepard then moved that said Waters have leave to withdraw from the files of the Senate the papers relating to said resolution; which was granted.

Also, the resolution relating to a Penitentiary was read the second and third times and passed, and ordered to be engrossed.

Mr. Bunting presented a bill to aid the Wilmington and Raleigh Rail Road Company; which was read the first time, and, on his motion, referred to the Committee on Internal Improvements.

The bill authorising the Chairman of the County Courts to accept of the resignations of certain officers therein named, was read the second time and laid on the table.

On motion of Mr. Morehead, the vote by which was passed the bill to punish persons who maliciously obstruct any rail road, &c. was reconsidered, and ordered to lie on the table.

The engrossed bill to prevent the malicious obstruction of rail roads; and the engrossed bill to establish the Salisbury Female Academy, and to incorporate the Trustees thereof, were each read the first second and third times and passed, and ordered to be enrolled.

The bill concerning bastard children, was taken up, and read the first, second and third times, and passed, and ordered to be engrossed.

The engrossed bill to amend an act, entitled an act to establish Clemmonsville Academy, in the county of Davidson, and to appoint Trustees thereof, was taken up and read the first, second and third times. Mr. Reid moved to strike out the word "*perpetual*," which was agreed to by the following vote.

Those who voted in the affirmative, were,

MESSRS. Allison,  
Albright,  
Baker,  
Carson,  
Cooper,  
Etheridge,  
Exum,  
Fox,

MESSRS. Houlder,  
Kerr,  
Morehead,  
Moye,  
McDiarmid,  
Reid,  
Rabun,  
Sharp,

Foy of Onslow,  
Franklin,  
Harper,  
Hill,  
Holt,

Shepard,  
Spruill,  
Williams of Person,  
Wilson, 25 years.

Those who voted in the negative, were,

MESSRS. Biddle,  
Bunting,  
Davidson,  
Dockery,  
Melchor,  
Moore,

MESSRS. Montgomery,  
Reding,  
Ribeln,  
Speed,  
Taylor,  
Williams of B 12 days.

The bill then passed, and was ordered to be enrolled.

Received from the House of Commons a message, stating that they have receded from their amendments to the engrossed bill, limiting the time in which title to lands heretofore entered and paid for, may be perfected.

On motion of Mr. Bunting,

*Ordered*, That Mr. Hill have leave of absence from the service of the Senate, from and after Monday next, the balance of the session.

On motion of Mr. Hill,

*Ordered*, That Mr. Bunting have leave of absence from the service of the Senate, from and after Monday next, the balance of the session.

The Senate took up for consideration, the bill to prevent frauds in voting at elections; which 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 concur in the amendments proposed by the Senate to the engrossed bill to authorise the laying off and establishing a Turnpike road from Cove Creek, in Rutherford county, to Thomas Fosters's, in Buncombe county.

Received from the House of Commons a message, stating they have passed the following engrossed bills: A bill to prevent free persons from gambling with slaves; a bill concerning stills; a bill to amend the several acts heretofore passed in relation to the burning of the Court House and records of Hertford. In which they ask the concurrence of the Senate.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill

concerning the crime of perjury, and the form of indictment therefor; a bill relating to clearing out Rock Fish Creek, in Duplin county, and for other purposes: In which they ask the concurrence of the Senate.

The Senate then took up for consideration, the engrossed bill to incorporate the Buncombe Warm Spring Company; which was read the first and second times. Mr. Exum moved that the bill be indefinitely postponed; which motion did not prevail. Mr. Reid then moved to strike out the word "*perpetual*;" which was agreed to. The bill then passed the second and third readings, and was ordered to be enrolled.

On motion of Mr. Taylor, the Senate adjourned until Monday morning sun rise.

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MONDAY, JAN. 7, 1839.

The Speaker announced to the Senate, that Messrs. Moore, Montgomery, Moye and Williams of Person, form the Committee on Enrolled Bills the present week; and the House of Commons was informed thereof by message.

The Senate took up for consideration the bill authorising the Chairman of the County Courts to accept of the resignations of certain officers therein named; which was read the third time and passed and ordered to be engrossed.

Also, the engrossed bill to amend the Inspection Laws; which was read the first and second times and passed, and ordered to lie on the table.

Received from the House of Commons a message, informing the Senate that Messrs. Waddell, Braswell, Wadsworth, and Paine form their branch of the Committee on Enrolled Bills the present week.

The engrossed bill to amend an act, passed on the 7th day of January, 1837, entitled an act concerning the Public Printing of the State, was taken up, and read the first, second, and third times and passed, and ordered to be enrolled.

Also, the engrossed resolution to reimburse expenses of the Governor; which was read the first and second times. Mr. Allison moved to strike out the word *seven*, and insert in lieu thereof the word *three*; which was decided in the negative, by the following vote:

Those who voted in the affirmative, were,

MESSRS. Allison,	MESSRS. Houlder,
Albright,	Kerr,
Baker,	Reid,
Cooper,	Rabun,
Exum,	Spruill,
Fox,	Williams of P. 12 years.

Those who voted in the negative were,

MESSRS. Biddle,	MESSRS. Morehead,
Bunting,	Moore,
Carson,	Moye,
Davidson,	McDiarmid,
Dockery,	Montgomery,
Edwards,	Reding,
Etheridge,	Ribelin,
Franklin,	Sharp,
Hawkins,	Speed,
Henry,	Taylor,
Holt,	Williams of Beaufort,
Melchor,	Wilson—25 nays.

The resolution then passed. Said resolution was then read the third time and passed. Upon this question, Mr. Edwards demanded the yeas and nays, which are as follows, to wit:

Those who voted in the affirmative, were,

MESSRS. Biddle,	MESSRS. Morehead,
Bunting,	Moye,
Carson,	McDiarmid,
Davidson,	Montgomery,
Dockery,	Reding,
Edwards,	Ribelin,
Etheridge,	Sharp,
Franklin,	Speed,
Harper,	Spruill,
Hawkins,	Taylor,
Henry,	Williams of B.
Holt,	Wilson, 25 yeas.
Melchor,	

Those who voted in the negative were,

MESSRS. Allison,	MESSRS. Houlder,
Albright,	Kerr,

Baker,  
Cooper,  
Exum,  
Fox,

Moore,  
Reid,  
Rabun,  
Williams of P 12 days.

The resolution then passed, and was ordered to be enrolled.

The engrossed resolution in favor of Willis D. Dowd was taken up and read the first, second, and third times and passed, and was ordered to be enrolled.

The Senate proceeded to consider the engrossed bill vesting in the United States of America jurisdiction over a certain tract of land in the town of Fayetteville, and county of Cumberland; which was read the first, second, and third times and passed, and ordered to be enrolled.

The engrossed bill to amend the Inspection Laws, was, on motion of Mr. McDiarmid, ordered to be enrolled.

The engrossed resolution on Public Instruction was taken up and read the first and second times, and, on motion of Mr. Taylor, amended and passed. The resolution was then read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to divide the counties into School Districts and for other purposes with an amendment, to wit: Strike out all the bill, except the enacting clause, and insert the substitute marked A; in which they ask the concurrence of the Senate. The substitute was then read. Mr. Moore moved to divide the question, so as to take it on the first part; which was decided in the negative, by the following vote:

Those who voted in the affirmative were,

MESSRS. Allison,  
Exum,  
Franklin,  
Houlder,

MESSRS. Melchor,  
Moore,  
Reding—7 yeas.

Those who voted in the negative were,

MESSRS. Albright,  
Baker,  
Biddle,  
Bunting,  
Cherry,  
Cooper,

MESSRS. Moyer,  
McDiarmid,  
Montgomery,  
Reid,  
Rabun,  
Ribelin.

Davidson,	Sharp,
Dockery,	Shepard,
Edwards,	Speed;
Etheridge,	Spruill,
Fox,	Taylor,
Harper,	Williams of Beaufort;
Hawkins,	Williams of Person,
Holt,	Wilson,
Kerr,	Whitaker—30 nays.

The question was then taken on the amendment proposed by the House of Commons, and decided in the negative by the following vote:

Those who voted in the affirmative, were,

MESSRS. Allison,	MESSRS. Houlder,
Albright,	Melchor,
Davidson,	Moore,
Exum,	Taylor, 9 yeas.
Franklin,	

Those who voted in the negative, were,

MESSRS. Baker,	MESSRS. McDiarmid,
Bunting,	Montgomery,
Biddle,	Reid,
Cherry,	Reding,
Cooper,	Rabun,
Dockery,	Ribelin,
Edwards,	Sharp,
Etheridge,	Shepard,
Fox,	Speed,
Harper,	Spruill,
Hawkins,	Williams of Beaufort,
Holt,	Williams of Person,
Kerr,	Wilson,
Moye,	Whitaker, 28 nays.

The engrossed bill concerning the ranging of hogs, horses, or cattle, in Currituck county in certain cases; and the engrossed resolution concerning the Swamp Lands, were taken up, and read the first, second, and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill au-



thorising the Chairman of the County Courts to accept the resignation of certain officers therein named.

Received from the House of Commons a message, stating they have passed the engrossed bill supplemental to an act, passed at the present session of the General Assembly, entitled an act to amend an act incorporating the Fayetteville and Western Rail Road Company, with an amendment, to wit: Insert section A before the last section; in which they ask the concurrence of the Senate; which was read and concurred in.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate to the engrossed bill to incorporate the Buncombe Warm Spring Company.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to alter the time of holding the County Courts of Rowan; a bill to amend the 16th section of the Revised Statutes, concerning the militia, so far as relates to the county of Jones; in which they ask the concurrence of the Senate.

The above named bills were each read the first, second, and third times and passed, and were ordered to be enrolled.

The engrossed bill to amend the several acts heretofore passed in relation to the burning of the Court House and records of Hertford county, was taken up, and read the first, second, and third times and passed, and were ordered to be enrolled.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate to the engrossed bill to amend the act to establish Clemmonsville Academy, in the county of Davidson, and to appoint Trustees thereof.

Received from the House of Commons a message, stating that they insist on their amendment to the engrossed bill to divide the counties into School Districts and for other purposes, and propose a Committee of Conference on the said amendment; which was agreed to. The Committee of Conference on the part of the Senate are Messrs. Cherry, Shepard, and Moore, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing that the joint resolution proposing to adjourn this day, be rescinded, and that both Houses adjourn sine die to-morrow; on which day no business shall be done, other than the

ratification of enrolled bills; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, concurring in the amendments made by the Senate to the engrossed resolution on Public Instruction, with a further amendment, to wit: Instead of striking out all after the word Stowe, insert between the word Stowe and the word ten the following: And other information on the subject of Common Schools, as the President and Directors of the Literary Fund shall deem proper; in which they ask the concurrence of the Senate; which was read and concurred in.

The bill to provide for the election of Engrossing Clerks was taken up, and read the second time and rejected.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: a bill prescribing the mode of an additional survey and sale of the Cherokee lands in this State; a bill concerning infant children whose parents shall be divorced; a bill supplemental to the act erecting the county of Cherokee; a bill providing for the appointment of a county trustee and treasurer of public buildings in the county of Columbus; a bill concerning the public revenue of this State; a bill to incorporate the Highwassee Turnpike Company; a bill making compensation to the jurors for Columbus county. Also, the following engrossed resolutions: Resolution relating to Nagshead; resolution relating to a Lunatic Asylum; resolution in favor of William Harbinson, of Lincoln county; resolution to print Professor Stowe's pamphlet on Public Instruction; in which they ask the concurrence of the Senate.

Received from the House of Commons a message, proposing that the Clerks of the two Houses be authorised and directed to employ three additional Engrossing Clerks, to aid in bringing up the business, preparatory to adjournment on to-morrow; which was read and concurred in.

The Senate took up the following engrossed bills, to wit: A bill to regulate drill musters in the 87th regiment of North Carolina militia in Davidson county; a bill concerning infant children whose parents shall be divorced; a bill supplemental to the act erecting the county of Cherokee; a bill concerning the public revenue of this State; which were severally read the first, second, and third times and passed, and ordered to be enrolled.

Also, the engrossed bill to incorporate Highwassee Turn-

pike Company; the bill to prevent free persons from gambling with slaves; and the bill relating to clearing out Rockfish Creek, in the county of Duplin, and for other purposes, were severally read the first, second, and third times and passed, and ordered to be enrolled.

The following engrossed resolutions, to wit: Resolution relating to Nagshead; resolution in favor of William Harbinson, of Lincoln county; and resolutions relating to a Lunatic Asylum, were severally read the first, second, and third times and passed, and ordered to be enrolled.

The Senate then took up for consideration the following engrossed bills, to wit: A bill providing for the appointment of a county trustee and treasurer of public buildings in the county of Columbus, and a bill making compensation to the jurors for Columbus county; which were severally read the first, second, and third times and ordered to be enrolled.

The engrossed resolution to pay for furniture for the use of the General Assembly, was read the first, second, and third times and passed, and ordered to be enrolled.

The engrossed bill concerning the crime of perjury, and the form of indictments therefor was read the first time, and ordered to lie on the table.

The Senate then took up the engrossed bill, authorising the Governor to appoint an agent in the county of Macon; which was read the second and third times and rejected.—Mr. Exum then moved that the vote by which was rejected the bill authorising the Governor to appoint an agent in the county of Macon, be re-considered; which was agreed to. The bill was then indefinitely postponed by the following vote, to wit:

Those who voted in the affirmative were,

MESSRS. Biddle,  
Cooper,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Fox,  
Hawkins,  
Holt,  
Houlder,  
Morehead,  
McDiarmid,

MESSRS. Montgomery,  
Reid,  
Reding,  
Ribelin,  
Sharp,  
Speed,  
Spruill,  
Taylor,  
Williams of B.  
Williams, of Person,  
Wilson,  
Whitaker, 24 yeas.

Those who voted in the negative were,

MESSRS. Allison,  
Albright,  
Baker,  
Carson,  
Davidson,

MESSRS. Franklin,  
Harper,  
Melchor,  
Rabun, 9 nays.

The Senate took up for consideration, the engrossed bill prescribing the mode of an additional survey and sale of the Cherokee Lands in this State; which was read the first and second times and passed, and ordered to lie on the table. Said bill was subsequently taken up and read the third time, and rejected by the following vote:

Those who voted in the affirmative were,

MESSRS. Allison,  
Albright,  
Baker,  
Carson,  
Davidson,  
Dockery,  
Exum,  
Franklin,

MESSRS. Holt,  
Melchor,  
Morehead,  
McDiarmid,  
Montgomery,  
Reding,  
Rabun,  
Wilson—16 yeas.

Those who voted in the negative, were,

MESSRS. Biddle,  
Cooper,  
Edwards,  
Etheridge,  
Fox,  
Harper,  
Hawkins,  
Houlder,

MESSRS. Reid,  
Sharp,  
Speed,  
Spruill,  
Taylor,  
Williams of Beaufort,  
Williams of Person,  
Whitaker—16 nays.

The Speaker voted in the negative, consequently the bill was rejected.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill to incorporate the Weldon Manufacturing Company; and a bill to explain and amend the 86th section of an act, passed at the session of 1836, one of the Revised Statutes, entitled an act concerning crimes and punishments. In which they ask the concurrence of the Senate.

The first named bill was read the first, second, and third times, and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to prevent obstructing the passage of fish up Pedee and main Yadkin rivers: In which they ask the concurrence of the Senate. Said bill was read the first, second, and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills: A bill concerning the appointment of the Clerks of the Superior Courts; a bill to amend an act of 1836, entitled an act authorising attachment to issue for the recovery of debts, and directing the proceedings therein; a bill to amend an act entitled an act concerning the action of replevin; a bill prohibiting marriages between free persons of color, and white persons; a bill to appoint commissioners to alter and amend a part of the State road in Cherokee county; a bill to authorise A. K. S. Hunter to move the bridge by him built across Hiwassee river; a bill to incorporate the President and Directors of the Randolph Manufacturing Company; a bill to incorporate the Trustees of the Randolph Female Academy; and a bill to divide the first wreek district in Carteret county into two districts, and to appoint an additional commissioner of wrecks. In which they ask the concurrence of the Senate.

The Speaker announced to the Senate, that Mr. Hawkins is added to the Committee on Enrolled Bills.

Mr. Cherry, from the Committee of Conference upon the subject of Common Schools, reported a bill, which was read and concurred in, by the following vote:

Those who voted in the affirmative, were,

MESSRS. Allison,  
Albright,  
Baker,  
Biddle,  
Cherry,  
Cooper,  
Davidson,  
Dockery,  
Edwards,  
Etheridge,  
Exum,

MESSRS. Melchor,  
Moore,  
Moye,  
McDiarmid,  
Montgomery,  
Reid,  
Reding,  
Rabun,  
Ribelin,  
Sharp,  
Shepard,

Fox,  
Franklin,  
Harper,  
Hawkins,  
Houlder,  
Kerr,

Speed,  
Taylor,  
Williams of Beaufort,  
Williams of Person,  
Wilson— 33 years.

Those who voted in the negative were,

MESSRS. Holt,  
Spruill,

Whitaker—3 nays.

The Senate took up the following engrossed bills: A bill to incorporate the town of Mocksville in Davie county; and a bill to amend an act, entitled an act concerning the action of replevin; which were each read the first, second, and third times and passed, and ordered to be enrolled.

The engrossed bill concerning the appointment of Clerks of the Superior Courts, was read the first and second times, and rejected. Mr. Wilson then moved that the vote by which was rejected the bill concerning the appointment of Clerks of the Superior Courts be re-considered; which was agreed to. It was then read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have postponed indefinitely, the engrossed bill to prevent the stealing of Mulberry trees.

Received from the House of Commons a message, concurring in the amendment proposed by the Senate to the engrossed bill to prevent obstructing the passage of fish up the Pedee and main Yadkin rivers.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the revised Statutes entitled bastard children, with an amendment, to wit: add to the bill the Proviso marked A.— In which they ask the concurrence of the Senate; which was read and concurred in.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed resolution requiring the Board of Internal Improvements to cause a survey for a Rail Road to be made from Greensborough to the Fayetteville and Western Rail Road. Also the resolution requiring the Board of Internal Improvement to cause a survey for a Rail Road to be made from Salem, or the Cross Roads in Stokes county, to the Fayetteville and Western Rail Road.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the North Carolina Mutual Fire Insurance Company, with an amendment, to wit: strike out the 4th section of the bill; which was read and concurred in.

The bill to exempt Lock-Keepers from Militia service, &c. was taken up and read the third time and passed, and ordered to be engrossed.

The Senate then proceeded to consider the following engrossed bills: A bill to incorporate the Trustees of the Randolph Female Academy, in Randolph county; a bill to authorise Archibald S. K. Hunter to move the bridge by him built across Highwassee river; which was read the first, second, and third times and passed, and ordered to be enrolled.

The Senate then took up for consideration, the following engrossed bills, to wit: A bill to amend an act, passed at the session of 1836, one of the Revised Statutes, and entitled an act authorising attachments to issue for the recovery of debts, and directing the proceedings thereon; a bill to appoint commissioners to alter and amend a part of the State road in Cherokee county; a bill to incorporate the President and Directors of the Randolph Manufacturing Company; a bill to explain and amend the eighty-sixth section of an act, passed at the session of 1836, one of the Revised Statutes, entitled an act concerning crimes and punishment; a bill prohibiting marriages between free persons of color and white persons; and a bill to divide the first wreck district in Carteret county, into two districts, and to appoint an additional commissioner of wrecks; which were severally read the first, second, and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they concur in the report of the Committee of Conference, on the bill to establish Common Schools.

On motion of Mr. Wilson, the Senate adjourned until tomorrow morning, 7 o'clock.

TUESDAY, JAN. 8, 1839.

The Senate met according to adjournment.

Received from the House of Commons a message, stating that they have passed upon all the business brought before them at this session, and are now ready to adjourn sine die. Whereupon, a message was sent to the House of Commons agreeing thereto.

Mr. Wilson presented the following resolution, to wit:

*Resolved*, That the thanks of the Senate are due, and are hereby tendered, to Col. Andrew Joyner, Speaker thereof, for the able, dignified, and impartial manner in which he has discharged the duties of the Chair.

The question on this resolution being put by Mr. Edwards, it was adopted unanimously.

The Speaker then made an appropriate address to the Senate, and adjourned the same without day.

A. JOYNER, S. S.

By Order,

THOS. G. STONE, C. S.



**JOURNAL**  
OF THE  
**HOUSE OF COMMONS.**

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AT a General Assembly of the State of North Carolina, begun and held in the City of Raleigh, on Monday, the nineteenth day of November, in the year of our Lord one thousand eight hundred and thirty-eight, and the sixty-third year of the Independence of the United States of America—being the day appointed by law for the meeting of the General Assembly—the following Members of the House of Commons appeared, exhibited their credentials, and were qualified according to law, viz:

Anson County—George Dunlap, Patrick H. Winston.  
Ashe—James M. Nye.  
Beaufort—Willie A. Blount, John McWilliams.  
Bertie—Lewis Bond, James R. Rayner.  
Bladen—George T. Barksdale.  
Brunswick—Frederick J. Hill.  
Buncombe—Montreville Patton, Phillip Brittain,  
Burke—Edward J. Erwin, Wm. M. Carson, Elisha P. Miller,  
Cabarrus—Daniel Boger.  
Camden—  
Carteret—Elijah S. Bell.  
Caswell—Littleton A. Gwynn, Levi Walker.  
Chatham—John S. Guthrie, Isaac Clegg, Maurice Q. Waddell.  
Chowan—Robert T. Paine.  
Columbus—Augustus Smith.  
Craven—Samuel Hyman, William B. Wadsworth.  
Cumberland—Stephen Hollingsworth, David Reid, jr.  
Currituck—Alfred Perkins.  
Davidson—Burgess S. Beall, Charles Brummell.  
Duplin—James H. Jarman, Hampton Sullivan.  
Edgecomb—Robert Bryan, William S. Baker.  
Franklin—Thomas Howerton, William P. Williams.  
Gates—Whitmel Stallings.  
Granville—Robert B. Gilliam, Horace L. Robards, Elijah Hester.  
Greene—James Williams.  
Guilford—Jesse H. Lindsay, William Doak, David Thomas.  
Halifax—William W. Daniel, Major A. Wilcox.  
Haywood—Joseph Keener.  
Hertford—Kenneth Rayner.  
Hyde—Tilnan Farrow.

Iredell—Joseph P. Caldwell, John A. Young, Jno. H. McLaughlin.  
 Johnston—John F. Ellington, James Tomlinson.  
 Jones—William Huggins.  
 Lenoir—Windal Davis.  
 Lincoln—M. Hoke, Jno. Killian, O. W. Holland, Wm. W. Monday.  
 Macon—Jacob Siler.  
 Martin—  
 Mecklenburg—Green W. Caldwell, James T. J. Orr.  
 Montgomery—William Harris, Thomas Pemberton.  
 Moore—  
 Nash—Ford Taylor.  
 New Hanover—James T. Miller, Evan Larkins.  
 Northampton—  
 Onslow—John B. Pollock.  
 Orange—B. Trollinger, J. Stockard, H. Sims, Wm. A. Graham.  
 Pasquotank—  
 Perquimons—Thomas Wilson.  
 Person—Robert Jones, Moses Chambers.  
 Pitt—John L. Foreman, John C. Gorham.  
 Randolph—Zebedee Rush, William B. Lane.  
 Richmond—Duncan McLaurin, George Thomas.  
 Robeson—Oliver K. Tuton, James Blount.  
 Rockingham—Richard P. Caldwell, Blake W. Braswell.  
 Rowan—Wm. D. Crawford, H. C. Jones, Jesse A. Clement.  
 Rutherford—Wm. J. T. Miller, Wm. E. Mills, John H. Bedford.  
 Sampson—Timothy Underwood, Dickson Sloan.  
 Stokes—Caleb H. Matthews, James M. Covington, Jas. Stafford.  
 Surry—Richard C. Puryear, Nathaniel Boyden, Micajah Oglesby.  
 Tyrrell—Charles McCleese.  
 Wake—Nathaniel G. Rand, Dempsey B. Massey, Jas. M. Mangum.  
 Warren—William Eaton, Jr. Samuel A. Williams.  
 Washington—David H. Guyther.  
 Wayne—Curtis Brogden, Elias Barnes.  
 Wilkes—Eli Petty, William W. Peden.  
 Yancy—Tilman Blalock.

A quorum, consisting of a majority of the whole number of members, being present, Mr. Kenneth Rayner moved that Wm. A. Graham, of Orange, be appointed Speaker; and Mr. Bedford moved that the name of Michael Hoke, of Lincoln, be added to the nomination. The House thereupon proceeded to vote viva voce, when the following members voted for Mr. Graham, viz:

## MESSRS.

Dunlap,	Gilliam,	Lane,
Wm. A. Blount,	Robards,	McLaurin,
Bond,	Jas. Williams,	G. Thomas,
Winston,	Lindsay,	Crawford,
McWilliams,	D. Thomas,	H. C. Jones,
F. J. Hill,	Keener,	Clement,

Patton,	K. Rayner,	W. J. T. Miller,
Brittain,	Farrow,	Mills,
E. J. Erwin,	J. P. Caldwell,	Underwood,
Carson,	Young,	Matthews,
E. P. Miller,	McLaughlin,	Covington,
E. S. Bell,	Ellington,	Paryear,
Guthrie,	Huggins,	Boyden,
Clegg,	Siler,	Oglesby,
Waddell,	W. Harris,	McCleese,
Paine,	Pemberton,	Gwyther,
Smith,	Wilson,	Petty,
Hyman,	Foreman,	Peden,
Wadsworth,	Gorham,	Blalock,
Beall,	Rush,	Doak—61.
Brummell,		

And the following members voted for Mr. Hoke, viz:

MESSRS.

Nye,	Daniel,	R. Jones,
J. R. Rayner,	Wilcox,	Chambers,
Barksdale,	Tomlinson,	Tuton,
Boger,	Davis,	J. Blount,
Gwynn,	Killian,	Cardwell,
Walker,	Holland,	Braswell,
Hollingsworth,	Monday,	Bedford,
Reid,	G. W. Caldwell,	Sloan,
Perkins,	Orr,	Stafford,
Jarman,	Taylor,	Rand,
Sullivan,	J. T. Miller,	Massey,
Bryan,	Larkins,	Mangum,
Baker,	Pollock,	Eaton,
Howerton,	Trollinger,	S. A. Williams,
W. P. Williams,	Stockard,	Brogden,
Stallings,	Sims,	Barnes—49.
Hester,		

Mr. Graham, having thus received a majority of the whole number of votes, and being declared duly elected, was conducted to the Chair by Messrs. K. Rayner and Bedford, from whence he made his acknowledgments to the House in an appropriate address.

On motion of Mr. Guthrie, the House unanimously re-appointed Charles Manly Chief Clerk, and Edmund B. Freeman Clerk Assistant.

Mr. Guthrie moved that James Page be appointed Door-keeper; which was agreed to. The following persons were

nominated for the appointment of Assistant Doorkeeper, viz: Messrs. Parker, Anderson, Blanton, McWilliams, Brewer, Moring, Fuller, Jones, Lewis, and Hill. Mr. Gilliam moved that this appointment be made by ballot; and the question arising thereon, was determined in the negative. The House proceeded to vote viva voce, when the following was the result:

## FOR MR. ANDERSON,

## MESSRS.

Winston,	Huggins,	Graham,
W. A. Blount,	Davis,	Chambers,
McWilliams,	Killian,	Foreman,
Gwynn,	Holland,	Gorham,
Walker,	Monday,	McLaurin,
Hyman,	Orr,	Cardwell,
Wadsworth,	Taylor,	Braswell,
Stallings,	Larkins,	Sloan,
Gilliam,	Trollinger,	Stafford,
J. Williams,	Stockard,	Brogden,
D. Thomas,	Sims,	Barnes—34.
Farrow,		

## FOR MR. BLANTON,

## MESSRS.

Nye,	Keener,	W. J. T. Miller,
Patton,	J. P. Caldwell,	Mills,
Brittain,	Young,	Bedford,
E. J. Erwin,	Hoke,	Petty,
Carson,	Siler,	Peden,
E. P. Miller,	G. W. Caldwell,	Blalock—20.
Howerton,	Rush,	

## FOR MR. MORING,

## MESSRS.

Paine,	Daniel,	Clement,
Beall,	Wilcox,	Puryear,
Brummell,	K. Rayner,	Boyden,
Bryan,	McLaughlin,	Oglesby,
Robards,	J. T. Miller,	S. A. Williams,
Lindsay,	Crawford,	Gwyther,—20.
Doak,	H. C. Jones,	

## FOR MR. McWILLIAMS,

## MESSRS.

Bond,	Reid,	Pollock,
J. R. Rayner,	Perkins,	R. Jones,

Barksdale,  
Boger,  
A. Smith,  
Hollingsworth,

Jarman,  
Sullivan,  
Parker,  
Tomlinson,

G. Thomas,  
J Blount,  
Rand—17.

## FOR MR. BREWER,

MESSRS.

Hill,  
Guthrie,

Clegg,  
Waddell,

Tuton—5,

## FOR MR. FULLER,

MESSRS.

Hester,

Massey,

Mangum—3.

## FOR MR. HILL,

MESSRS.

Matthews,  
Covington,

McCleese,

Eaton—4.

## FOR MR. JONES,

MESSRS.

Harris,

Pemberton—2.

## FOR MR. LEWIS,

MESSRS.

Wilson,

Lane—2.

No one having received a majority of the whole number of votes, Mr. Gilliam again moved that the election be determined by ballot. The motion was lost. The names of Messrs. Fuller, Jones, Lewis, and Brewer were withdrawn from the nomination, and the name of Mr. Gray added; and the House again voted as follows:

## FOR MR. ANDERSON,

MESSRS.

Dunlap,  
Winston,  
W. A. Blount,  
McWilliams,  
E. S. Bell,  
Gwynn,  
Walker,  
Hyman,  
Wadsworth,  
Perkins,  
Stallings,  
Gilliam,

Hester,  
J. Williams,  
D. Thomas,  
Farrow,  
Huggins,  
Killian,  
Holland,  
Monday,  
Orr,  
Taylor,  
Trollinger,  
Stockard,

Sims,  
Graham,  
Chambers,  
Foreman,  
Gorham,  
Cardwell,  
Braswell,  
Stafford,  
Eaton,  
Barnes,  
Brogden—35.

## FOR MR. MORING,

MESSRS.

Bond,	Bryan,	Wilson,
J. R. Rayner,	Robards,	R. Jones,
Hill,	Lindsay,	Crawford,
Guthrie,	Doak,	H. C. Jones,
Clegg,	Daniel,	Clement,
Waddell,	Wilcox,	Purvey,
Paine,	McLaughlin,	Boyden,
Reid,	Harris,	Oglesby,
Beall,	Pemberton,	McCleese,
Brummell,	J. T. Miller,	Gwyther—32.
Jarman,	Larkins,	

## FOR MR. BLANTON,

MESSRS.

Nye,	Keener,	Mills,
Patton,	J. P. Caldwell,	Bedford,
Brittain,	Young,	Covington,
Erwin,	Davis,	Petty,
Carson,	Hoke,	Peden,
E. P. Miller,	Siler,	Blalock—22.
Sullivan,	Rush,	
Howerton,	W. J. T. Miller,	

## FOR MR. McWILLIAMS,

MESSRS.

Barksdale,	Tomlinson,	J. Blount,
Boger,	Pollock,	Rand,
Smith,	McLaurin,	Masey,
Hollingsworth,	G. Thomas,	Mangum,
Baker,	Tuton,	S. A. Williams—15.

## FOR MR. GRAY,

MESSRS.

K. Rayner,	Sloan—2.
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## FOR MR. PARKER,

Mr. Ellington.

## FOR MR. HILL,

Mr. Matthews.

No one having received a majority of the whole number of votes, Mr. Stallings moved that the House adjourn until to-morrow morning 10 o'clock. The motion was lost. Mr.

Geo. Thomas moved that the House again go into an election of Assistant Doorkeeper; which was agreed to. Mr. Reid moved that the election be made by ballot. The motion was lost. The names of Messrs. Gray, Parker, and Hill were withdrawn, and the House voted the third time as follows:

## FOR MR. ANDERSON,

## MESSRS.

Dunlap,	Daniel,	J. Blount,
Winston,	Wilcox,	Cardwell,
W. A. Blount,	Farrow,	Braswell,
McWilliams,	Huggins,	Underwood,
Bell,	Killian,	Stafford,
Gwynn,	Monday,	Sloan,
Walker,	Orr,	Massey,
Hyman,	Taylor,	Mangum,
Wadsworth,	Trollinger,	Eaton,
Hollingsworth,	Stockard,	S. A. Williams,
Stallings,	Sims,	Brogden,
Gilliam,	Graham,	Barnes,
Hester,	Chambers,	Baker,
J. Williams,	Foreman,	Perkins—44.
D. Thomas,	Gorham,	

## FOR MR. MORING,

## MESSRS.

Bond,	Bryan,	Wilson,
J. R. Rayner,	Robards,	R. Jones,
Barksdale,	Lindsay,	McLaurin,
Hill,	Doak,	G. Thomas,
Boger,	McLaughlin,	Tuton,
Guthrie,	Ellington,	Crawford,
Clegg,	Tomlinson,	H. C. Jones,
Waddell,	Davis,	Clement,
Paine,	Harris,	Puryear,
Smith,	Pemberton,	Boyden,
Reid,	J. T. Miller,	Oglesby,
Beall,	Larkins,	McCleese,
Brummell,	Pollock,	Gwyther—40.
Jarman,		

## FOR MR. BLANTON,

## MESSRS.

Nye,	J. P. Caldwell,	Mills,
Patton,	Young,	Bedford,
Brittain,	Hoke,	Matthews,

Erwin,	Holland,	Covington,
Carson,	Siler,	Petty,
E. P. Miller,	G. W. Caldwell,	Peden,
Sullivan,	Rush,	Blalock,
Keener,	W. J. T. Miller,	Howerton—24.

## FOR MR. McWILLIAMS,

Mr. Rand.

No one having received a majority of the whole number of votes, the House, on motion of Mr. McCleese, adjourned until to-morrow morning 10 o'clock.

## TUESDAY, NOVEMBER 20, 1838.

Caleb Erwin, one of the members from the county of Mecklenburg, and Junius Amis, one of the members from the county of Northampton, appeared, and were qualified according to Law.

On motion of Mr. McCleese, the House proceeded to vote for Assistant Doorkeepers. The following was the result:

## FOR MR. ANDERSON,

## MESSRS.

Baker,	Gwynn,	J. R. Rayner,
Barnes,	Harris,	Sims,
Beall,	Hester,	Sloan,
J. Blount,	Hollingsworth,	Stafford,
W. A. Blount,	Howerton,	Stallings,
Boger,	Huggins,	Stockard,
Braswell,	Hyman,	Taylor,
Brogden,	R. Jones,	Tomlinson,
Cardwell,	Larkins,	Trollinger,
Clement,	Mangum,	Tuton,
Daniel,	Massey,	Underwood,
Davis,	McCleese,	Wadsworth,
Eaton,	McWilliams,	Walker,
Farrow,	Orr,	Wilcox,
Foreman,	Perkins,	S. A. Williams,
Gilliam,	Pollock,	W. P. Williams,
Gorham,	Rand,	Winston—52.
Graham,		



## FOR MR. MORING,

## MESSRS.

Barksdale,	Guthrie,	Pemberton,
Bell,	Gwyther,	Puryear,
Blalock,	Hill,	K. Rayner,
Boyden,	H. C. Jones,	Reid,
Brummell,	Lindsay,	Robards,
Bryan,	Matthews,	Smith,
Clegg,	J. T. Miller,	D. Thomas,
Crawford,	McLaughlin,	G. Thomas,
Doak,	McLaurin,	Waddell,
Dunlap,	Oglesby,	Wilson,
Ellington,	Paine,	Bond—32.

## FOR MR. BLANTON,

## MESSRS.

Bedford,	Holland,	Patton,
Brittain,	Keener,	Peden,
J. P. Caldwell,	Killian,	Petty,
G. W. Caldwell,	Lane,	Rush,
Carson,	W. J. T. Miller,	Siler,
Covington,	E. P. Miller,	Sullivan,
E. J. Erwin,	Mills,	J. Williams,
C. Erwin,	Monday,	Young—26.
Hoke,	Nye,	

No one having received a majority of the whole number votes, the name of Mr. Blanton was withdrawn, and the House, on motion of Mr. Crawford, proceeded again to vote for Assistant Doorkeeper. The following members voted for

## MR. ANDERSON,

## MESSRS.

Baker,	Gwynn,	Rush,
Barnes,	Hester,	Siler,
Beall,	Hoke,	Sims,
J. Blount,	Holland,	Sloan,
W. Blount,	Hollingsworth,	Stafford,
Boger,	Howerton,	Stallings,
Braswell,	Jarman,	Stockard,
Brogden,	R. Jones,	Taylor,
Cardwell,	Keener,	G. Thomas,
Clement,	Killian,	Tomlinson,
Daniel,	Larkins,	Trollinger,
Davis,	Mangum,	Tuton,
Dunlap,	Massey,	Underwood,

E. J. Erwin,	Monday,	Wadsworth,
Eaton,	McCleese,	Walker,
C. Erwin,	McWilliams,	Wilcox,
Farrow,	Orr,	J. Williams,
Foreman,	Perkins,	S. A. Williams,
Gilliam,	Pollock,	W. P. Williams,
Gorham,	Rand,	Winston—62.
Graham,	J. R. Rayner,	

## FOR MR. MORING,

## MESSRS.

Barksdale,	Ellington,	Nye,
Bedford,	Guthrie,	Oglesby,
E. S. Bell,	Gwyther,	Paine,
Blalock,	Harris,	Patton,
Bond,	Hill,	Peden,
Boyden,	Huggins,	Pemberton,
Brittain,	Hyman,	Petty,
Brummell,	Lane,	Puryear,
Bryan,	Lindsay,	Read,
J. P. Caldwell,	Matthews,	Robards,
G. W. Caldwell,	W. J. T. Miller,	Sullivan,
Carson,	J. T. Miller,	Smith,
Clegg,	E. P. Miller,	D. Thomas,
Covington,	Mills,	Waddell,
Crawford,	McLaughlin,	Wilson,
Doak,	McLaurin,	Young—48.

Thomas Anderson, having received a majority of the whole number of votes, was declared duly elected Assistant Door-keeper.

Mr. Hoke moved that a committee of five members be appointed to prepare and report Rules of Order for the government of this House, and that, in the interim, the rules of the last session of the House of Commons be deemed and held in force. The motion prevailed, and Messrs. Hoke, H. C. Jones, Gilliam, Hill, and W. P. Williams were appointed said committee.

On motion of Mr. Gwynn,

*Ordered,* That a message be sent to the Senate, informing of the due organization of this House, and of their readiness to co-operate with the Senate in the despatch of public business.

On motion of Mr. Hill,

*Ordered,* That a committee of three be appointed to inquire whether the position of the Speaker's Chair, and the

Seats of the Hall cannot be more suitably arranged, and make report thereon. Said committee consists of Messrs. Hill, Crawford, and G. W. Caldwell.

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

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WEDNESDAY, NOVEMBER 21, 1838.

On motion of Mr. Wilson,

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee consisting of two members on the part of each House, whose duty it shall be to wait on his Excellency the Governor, and inform him of the organization of the Legislature, and of their readiness to receive such communication as he may think proper to make.

On motion of Mr. Waddell,

*Ordered*, That a message be sent to the Senate, proposing that the two Houses vote immediately for three Engraving Clerks.

The Speaker laid before the House, a Report from Mr. Hill, Secretary of State, relating to the manner in which he had executed the order of the last General Assembly, contained in the act regulating the Public Printing. On motion of Mr. K. Rayner, ordered that said Report lie on the table.

Mr. Hoke, from the select committee raised on that subject, reported the following Rules of Order:

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the Chair every day, precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member; or

which appeal no member shall speak more than once unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz: "As many as are of opinion that (as the question may be,) say aye;" and, after the affirmative voice is expressed, "as many as are of 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, the Speaker shall name two members, one from each side, to tell the members in the affirmative; which being reported, he shall then name two members, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment except in case of sickness.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all elections the Speaker shall vote. In other cases he shall not vote unless the House be equally divided; or, unless his vote, if given to the minority, will make the division equal; in case of such equal divisions, the question shall be lost.

8. The Speaker shall arrange the orders of the day, unless the House shall otherwise direct.

9. All acts, addresses, and joint resolutions shall be signed by the Speaker; and all writs, warrants, and subpoenas issued by order of the House, shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker, (or Chairman of the Committee of the Whole,) shall have power to order the same to be cleared.

11. No person shall be permitted to come within the bar of the House, unless by the invitation of the Speaker or some member of the House.

12. Stenographers wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor, or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

## ORDER OF BUSINESS OF THE DAY.

13. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received, without special leave of the House, until the former is disposed of. All elections by the House shall be *viva voce*, unless there be but one nominee; in which case appointments may be made on motion.

## OF DECORUM AND DEBATE.

14. 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.

15. If any member in speaking, or otherwise, transgress the Rules of the House, the Speaker shall, or any other member may, call him to order; in which case the member so called to order shall immediately take his seat, unless permitted to clear a matter of fact or to explain; and the House shall, if appealed to, decide on the case. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

16. When two or more members rise at the same time, the Speaker shall name the member to speak.

17. No member shall speak more than twice on the same question, without leave of the House.

18. Whilst the Speaker is putting any question or addressing the House, no person shall speak, stand up, or walk out or across the House; nor when a member is speaking, entertain private discourse, stand up, or pass between him and the Chair.

19. No member shall vote on any question in the event of which he is immediately and directly interested, or in any case where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

20. 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.

21. When a motion is made and seconded it shall be stated by the Speaker, or if written, it shall be handed to the Chair and read aloud by the clerk before debated.

22. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

23. 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.

24. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order in which they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit, or amend, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

25. A motion to adjourn shall always be in order, except when the House is voting; and shall be decided without debate.

26. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

27. Any member may call for a division of the question, when the same will admit of it; which shall be determined by the Speaker.

28. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof on the same or succeeding day.

29. 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.

30. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall be verbally made by the introducer, and shall not be debated or decided on the day of their being first read, unless the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

31. No bill, petition, memorial, or other papers that may be introduced, shall be taken out of the possession of the House, or sent to the Senate until the time for reconsideration shall have elapsed.

32. 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.

33. No member shall be called upon for words spoken in

the House, but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

34. Any twenty members including the Speaker, shall be authorised to compel the attendance of absent members.

35. 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.

36. 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.

37. If any member shall be necessarily absent on any temporary business of the House, when the vote is taken upon any question on entering the House, he shall be permitted upon motion to vote.

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.

#### COMMITTEES.

39. Six standing committees shall be appointed at the commencement of the session, viz: A Committee on Claims; a Committee on Propositions and Grievances; a Committee on Education; a Committee on Agriculture; A Committee on Internal Improvement; and a Committee on Privileges and Elections. Each of said committees shall consist of thirteen members, one from each congressional district, to be appointed by the members from the counties composing said district. In addition to the above standing committees, the Speaker shall appoint another; two members from each Judicial Circuit, to be denominated the Committee on Private Bills.

40. 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.

41. Select committees shall consist of five members. It shall be the duty of the person first named, on any committee to cause the members of the committee to convene when necessary; when so convened, they shall appoint some one of their number Chairman.

42. In forming a committee of the whole House, the Speaker shall leave his Chair, and a Chairman to preside in committee shall be appointed by the Speaker.

43. Upon bills committed to a committee of the whole House, the bill shall be first read through by the Clerk, and then again read and debated by sections, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined; but all amendments noting the page and line shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated, and amended by sections before a question on its passage be taken.

44. All questions, whether in committee or in the House, shall be propounded in the order in which they were moved; except that in filling up blanks—the largest sum, and the longest time shall be first put.

45. The rules of proceeding in the House shall be observed in committee of the whole House so far as they may be applicable, except the rule limiting the times of speaking.

46. In a committee of the whole House, a motion that the committee rise, shall always be in order, and shall be decided without debate.

#### OF BILLS, RESOLUTIONS, &c.

47. Every bill shall be introduced by motion for leave, or by order of the House on the report of a committee.

48. Every bill shall receive three several readings in the House, previous to its passage; and the Speaker shall give notice at each, whether it be the first, second, or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

49. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or amendment.

50. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise; but no public bill shall be twice read on the same day, without the concurrence of two thirds of the members present.

51. All resolutions which may grant money out of the Treasury shall be treated in all respects as public bills.

52. 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.



53. When a bill has been once rejected, no other upon the same subject shall be introduced again during the session.

54. The Clerk of the House shall be deemed to continue in office until another is appointed.

The said Rules were read and adopted.

On motion of Mr. Hoke,

*Ordered*, That a message be sent to the Senate, proposing to raise a Joint Select Committee on the Joint Rules of Order regulating the official intercourse between the two branches of the General Assembly.

On motion of Mr. Holland, the House proceeded, in obedience to the Rules of Order, to the appointment of the six Standing Committees, as follows:

#### COMMITTEE ON CLAIMS,

##### MESSRS.

K. Rayner,	Hester,	Waddell,
Wilcox,	G. Thomas,	Holland,
McCleese,	Stockard,	W. J. T. Miller,
Brogder,	Covington,	Nye.
Sloan,		

#### PROPOSITIONS AND GRIEVANCES,

##### MESSRS.

Wilson,	Howerton,	Brummell,
Amis,	Pemberton,	Roger,
Foreman,	R. Jones,	Siler,
Hyman,	Matthews,	J. P. Caldwell,
Barksdale,		

#### EDUCATION,

##### MESSRS.

Stallings,	Peden,	Crawford,
Wilcox,	McLaurin,	E. J. Erwin,
Gorham,	Massey,	G. W. Caldwell,
Wadsworth,	Gwynn,	Puryear,
J. T. Miller,		

#### AGRICULTURE,

##### MESSRS.

Perkins,	Taylor,	Guthrie,
Daniel,	Tuton,	Killian,
Baker,	Trollinger,	Brittain,
Davis,	Doak,	Petty,
Pollock,		

## INTERNAL IMPROVEMENT,

## MESSRS.

Paine,	Robards,	H. C. Jones,
Bond,	Winston,	Hoke,
W. A. Blount,	Sims,	Mills,
E. S. Bell,	Lindsay,	Boyden,
Hill,		

## PRIVILEGES AND ELECTIONS,

## MESSRS.

K. Rayner,	S. A. Williams,	Lane,
J. R. Rayner,	Reid,	Orr,
McWilliams,	Rand,	Blalock
Huggins,	Cardwell,	Peden,
Sullivan,		

Received from the Senate a message, informing of the organization of that body, by the appointment of Andrew Joyner, Speaker, Thomas G. Stone Principal Clerk, Henry W. Miller Clerk Assistant, Thomas B. Wheeler Principal Doorkeeper, and Green Hill Assistant Doorkeeper.

A message from the Senate, concurring in the proposition of this House to raise a Joint Select Committee on the Joint Rules of Order.

*Ordered,* That the Senate be informed that said Committee on the part of this House, consists of Messrs. Hoke, H. C. Jones, Hill, Gilliam, and W. P. Williams.

A message from the Senate, concurring in the proposition of this House to raise a Joint Select Committee of two members to wait on his Excellency the Governor, and inform him of the organization of the Legislature, and stating that Messrs. Edwards and Shepard form their branch of said Committee.

*Ordered,* That the Committee on the part of the Commons consist of Messrs. Waddell and Wilson.

A message from the Senate, proposing to raise a Joint Select Committee of three on the part of each House, to report rules for the government of the two Houses in voting for Engrossing Clerks. The message was, on motion of Mr. J. P. Caldwell, laid on the table; and, on motion of Mr. Hill,

*Ordered,* That a message be sent to the Senate, proposing that the two Houses do proceed immediately to the appointment of Engrossing Clerks, in pursuance of the permanent Joint Rules of Order.

Mr. Waddell, from the Joint Select Committee, appoint-

ed to wait on His Exc'y Governor Dudley, reported that the Committee had performed that duty, and that he was instructed to say that His Excellency the Governor would, at 12 o'clock to-morrow, make a communication to the General Assembly in writing.

A message from the Senate, concurring in the proposition of this House to proceed immediately to the election of three Engrossing Clerks, and informing that the following persons are nominated for the appointment, viz: James McLelland, Thomas L. West, Constantine Banner, James J. Thomas, Nixon White, Benj. D. Rogers, Edward D. Fowlkes, Jas. T. Littlejohn; Gould Hoyt, Wm. T. Bain, Sol. Terrell, Wm. Key, W. D. Dowd, James A. Drake, Adolphus Miller, Isaac W. Foust, Moses Swaim; and informing further, that Messrs. Morehead and Wilson form their Committee to superintend said election.

*Ordered*, That the Senate be informed that the names of Manger London, Samuel Silliman, and Benj. F. Grady are added to the nomination; that Messrs. J. P. Caldwell and Stallings are appointed on the part of this House the Committee to superintend the election; and that this House are now ready to proceed to vote.

Upon calling the roll, the following members voted

FOR MR. WEST,

MESSRS.

Baker,	C. Erwin,	Perkins,
Barnes,	Mr Speaker,	Pollock,
Bedford,	Gwynn,	Rand,
E. S. Bell,	Holland,	J. R. Rayner,
J. Blount,	Howerton,	Reid,
Boger,	R. Jones,	Rush,
Bond,	Killian,	Sims,
Braswell,	Larkins,	Sloan,
Brummell,	Mangum,	Stafford,
Bryan,	Massey,	Stallings,
J. P. Caldwell,	J. T. Miller,	Stockard,
G. W. Caldwell,	Mills,	Sullivan,
Cardwell,	McCleese,	Smith,
Carson,	McLaughlin,	Taylor,
Chambers,	McLaurin,	Tomlinson,
Daniel,	Nye,	Trollinger,
Davis,	Orr,	Tuton,
Eaton,	Patton,	S. A. Williams, 54.

## FOR MR. THOMAS,

## MESSRS.

Baker,	Gilliam,	Sloan,
Barnes,	Gwynn,	Stafford,
J. Blount,	Hester,	Stallings,
Boger,	Hill,	Stockard,
Braswell,	Hoke,	Smith,
Brogden,	Holland,	Taylor,
Bryan,	Howerton,	G. Thomas,
Cardwell,	R. Jones,	Tomlinson,
Crawford,	Killian,	Tuton,
Daniel,	Monday,	Walker,
Davis,	McLaurin,	Wilcox,
Dunlap,	Nye,	S. A. Williams,
Eaton,	Perkins,	W. P. Williams, 40.
C. Erwin,		

## FOR MR. KEY,

## MESSRS.

Baker,	Brogden,	Ellington,
Barnes,	Bryan,	Tomlinson, 6.

## FOR MR. SILLIMAN,

## MESSRS.

Beall,	Crawford,	H. C. Jones,
E. S. Bell,	Farrow,	Keener,
Boyden,	Harris,	McLaughlin,
Brittain,	Huggins,	J. Williams,
Brummell,	Hyman,	Young, 16.
Clement,		

## FOR MR. GRADY,

## MESSRS.

J. Blount,	J. T. Miller,	Sullivan,
Brogden,	Perkins,	Tuton,
Davis,	Pollock,	Underwood,
Jarman,	Sloan,	Wilson, 13.
Larkins,		

## FOR MR. McCLELLAND,

## MESSRS.

Beall,	C. Erwin,	McLaughlin,
Boyden,	Foreman,	Nye,
Brittain,	Gorham,	Oglesby,
Blalock,	Hoke,	Orr,

Boger,	Holland,	Patton,
J. P. Caldwell,	H. C. Jones,	Peden,
G. W. Caldwell,	Keener,	Petty,
Carson,	Killian,	Siler,
Clement,	E. P. Miller,	Trollinger,
Covington,	Mills,	Underwood,
E. J. Erwin,	Monday,	Young, 33.

## FOR MR. MILLER,

## MESSRS.

Beall,	Mr. Speaker,	Oglesby,
Boyden,	Harris,	Patton,
J. P. Caldwell,	Hoke,	Peden,
G. W. Caldwell,	H. C. Jones,	Petty,
Carson,	W. J. T. Miller,	Puryear,
Clement,	E. P. Miller,	Siler,
Crawford,	Mills,	Young, 23.
E. J. Erwin,	Monday,	

## FOR MR. HOYT,

## MESSRS.

Bedford,	Gorham,	McWilliams,
E. S. Bell,	Huggins,	Paine,
W. A. Blount,	Hyman,	J. R. Rayner,
Bond,	Lindsay,	Wadsworth,
Brummell,	W. J. T. Miller,	J. Williams,
Farrow,	McCleese,	Wilson, 19.
Foreman,		

## FOR MR. BAIN,

## MESSRS.

Clegg,	Matthews,	Pemberton,
Guthrie,	McWilliams,	Waddell, 7.
Hill,		

## FOR MR. DRAKE,

## MESSRS.

Bedford,	Lane,	Rand,
Blalock,	Mangum,	Reid,
Chambers,	Massey,	Rush,
Clegg,	W. J. T. Miller,	D. Thomas,
Covington,	McCleese,	Underwood,
Doak,	Pemberton,	Waddell,
Dunlap,	Petty,	Winston, 22.
Guthrie,		

## FOR MR. FOUST,

## MESSRS.

Blalock,	Gwynn,	Stockard,
Braswell,	Lindsay,	Taylor,
Cardwell,	Orr,	D. Thomas,
Chambers,	Peden,	Trollinger,
Doak,	K. Rayner,	Walker, 17.
Mr. Speaker,	Sims,	

## FOR MR. WHITE,

## MESSRS.

W. A. Blount,	Keener,	Robards,
Bond,	E. P. Miller,	Siler,
Farrow,	McWilliams,	Stallings,
Foreman,	Paine,	Wadsworth,
Huggins,	K. Rayner,	J. Williams,
Hyman,	J. R. Rayner,	Wilson, 18.

## FOR MR. LITTLEJOHN,

## MESSRS.

W. A. Blount,	Hester,	Robards,
Eaton,	Paine,	Wilcox,
E. J. Erwin,	K. Rayner,	W. P. Williams, 10.
Gilliam,		

## FOR MR. SWAIM,

## MESSRS.

Doak,	Lane,	Lindsay 3.
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## FOR MR. ROGERS,

## MESSRS.

Brittain,	Mangum,	Sims,
Ellington,	Massey,	G. Thomas,
Hester,	Rand,	Wadsworth, 9.

## FOR MR. LONDON,

## MESSRS.

Clegg,	Matthews,	Stafford,
Guthrie,	J. T. Miller,	Sullivan,
Hill,	Pollock,	Smith,
Jarman,	Puryear,	Waddell,
Larkins,	Reid,	Winston, 15.

FOR MR. BANNER,

MESSRS.

Covington,  
Matthews,

Oglesby,

Purveyor, 4.

FOR MR. FOWLKES,

MESSRS.

Daniel,  
Gilliam,  
Howerton,R. Jones,  
Robards,  
Walker,Wilcox,  
S. A. Williams,  
W. P. Williams, 9.

FOR MR. DOWD,

MESSRS.

Dunlap,  
Harris,  
Jarman,  
Lane,McLaurin,  
Pemberton,  
Rush,D. Thomas,  
G. Thomas,  
Winston, 10.

FOR MR. TERRELL,

MESSRS.

Ellington,

Gorham, 2.

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

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THURSDAY, NOVEMBER 22, 1838.

Mr. J. P. Caldwell, from the committee appointed to superintend the election of Engrossing Clerks, reported that Thomas L. West had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Raleigh Roebuck, the member representing the county of Martin, appeared, and was qualified according to law.

On motion of Mr. Crawford,

*Ordered*, That a message be sent to the Senate, proposing that the two Houses vote immediately for two Engrossing Clerks yet to be elected, and informing that the names of Messrs. Swaim, Terrell and Foust, are withdrawn from the nomination.

On motion of Mr. Rand,

*Ordered*, That a message be sent to the Senate, proposing to raise a joint select committee of three on the part of each House, to procure some signal to notify the members of the meetings of the two Houses.

Received from the Senate a message, agreeing to vote immediately for two Engraving Clerks, and informing that the name of B. Rogers is withdrawn from the nomination, and that Messrs. Montgomery and Reid compose their committee to superintend the election. *Ordered*, that the Senate be informed that Messrs. Bedford and Crawford compose said committee on the part of this House. The House then proceeded to vote as follows:

FOR MR. THOMAS,

MESSRS.

Baker,	Gilliam,	Pollock,
Barksdale,	Gwynn,	Roebuck,
Barnes,	Hester,	Sims,
Bedford,	Holland,	Sloan,
J. Blount,	Hollingsworth,	Stafford,
Boger,	Howerton,	Stallings,
Braswell,	Keener,	Stockard,
Brogden,	Killian,	Taylor,
Brummell,	Larkins,	Tomlinson,
Bryan,	Mangum,	Trollinger,
Cardwell,	Massey,	Tuton,
Chambers,	McLaurin,	Walker,
Daniel,	Nye,	S. A. Williams,
Davis,	Orr,	W. P. Williams, 44.
Eaton,	Perkins,	

FOR MR. McCLELLAND,

MESSRS.

Baker,	Foreman,	McLaughlin,
Blalock,	Gorham,	Nye,
Boger,	Gwynn,	Orr,
Braswell,	Hoke,	Peden,
Brittain,	Holland,	Siler,
J. P. Caldwell,	Jarman,	Sims,
G. W. Caldwell,	Keener,	Stafford,
Carson,	Killian,	Trollinger,
Covington,	Mills,	Underwood,
E. J. Erwin,	Monday,	Young—31.
C. Erwin,		



## FOR MR. FOWLKES,

MESSRS.

Amis,	Howerton,	Walker,
Bryan,	R. Jones,	Wilcox,
Cardwell,	Rand	S. A. Williams,
Daniel,	Stockard,	W. P. Williams, 12.

## FOR MR. KEY,

MESSRS.

Brogden,	Ellington, 2.
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## FOR MR. LITTLEJOHN,

MESSRS.

Amis,	Hester,	Robards,
Eaton,	J. T. Miller,	Wilcox, 8
Gilliam,	K. Rayner	

## FOR MR. GRADY,

MESSRS.

Barksdale,	Larkins,	Sullivan,
Barnes,	Perkins,	Taylor,
J. Blount,	Pollock,	Tomlinson,
Davis,	Roebuck,	Tuton,
Jarman,	Sloan,	Underwood, 16.
Hollingsworth,		

## FOR MR. SILLIMAN,

MESSRS.

Beall,	Brummell,	Farrow,
E. S. Bell,	Clement,	H. C. Jones,
Boyden,	Crawford,	Petty, 9.

## FOR MR. DRAKE,

MESSRS.

Beall,	Lane,	Rand,
Bedford,	Lindsay,	Reid,
Blalock,	Mangum,	Rush,
Wm. A. Blount,	Massey	Smith,
Brittain,	W. J. T. Miller,	D. Thomas,
Chambers,	Patton,	G. Thomas,
Dunlap,	Pemberton,	Winston—23.
R. Jones,	Petty,	

## FOR MR. DOWD,

## MESSRS.

Doak,	Lane,	Rush,
Dunlap,	McLaurin,	Smith,
C. Erwin,	Patton,	D. Thomas,
Harris,	Pemberton,	Winston, 12.

## FOR MR. HOYT,

## MESSRS.

E. S. Bell,	Gorham,	McWilliams,
W. A. Blount,	Gwyther,	Paine,
Bond,	Huggins,	J. R. Rayner,
J. P. Caldwell,	Hyman,	G. Thomas,
Ellington,	E. P. Miller,	Wadsworth,
Farrow,	McCleese,	J. Williams,
Foreman,	McLaughlin,	Wilson, 21.

## FOR MR. WHITE,

## MESSRS.

Bond,	Paine,	Sullivan,
Gwyther,	K. Rayner,	Wadsworth,
Huggins,	J. R. Rayner,	J. Williams,
Hyman,	Stallings,	Wilson, 13.
McCleese,		

## FOR MR. MILLER,

## MESSRS.

G. W. Caldwell,	Harris,	Monday,
Carson,	Hoke,	McWilliams,
Clement,	H. C. Jones,	Peden,
Crawford,	W. J. T. Miller,	Siler,
E. J. Erwin,	E. P. Miller,	Young, 17.
Mr. Speaker,	Mills,	

## FOR MR. BANNER,

## MESSRS.

Boyden,	Doak,	Matthews,
Covington,	Lindsay,	Puryear, 6.

## FOR MR. BAIN,

## MESSRS.

Clegg,	Hill,	Waddell, 5.
Guthrie,	Matthews,	

## FOR MR. LONDON,

MESSRS.

Clegg,	Hill,	Reid,
Mr. Speaker,	J. T. Miller,	Robards,
Guthrie,	Puryear,	Waddell, 9.

Received from the Senate a message, informing that Messrs. Morehead, Wilson, Ribelin, Kerr and Cherry, form on the part of the Senate, the Committee on the Joint Rules of Order.

Mr. Crawford, from the Committee appointed to superintend the voting for Engrossing Clerks, reported that no one had received a majority of the whole number of votes. The report was concurred in.

On motion of Mr. Cardwell,

*Ordered,* That a message be sent to the Senate, proposing that the two Houses vote again immediately for two Engrossing Clerks, and informing that the names of Messrs. Bain, and Silliman, are withdrawn from the nomination.

The resignation of Thomas G. Polk, as Major General of the 4th Division of Militia, of Henry Cobb of Caswell, and of John Wright and Allen Royal of Sampson county, Justices of the Peace; were presented, read, and accepted.

The Speaker laid before the House, a communication from Messrs. W. B. Meares and Robert H. Cowen, a committee on behalf of the Directors of the Wilmington and Raleigh Rail Road Company; and another communication from Messrs. John Hill, L. H. Marsteller, Wm. B. Meares and R. H. Cowan, on behalf of the citizens of Wilmington, inviting the members of the General Assembly to visit the town of Wilmington and inspect the works and progress made on the Wilmington and Raleigh Rail Road, and enjoy the hospitality and civilities of the citizens of that place. The several communications were read, and, on motion of Mr. W. P. Williams,

*Ordered,* That they be sent to the Senate, with a proposition to refer them to a joint select committee of both Houses, to be raised for that purpose.

Received from his Excellency, Governor Edward B. Dudley, by his Private Secretary, Mr. Christopher C. Battle, the following communication; which, upon being read, was, on motion of Mr. Hill,

*Ordered,* to be transmitted to the Senate, with the documents accompanying, and with a proposition that the message of the Governor be printed, ten copies for each member.

*address of Dudley*  
*1838*

*To the Honorable, the General Assembly  
of the State of North Carolina,*

GENTLEMEN:

In entering upon the discharge of the public duties enjoined by the Constitution, we should not be unmindful of our abundant cause of gratitude to the Author of all good, for the many blessings beneficently lavished upon our common country. Though the products of agriculture may not have reached their usual abundance, enough has been realized to meet the wants of our people, and industry, through all its other avenues, has been fairly rewarded.

The laws have been administered without complaint; our rights, natural, civil and political, have been justly regarded; and we have been blessed with all these moral and physical enjoyments which constitute the sum of human happiness. Encouraged by these considerations, then, let us proceed on the path of our duties, determined to deserve a continuance of HIS favor and protection who rules the destinies of Nations.

In laying before you the condition of the State, with such suggestions of improvement as appear to me worthy of legislation, I am consoled for the knowledge of my own deficiency, by the recollection that you come from every section of our State—are identified with its various interests—are acquainted with its wants and capabilities, and are as well disposed as qualified to remedy promptly any omission on my part. The novelty and the imposing magnitude of recent events, will afford you matter for much and serious consideration during the present session. The deranged circulating medium of trade, the cramped situation of our monetary institutions, and the new schemes for the establishment of Sub Treasuries by the General Government, all demand your anxious reflection, for they are intimately associated with the interests of our constituents. During a period of profound peace, and in the midst of unexampled prosperity and happiness, the country has been precipitated from her high enjoyments, and plunged (with no natural causes to explain it) into the abyss of wide spread ruin and misery. Although the recuperative energies of a new and rich country, and of a singularly enterprising people, have not permitted us to be permanently depressed, yet the lessons of past experience should not be lost upon us. We should investigate and understand the causes of these calamities, that we may apply the proper remedies to prevent their recurrence. We

must not continue to float upon a sea of uncertain experiments. We must settle upon some permanent and practical system of policy—something defined and well understood; else public apprehension is kept alive, business is retarded and enterprise destroyed. Bear with me then—while with becoming deference I endeavor to investigate a subject which my sense of duty will not permit me to pass by.

The seeds of these disasters I believe, were sown, and deeply sown in 1816. Measures were then adopted, from what motive it is not now necessary to inquire, which have greatly contributed to the misfortunes of 1836-37. The distresses of 1816 were remarkably similar to those of more recent occurrence, except that they were more extensive and severe. We had just emerged from a harrassing and expensive war, which had greatly increased the public debt—had exhausted the resources of the country, and inflicted on her citizens extensive pecuniary injury. The Banks had suspended specie payments—the currency and exchanges were utterly deranged—confidence was destroyed and credit paralyzed: under such circumstances, our soil scarcely free from the pollution of the enemy, Congress decides on taxing the people to discharge the public debt of two wars. For this purpose, the tariff of duties of 1816 was adjusted, and was gradually increased up to 1828, when the Bill, so properly denominated “the Bill of abominations” was passed, establishing a yet higher rate of duties, and prospectively increasing it.

In many instances, the tax was so high as absolutely to prohibit the importation of articles of prime necessity. The war led to the creation of our domestic manufactories, at the north, which were subsequently fostered and increased under the auspices of the tariff; and thither we were driven to purchase at high prices, those articles which an exorbitant tariff had expelled from our commerce. Other commodities which our manufactories were unable to supply, we continued to import, because of their necessity; but, burdened with a tax, which, never, I believe, before, in the annals of legislation, was exacted from a free people. Take for instance, the tax of nearly 2 cents on iron, 3 to 4 cents on sugar per pound, 20 to 23 cents per bushel on salt, 10 cents per gallon on molasses, and on all other articles of prime necessity, from 30 to 250 per cent., which certainly would never have been submitted to but for the plausible appeal to the patriotism of the people to pay the public debt.

To regulate and improve the currency and exchanges, and to furnish a safe depository for the Public Treasury thus rapidly accruing, the Bank of the United States was chartered. After struggling with the untoward circumstances which gave it being, it succeeded at length in realizing the objects of its creation, afforded a currency and rate of exchange, equal, if not superior to any ever enjoyed by this or any other country, and performed its functions as fiscal agent of the General Government, to the satisfaction of every predecessor of President Jackson.

But the operations of this unnecessary and oppressive Tariff continued to draw money from the many to the few, and for purposes other than the current expenses of the Government till 1836. The credit of the country was stretched to its utmost tension, and every means resorted to for relief.—The distress of 1819—'20 and '26, gave fearful warning of the coming danger; and but for the liberality and wise forbearance of the Bank of the United States, the crisis would have been much more calamitous. The relief afforded by the Bank, however, was but temporary and fallacious. The cause of ruin was too deeply laid and the drain continued to do its work silently, insidiously, but surely. The merchants were stimulated to increase their importations—speculation was fostered, and credit extended, with the delusive hope of removing embarrassments, originating in a trade burdened and overtaxed. The Banks lent themselves to the madness of the hour, their circulation was enlarged, their ability to sustain themselves diminished, and the destruction of the Bank of the United States completed the work of ruin.—But not only was the period for imposing the Tariff most unpropitious, but the inducement for so doing (the payment of the public debt) most unsatisfactory and unwise. We were called upon by no principle of justice, of wisdom, or of patriotism to discharge that debt at that moment. It was a debt created by our two wars, and under peculiar circumstances. We entered the money market as a borrower—young and with impaired credit. Our institutions new and untried, and their stability often questioned. Capitalists availed themselves of all these disadvantages, and imposed upon us the highest premium for the use of their funds. It was a mere money arrangement, necessity on the one hand, and profit on the other, involving no one principle of patriotism or liberality.

The Reports of the Secretary of the Treasury show that

the Government was often most usuriously dealt by. We were then under no obligation to the public creditor to anticipate his demands, and it surely was neither wise, patriotic or just for any object, short of absolute necessity, thus to oppress an already exhausted and prostrate country.

Considered in a financial point of view, we are still more at a loss to understand the unnecessary haste of the Government in paying the public debt. A large portion of it bore an interest of 3, 4, 4½ and 5 per cent., and money, at the time it was discharged, was worth the full legal interest of the country, from 6 to 8 per cent. Drawing money from the people under such circumstances to pay to capitalists—many of them foreigners—was a financial operation, the wisdom of which may well be questioned. This tax, thus imposed, and thus collected and disbursed, from the many to the few, soon again sought investments in stocks—in factories, in bonds of merchants and speculators, at an interest of from 6 to 8 per cent. A very small portion however, found its way to the South. The high rate of interest in New York, and her great natural and factitious advantages for trade and commerce, presented attractions which we of this section could not boast, and most of the investments concentrated at that point.

It may not be unprofitable, and it is certainly interesting, to examine, for a moment, the enormous amount collected from the people in twenty (20) years by the demands of the Federal Government:

Say Public Debt in 1816,	\$120,000,000
Interest on half as reduced, at 5 per cent.	\$60,000,000
Surplus,	\$41,000,000
20 y'rs support of gov't. at 15 millions per y'r,	\$300,000,000

Showing the extraordinary sum of \$521,000,000

subtracted from the earnings of industry in 20 years to pay the Public Debt and interest; support the General Government and create a surplus. I have dealt in round numbers, without regard to fractions. It is sufficiently accurate for my purpose, which is merely to exhibit the astounding amount of taxes which is levied on the consumers of foreign merchandise, besides the extra amount paid on goods expelled from our market by the Tariff, which we had to obtain from manufactories of this country.

This disposition of this money in seeking the new invest-

ments to which I have alluded, added to a large line of discounts by the various Banks, urged and stimulated to improvident expansions, gave a show of business and prosperity, unparalleled in our country. But it was hollow and fallacious. The people had been drained, weakened and impoverished by taxation, and they were unable to withstand the re-action which awaited them.

President Jackson made a systematic attack upon the credit system. He declared "that all who trade upon borrowed capital ought to break." He attacked and put down the Bank of the United States, and cast distrust and odium upon the issues of all Banks by his circular, requiring the payment for lands in specie. This gave warning to merchants, Bankers, and capitalists; who with the instinct of self-preservation trimmed their sails to the coming storm—husbanded their resources—called in their means, and re-action and ruin commenced. The Public Treasure had been deposited with a few of the local Banks; and with the hope of healing the wounds which he had inflicted upon the commerce and credit of the country, the President determined on the Pet Bank System. This he promised should answer all the purposes of the Bank of the United States, unattended with its evils and dangers. While the deposits continued to accumulate, these promises seemed in the way of fulfilment, and the President congratulated the public on his complete success; yet the re-action went on—a wound had been given to public confidence which the healing powers of the President could not reach. Produce was pressed into market and the price declined—stocks went down—property changed hands at reduced prices—the Banks curtailed, and in turn were pressed for the payment of their debts—the deposits were withdrawn—a further curtailment was necessary—no hope of relief remained—confidence was destroyed—business paralyzed, and suspension followed with all its train of bankruptcy and ruin. The local banks in their turn were discarded and denounced as unworthy the confidence of the government or people.

Thus have terminated a series of ill-digested and pernicious experiments—a vacillating policy of wretched experiments, taxing to pay off the public debt and to protect home manufactures. Establishing a Bank of the United States at one moment, and putting it down as unconstitutional at the next—creating a high protective Tariff to-day, and destroying it to-morrow—collecting a surplus revenue from the



wants of the people, patronizing, caressing, and stimulating into madness and folly the Banks of the States, then denouncing them for failing to accomplish what no rational being could have expected. They could not regulate the exchanges; and it was equal folly to expect that they could withstand the shock, which a flood of circumstances, beyond their control, drove upon them. They were compelled to suspend payments until time placed another crop in market to remit the balances of European creditors and to repair losses at home.

My confidence in our local Banks is not impaired. They have suffered with the country generally—been unfortunate—perhaps imprudent—but they are the arms of our credit system, and, with the improvements and limitations which experience has suggested, they are essential to us, and ought to be sustained. The Banks of this State, from a comparative examination of their condition with the institutions of the other States, stood, at the period of suspension, in a very favorable position; and I was impressed with the opinion that they, if any, could have sustained their payments throughout the pressure. But, their able managers, who knew their situation best, believed otherwise, and they followed the general example. They have again, with laudable alacrity, followed in the resumption, and now meet their payments in specie.

Soon after the suspension of the Banks, the Legislatures of several States were convened to arrest, if possible, the downward course of things; and to afford such relief as circumstances might demand. Under such respectable examples; and at the suggestion of many respectable citizens, I deemed it due to the people to summon the Council of State, to advise with me as to the course which it would be best to pursue. After viewing the situation of the Banks, and the wants of the community—a convention of the General Assembly was not deemed necessary. It was believed that no assistance could be afforded these institutions, consistent with the rights of the people, and that ample protection was afforded the community by the penal clause of the charters, allowing twelve per cent. interest, on refusing to redeem their notes.

The sympathy of our citizens with the sufferers of the times, even to the hunted Banks, is strong evidence of their liberality, forbearance, and right-mindedness. Demands were seldom made, and of very inconsiderable amount. Few

were found, Shylock-like, to require the pound of flesh—for the position of the Banks was looked upon as a calamity, rather than a crime.

The Bank of the United States having been put down by one President, and pronounced unconstitutional by the present incumbent; the local Banks having been denounced and discarded, no alternative, unfortunately, is left the President, but to devise some new system as the fiscal organ of the government. This has been announced to the public under the imposing title of the “Independent Treasury,” and has twice been recommended to Congress, and as often rejected by that body, though composed of a majority of his partizans. They had the best sources of information, and ample opportunities to investigate the subject fully. It has certainly been very elaborately discussed at two sessions, and rejected under circumstances which would seem to demand the acquiescence of every republican, who holds the doctrine that a majority ought to rule. But it is not submitted to. Every exertion has been made, and is still making, by the immense influence of Executive patronage, to reverse this twice decided question. An appeal has been made to the people. The subject has been carried into our State elections, and the public mind vexed with it from the election of our constables to that of the Executive. It has been made the test of democracy itself. Grave Senators and honorable Representatives have taken the stump at elections, at barbecues and dinner tables, in defence of it. The cupidity of creditors has been appealed to in support of it. They have been invited by the Secretary of the Treasury to protest his own drafts on the Banks when specie was refused, in order to make them equivalent to specie, and available in the market, at a high premium, to pay custom-house duties. The government has been dishonored by her own officers for a petty reward of profit on the salaries they are receiving from her bounty. The honorable members of Congress were proffered specie, by a circular of the Secretary, to pay their compensation. With such inducements, incentives, and appeals, we would not be astonished to see the new device become the law of the land, against the dispassionate wishes of the people.

I understand the “Independent Treasury” to mean,—reduced to its naked proportions—the appointment of new agents by the government, whose duty it will be to receive the public dues from the people in *gold and silver only*;

keep it in safes and vaults and pay it out to the salaried officers and others, in coin only; rejecting the use of Banks as depositories, and their notes as a medium of payment, whether convertible into specie or not.

This measure I consider wrong in principle. No State government would be sustained in exacting from the people coin only in the payment of taxes, land sales, and entries; nor would individuals be tolerated in a course so odious and oppressive.

The employment of gold and silver only in all transactions between the government and people, if practicable at all, would be inconvenient and expensive. But the impracticability of conducting the business of the country with a specie currency only, is not desired. We must then necessarily have a mixed currency of specie and Bank notes. The one, according to the "Independent Treasury" doctrine, for the government, and the other for the people; and they must come in conflict. The refusal of the government to receive the people's currency, must depreciate it, or produce a constant drain upon the Banks, which must destroy their usefulness.

On the score of safety, the "Independent Treasury" is to me particularly objectionable. Few of us are ignorant that the officers of the United States are appointed more frequently from political considerations than from intrinsic merit, and too frequently from noisy demagogues, who are always the most forward and pertinacious applicants for office. The deposits in the local Banks must, from their nature, be more secure than with such officers. They are guaranteed by the capital of the Bank, and the watchful eye of self-interest is perpetually upon them. I speak chiefly in reference to the officers and the management of the Banks of this State, and from personal knowledge, and am very certain, that no Sub-Treasury can be organized, with which I would so confidently entrust my personal funds, as with our Banks.

But this Sub-Treasury scheme must increase the number of officers, and the patronage of the general government, already swollen beyond all proper limits. I have an insuperable objection to seeing the agents of the government spread over the States, with the control of money, or power of any kind, to operate on our habits, manners and feelings, or to influence our elective franchise. We have already a mint without coin—an arsenal without need—collectors, and

hosts of custom-house officers at all our ports of entry, and post masters like the locusts of Egypt. They form a phalanx which no patriot can contemplate without just apprehension, or think of increasing without dismay.

Some advocate the scheme, because, in its operation, it will be hostile to the local banks, and that, in their natures, they are antagonistical, and cannot exist together. Are we prepared for the destruction of our Banks, and with them of our trade and enterprise? Are we willing to witness a reduction in the value of our property, of one half or more? Destroy our Banks, and we will witness this, or the humiliating alternative of being sustained by foreign capital.

We are told that the Independent Treasury will relieve the South from the shackles of Northern trade—enable her to establish a direct intercourse with foreign countries—build up her markets—and unite the whole South in trade, interest, and feeling. Nothing, surely, was ever more fallacious. Did its *Northern projectors* originate it with this view, or do they now sustain it upon such motives? Hardly, gentlemen.

These shackles of Northern trade of which we have latterly heard so much, proceed from causes not so easily overcome. The North is much indebted to her natural advantages, but she owes more to the liberal employment of the credit system. This enabled her at an early period to commence a generous rivalry with European commerce and manufactures. This furnished her the means of ship-building—called her manufactories into being—improved her navigation—and constructed her roads and canals. These improvements soon re-acted upon industry—gave facilities to the farmer—encouragement to the mechanic—and employment to labor of every description. These objects (except commerce) were greatly fostered by the war, subsequently by the tariff, and afterwards by the money thrown into her circulation by the payment of the public debt.

Our course was vastly different; our energies were directed to the great pursuits of agricultural life. Always fearful of over-banking, we employed the credit system for no valuable improvement. Our trade was originally mostly with Europe. There we shipped our products and received in return manufactured goods to supply all our wants.—Gradually, however, our trade began to be transferred to the North. We began to find that there we could meet with foreign goods, imported in Northern vessels, and by North-

ern capital; which, added to their own manufactures of greater extent and variety, and actually cheaper in price than we had been importing directly, because they better understood the wants of our trade, had spare capital, and could adapt a small assortment to our convenience. Hence the transfer; but the North also consumes largely of our raw material, which renders the trade reciprocally beneficial to us.

Our merchants are a calculating and pains taking class, depend on it, they have made their calculations in *figures*, and find their profit in a Northern over a direct European trade, or the present state of things had never existed.

The city of New York possesses natural advantages so greatly superior to any other port in the United States, that she has not only the trade of the South, but of nearly all the Northern and Eastern States, in a greater or less degree.

To build up home markets is certainly highly desirable, and of primary importance; but it cannot be effected by *conventions*. Their collected wisdom may devise the means, but they must be such means as have heretofore produced the same results. Such as have enabled the North to compete with Europe. We must extend the credit system; afford the means to erect manufactories, to build ships, to improve our navigation, open canals and construct turnpikes and railways, to improve and use our water power, and to work the mines of ores and minerals with which our State so richly abounds; and we must do what is of paramount importance, erect Seminaries of education, to qualify our children the better to improve our natural advantages, to keep the children of the rich at home, and avoid the extravagant expense and the uncongenial habits which they acquire abroad. We must encourage our own mechanics, and import nothing that we can make at home; and, finally, we must do as our brethren of the North do, stay at home ourselves, except when profit or business takes us abroad; and cease to spend our time in idleness and extravagance.

We should forbear to cultivate sectional and geographical feelings. There is danger in it. It is enough to keep the line of rights and attachments between the State and General Governments separate and distinct. The object of our compact was trade, friendly intercourse, and strength of numbers; and I should learn, with regret, the incivency of any measure that would tend to plant a bitter rivalry or angry alienation between the North and South. We have but

one peculiar Southern interest to guard, and that is sufficient to bind us together with chains of adamant. We look with confidence to the Constitution for protection there, and when that fails, the South, as one man, will know how to protect herself.

A circulating medium of uniform value, and in sufficient amount, is the great desideratum of our extensive and enterprising confederacy. It is the life-blood of the various branches of our spreading industry, of our agriculture, commerce, trade, manufactures and internal improvements of every description; and is rendered more essential to our welfare by the extent of our Union, the variety of our soil and climate, and of our people differing almost as much in wants, habits and manners. This all important circulation I apprehend cannot be supplied without the credit and protection of the Federal Government, exerted either directly in the establishment of a National Bank, or indirectly under proper regulations in favor of the Banks of the State.

The people very wisely gave to Congress the power "to coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures." But it would not be more unreasonable to restrict the country to the identical weights and measures furnished by the Government, though they afforded not one-tenth the supply required, than it would be to limit it to the use of the coin thus regulated for the receipts and disbursements of the General Government; if it was right to do so, the government should feel itself bound to furnish sufficient supplies both for its own and the people's uses.

The leading design of these grants to Congress, was to render what was before irregular, uncertain and deranged—certain, defined and uniform; otherwise there could be no precision, no uniformity, and but little justice in the collection of taxes and duties in the various sections of the Union. But the grant "to regulate commerce with foreign powers, with the States and Indian tribes," indicates very strongly the intention of the framers of the constitution upon this subject, and their sense of the necessity and propriety of regulating the currency, be it what it may.

A National Bank being considered unconstitutional by the present chief magistrate, cannot of course, be established during his term of office, unless a constitutional majority can be obtained to control the veto power, of which, I confess, I entertain no hope. The necessities of the country

have twice called such an institution into being, and under the auspices of our most enlightened and patriotic statesmen; and it fully realized the expectations of its friends, and supplied the wants of the country. Still it has been made the stalking horse of the demagogue, and made to bear upon all our elections, from the elevated chief magistrate to the constable! and yet so impressed was the country with its utility and necessity, that despite the popularity of the late President, who was opposed to it, it was re-chartered by Congress by decided majorities, and fell a victim to the veto power. The constitutionality of its establishment seems to be a question never to be settled, and if the scenes of its re-charter are always to be acted over, and the public mind excited and disturbed by the misrepresentations and agitations of corrupt partizans, it may well be questioned whether the advantages of such an institution, highly as I might value them, are not countervailed by the improper uses to which its enemies basely prostitute it. Under such circumstances, with no national currency, and our exchanges deranged, with no hope of action by the general government, it becomes our duty to search out a substitute for the National Bank.

My preferences are with the Banks of the States; and I ask your attention, and your candid consideration of my reasons. Their permanency is an important recommendation. The first chartered Banks in the country are yet in existence, and in good credit, and no one, within my knowledge, of respectable standing, has ever been refused a re-charter, when applied for. National politics have never entered into their management; and their contractions and expansions can never affect the business of the country, like a National Bank of large capital, ramifying into many States. A considerable reformation, alteration, and improvement would be necessary, however, in order to make the local banks meet my views. They are at present too numerous, their capitals, generally, too small, and the variety of their notes so great, that it is almost impossible to fix upon the memory, the characters of the signatures and vignettes, so as to avoid the danger of forgeries. Some of their locations are inconvenient as depositories; it will inevitably lead to rivalry and dissatisfaction, jealousies, and, more than all, to a depreciation of the issues of the rejected Banks. I propose then, that our State lead the way in the reform of our Banking system, and respectfully recommend the chartering of a

Bank with a capital of ten millions of dollars, allowing the existing Banks to subscribe all their capital stock into it.—The remaining stock to be taken by individuals; into the details of which it is not now necessary to enter.

The State to transfer all its stock and funds to the Bank, and to offer its services to the Federal Government as a depository of its fund; the safety and forthcoming of which in the kind of money deposited, to be guaranteed by the State in such manner as shall be satisfactory to the General Government; and in the event of the Bank being unable to meet the payment of the deposits of the General Government, the State to issue stock for the amount in favor of the government, bearing 5 per cent. interest, until the Bank is able to resume payment. For these services rendered to the General Government—the notes issued by the Bank to be received in payment of all its dues; and, on the further consideration, that the other States prepare their Banks in like manner, and for like purposes, namely, That each State and Territory shall designate by law one Bank, and more, if its trade and necessities require it, of capitals not exceeding ten, nor less than two millions of dollars, as its own depository and the depository of the General Government; and, if requested by the President of the United States, other banks for that purpose; a second bank, however, in no case to be chartered or designated, until the capital of the first, which shall be the maximum amount, shall be entirely taken; and so on to third, fourth, and fifth, when necessary. The notes of all the Banks thus made depositaries, to be engraved on similar paper, and to resemble each other as nearly as possible. Each State shall designate to Congress the particular Bank tendered as a depository, and the acceptance by the General Government shall be under an act of Congress, and all their intercourse regulated by law. If any State refuses or neglects to come into the arrangement, the money collected in such State by the General Government shall be transferred to a depository of some other State, nor shall the money collected in the refusing State be received in any thing but coin.

Thus fostered—sustained and patronized by the General Government and guarded by the supervisory power of the States which guaranteed their fidelity, these institutions, I have no doubt, would afford as near an uniformity of currency and of exchange as by any possibility can be arrived at.

Under such high sanctions too, capitalists would be induc-



ed to invest their funds in such stocks with alacrity and confidence. And the notes of these institutions, from the credit reflected on them, would circulate so freely and extensively as to enable them to supply the amounts necessary for all the legitimate uses of the country.

An increase of banking capital in our own State is certainly necessary to meet the wants of industry, and to perfect the works of improvement already commenced, to say nothing of other works equally necessary to be made. But unless some arrangement can be effected to convert the unnatural hostility of the General Government into favor to the State Banking institutions, you may charter Banks, but capitalists will not be induced to hazard their means in the stock.

To borrow money, as some of the States have done, in order to furnish capital for their Banks, is idle. If the Sub-Treasury is established, Bank notes instantly become discredited, or their sphere of usefulness is made so limited that they will find it hazardous, if not impracticable, to loan out more than their capital, and their profits will be insufficient to sustain them. The suggestions I have made to you, are the results of an anxious reflection upon an intricate and all-important subject, and it affords the only probable outlet which has occurred to me of extrication from our financial difficulties. I have attempted nothing more than a general outline of the plan; its details, should you deem it worthy your consideration, can be arranged at your convenience.—The subject is so important, that I must crave a few moments' indulgence in making a further brief illustration of it. I have said that the intercourse between the Banks and General Government must be regulated by law. There must be no controlling or discretionary power in the officers of either government. We have already seen our institutions seduced into measures, for which they were subsequently condemned by the authors of their errors. The States all have, this State at least has, a deep pecuniary stake in two of her Banks and a yet higher interest in all, in the character they sustain, and in the facilities they afford the farmer in selling and the merchant in purchasing commodities, and we must not allow them to become the sport or the victim of any power. They hold their rights under the same sacred guarantees by which our lands and other property is held, and any invasion of them should be promptly and indignantly resisted. They must not be made

the tools of party or the victims of demagogues, and hence, I would have their intercourse with the government strictly regulated by statute.

I have limited the capitals of these Banks at not less than two nor more than ten millions of dollars. No State or Territory will require less than the minimum and few should exceed the maximum amount. The one is large enough to ensure respectability and usefulness. The other could not exert such power by contraction or expansion of its discounts as seriously to affect the business of the country or the value of property; and guarded and restricted, as I have proposed, there could be no danger to liberty or the Union.

The responsibility of the States is proposed in order to afford the most unquestioned security to the depositors and note holders, and to remove all distrust from the General Government that it may embrace the proposition at once and set this distracting question forever at rest. The States would incur no hazard in their guaranties, as no Bank of respectable size has ever failed to pay deposits and issues, however their stockholders may have fared. But the State is to retain the supervising power, and may so exercise it as to make her security as perfect as she desires. In cases of emergency, we have seen several of the States promptly coming forward (as they should do when any important interest is involved,) to the relief of their Banks by the loan of their credit and funds. Prevention, however, is better than cure, and the plan proposed, will, I think, obviate the catastrophe. The guaranty having been given, the issuing of the stock merely points out the mode of settlement in case of failure, and after all it is but a financial arrangement, giving time to the Banks to wind up their affairs, if necessary, and protecting the people from a rapid and ruinous pressure in the collection of their debts.

The large size of these institutions and the enhanced value of their issues would soon drive out of circulation the notes of the lesser Banks, and compel them to wind up by limiting their circulation and returning it on them for specie. So that in the end the great evil of numberless small Banks with insufficient capital, would be remedied, and the whole number of Banking institutions in the country would not exceed that of the United States Bank and its branches. The use of similar kind of notes and the issuing them only from the principal Banks would impress them upon the memory—render the signatures and general character of the bills as well known as those of the late United States Bank, and thus facilitate their circulation and diminish the chances of forgeries.

The receivability of these notes in all the dues of the General Government, throughout the Union, would render it the interest of the Banks to keep exchanges at fair rates, to prevent the col-

lection and accumulation of their notes in large masses at points where trade has a tendency to concentrate, and the States may interpose statutes, (in the stead of competition,) to guard against over issues. Indeed, the sphere of competition, if there be any good in it, will only be enlarged. Instead of the several Banks of the same State vieing with and harassing each other, the rivalry will be between the Banks of the different States; and they will more effectually and uniformly keep each other in check and order, whilst at home we will have the full use and concentrated vigor of all our capital.

A serious objection urged against a Bank of the United States was, the large amount of money wielded by one set of men, enabling them to contract or expand the currency, and then to operate upon the business and politics of the country. This objection, in my estimation, holds much more strongly against the mammoth institutions now becoming common at the North, and free of the restraints I have proposed. The Bank of the United States was responsible to, and controlled by, Congress for her acts in all the States. But these institutions, holding charters from the States, can only be controlled by the power from which they derived their being, and this power will never be exerted except for acts injurious to their own citizens and improper within their own limits. Beyond their limits, in other States, they are almost irresponsible, and their conduct will be marked by the wanton abuses of the most unrestrained despotism. If you require illustration, turn to the Pennsylvania Bank of the United States dealing in cotton and local Bank stocks, appropriating almost exclusively the trade of the great staples of the country. Pennsylvania either could not, or would not control her; and without some further restraint than that of the States, we will again see the legitimate business of our merchants wrested from them, and the country driven to deal in a depreciated currency, and the occupation of the merchants superseded by the agents of the Bank.

If facts were necessary to demonstrate to you our urgent need of more Bank capital, I would direct your attention to the European markets, overrun with our applications for loans. I would ask you to compare the amounts profitably employed by our sister States, possessing natural advantages requiring improvement, infinitely inferior to our own, with the amounts employed by us. New York, a little short of our territorial extent in 1790, had less number of inhabitants; she adopted the use of Banks, and we did not, for a number of years. In 1800 she surpassed us in population;

she increased her Banks commensurately to her wants and improvements—we did not; and she now numbers three times our population. Besides other and valuable improvements, she has finished—commenced and chartered Canals and Rail Roads 3833 miles—costs nearly ninety millions of dollars. For a more particular exposition of the advantages derived by that State from her appropriations for Internal Improvements, I submit to you the documents marked C. and D., reports of committees to the Legislature of that State, communicated to me in my Executive capacity.

For the benefit and protection which this Bank will enjoy from the State, it should make a subscription to the Yadkin and Fayetteville Rail Road stock of half a million of dollars.

Agriculture, as the basis and support of all other interests, is the most important, and merits your most deliberate consideration. The landed property of our State is held in too light estimation, and our attachments to the soil hang too loosely about us. The places of our birth and early recollections—the theatres of our manly struggles and mature associations; the very grave yards of our fathers inspire no abiding attachments, but are sold and transferred with less emotion than are the brutes that graze upon them. Prematurely worn out by a loose and ruinous system of culture, our lands are parted from without regret, and seldom descend to the third generation.

This indifference arises, no doubt in part, from the abundance of our land and temptation presented by richer soils, in climates more congenial to the favorite production of the day, Cotton; but, in a greater degree, to our laws, affording to this primary and paramount interest, no preferences or advantages over others. It is your duty, as Legislators, to investigate the causes, and to provide the remedies, if in your power.

Might not this end be attained, (in part at least) by securing to every family in proportion to their number, certain portions of land immediately around and including their dwellings against all claims—subject during the life of the owner, widow or unmarried daughter, to their control and support, and afterwards to descend to the eldest married child, who has offspring, and so on forever. Liable, however, to be sold at all times by the proprietor, with the consent of his wife. By this means, an asylum would be afforded under every contingency for the family; and widows and orphans shielded from the degradations and sufferings of want. Owners of estates would here find inducements for systematic and permanent improvement—emi-

grants to purchase and locate among us, filling up our too sparse population, and enhancing the value of our too depreciated soil.

Much may doubtless be effected by an improved system of husbandry, under proper stimulants and inducements; if we turn for a moment to the improvements successfully achieved in Massachusetts, with decidedly inferior climate and soil, our doubts will be removed. She greatly outstrips us in our peculiar interests. In proof of which, allow me to refer you to an agricultural survey recently made in that State, marked B., and so valuable in my estimation as to induce me to recommend that a similar survey be authorised in our State.

But gentlemen, it is only to a liberal and well digested system of Internal Improvement, that we can look for the regulation and permanent prosperity of our State. Our towns are small, our markets distant and difficult of access—our water courses for purposes of navigation, naturally indifferent and wanting improvement, whilst our infant manufactories are struggling for existence against the matured and mighty workshops of Europe and New England. We have no branch of enterprise sufficiently advanced and powerful to render assistance to another. It is, in truth, the race of imbecility and poverty—the waste of noble energies in detached and single handed enterprise. Furnish but capital, and means of Improvement, combine all our resources, and direct them judiciously to the developement of our advantages, and you will find that we have the materials of a great and wealthy State. Our water courses are incomparable for propelling machinery.—The earth teems with inexhaustible mines of rich ores and minerals, and our population characterised by industry, prudence and economy. But temptation is around them, the stimulants to emigration are almost irresistible.

Most of our sister States are engaged in magnificent schemes of improvement, offering high wages to the mechanic and laborer, whilst the South West invites the Farmer with her fertile paradise, Have we then any hope, any alternative but in a continued and vigorous effort at general improvement? We must ameliorate the condition of our people, and we must stimulate their home enterprises, or be content to lose with their wealth our better population. The system of improvements adopted by our last Legislature, has given employment to many, and a show of activity and business producing a most happy tendency. I believe it is only necessary to push forward these works, and to originate others equally and obviously necessary to change the whole face of affairs, and give a new character to the State.

In April of last year, the Wilmington and Raleigh Rail Road Company applied, agreeably to law, for the subscription of the State of 2-5 of its capital. This subscription was made by the Board of Internal Improvements, and the

first instalment was paid. Since that period, two other instalments; the last in the past month of October have been claimed and paid, making the total sum of four hundred and fifty thousand dollars, paid by the State, and on the part of individual subscription, five hundred and sixty-six thousand five hundred and eighty-seven dollars and fifty cents. I will here take occasion to remark, that, by the law, as it now stands, it will be difficult for the company, without acting with great harshness towards some of their individual subscribers, to claim the fourth instalment from the State. The law requires, that individual subscribers shall first pay their instalments of 25 per cent. before the company can claim the same instalment from the State. As a matter of caution, to prevent the use of the State's funds without a faithful payment on the part of individuals, the rule might well be applied to one or even to two instalments, but it would seem to be more just that the payments should be made "pari passu." The company, however, have collected 75 per cent. of the stock. The collection of the last instalment from individual subscribers, must necessarily be attended with increased difficulty; and if even one share remains unpaid, the company cannot claim that instalment of the State, which may embarrass the company and check the progress of the work. Many cases may arise where it would be unjust, and exceedingly unpleasant, to enforce payments from individuals who had faithfully paid up 75 per cent., either by a sacrifice of the stock, or of other property; and the company will certainly be driven to this alternative, which, I am persuaded, was neither the wish nor the intention of the State, without further legislative action. I would recommend therefore, as an act of justice, the passage of a Resolution instructing the Board of Internal Improvements to pay over forthwith to the company, the fourth instalment out of any funds in their hands.

In patronizing this work, it was presumed that the General Assembly intended to be governed by principles of justice and liberality. And it is upon these principles, that the Board of Internal Improvements have regulated their intercourse with the company. The work has been prosecuted with untiring vigor. Ninety miles of the road are now in use, and continued by stages and steam boats of the best description, so as to afford an admirable route of travelling from the Roanoke to Charleston. The remainder of the road is under contract, and will be completed next year.

The other roads which were projected, and for which the General Assembly consented to subscribe a like proportion of the capital, have made no application for the State's subscription. The reason has never been communicated to the Board of Internal Improvements, nor to the Executive. It may be found, however, I presume, in the inability of the companies to fill up the subscriptions to the required amount, although to one a considerable subscription was made. To the other, perhaps nothing.

Doubtless the citizens on the route of the Cape Fear and Yadkin Road, and those interested in its accomplishment, strained every nerve to bring about so desirable a consummation, and though not successfully, still the merits of the route are not impaired, and the interest of the State, and particularly of its western section, demand, imperiously, its completion, to connect that rich and valuable interior with a market, and a sea-port within our own State. At my particular request, Major McNeill, the chief engineer, who surveyed the routes of the Cape Fear and Yadkin Road, favored me with a sight of his report, which proved not only the practicability of constructing the road, but at a cost which can be remunerated to the proprietors. I would, therefore, recommend a renewal of the charter, empowering the Board of Internal Improvements to subscribe on the part of the State, for three-fifths, or even, if necessary, three-fourths of the stock, so as to insure the accomplishment of the work. Nay—so important do I consider it, that I had said for all the stock, if necessary, but for the paramount necessity of associating with the State, interested and judicious citizens to superintend the details, and attend to the execution of the work, which is certainly within the means of the State, probably without the necessity of borrowing. Should the Bank to which I have referred, be put in operation, and make to this road the subscription of half a million dollars, and should the fourth instalment of the surplus be received in January next, which is probable, as the law directing the distribution has not been repealed, amounting to \$477,919 13 cents, with the proceeds of the sales of the Cherokee lands, say \$330,000 being appropriated to this purpose, with what individual subscription may be obtained, the funds would be provided. It appears to me as a matter of right and justice, to give the proceeds of the Cherokee land sales to opening a communication to that section of the State whence they have been derived.

There are other works of no less importance, in which I had almost said the salvation of the State requires that she should promptly and vigorously engage. On our west an effort is making by South Carolina to cross our State by a rail way, to secure to Charleston the produce of that fertile region, whilst the establishment of her South Western Bank—with a branch in our limits, not only ensures the success of the first enterprise, but, by superceding the circulation of our Banks, destroys our currency, and controls our credit system. The language of the friends of this twelve million bank is, “that it will be to the South Western States in currency and exchanges, what the Bank of the United States was to the Union.” Should South Carolina succeed in carrying out her views as to the currency, and as to a South Western Confederacy, (or league,) our fears cannot be bounded by mere pecuniary loss. We should be driven to trade with Charleston, and to cherish sectional feelings, until our attachments to the Union itself would become impaired. We cannot serve two masters with equal fidelity and attachment. Should no counteracting measures be adopted on our part, I should fear that she would succeed both in directing our trade and superseding our currency.

The Bank I have proposed would remove the latter apprehension, and to remedy the former, I would respectfully propose the construction of a Rail Road from the head of tide water on the Cape Fear River, commencing in Bladen county, running west and flanking South Carolina as near as possible, passing through Robeson, Richmond, Anson, Mecklenburg, Lincoln, and into Rutherford; and, if experience justifies it, further still, into Tennessee, and to the shores of the Mississippi.

This road would intercept the produce made on the north of its line—draw no inconsiderable quantity from the contiguous districts of South Carolina, and deliver it to a market of our own on the Cape Fear. The travel on this road I have no doubt would be considerable. Persons on the Louisville, Cincinnati and Charleston road, bound north, would unquestionably take this route, avoiding thereby two hundred miles of travel, and a sea voyage. The country, from the Cape Fear to Rockingham, in Richmond county, on the Pedee, some eighty-five or ninety miles, presents the best facilities for a rail road of any in the States. Its surface is level, and abounds in timber of the first quality—there is but one stream to cross—Lumber river—and that of no magnitude, in the route.



This road would be of immense importance to Wilmington, on the Cape Fear, already one of the best markets in the world for lumber, and for furnishing cargoes of naval stores, adapted to the West India markets. The return cargoes of West India produce, redundant for the hitherto demand, would furnish supplies to the interior on the *best* terms.

The Cape Fear river is navigable for any size crafts to the point indicated as the starting point of the Rail Road, and below Wilmington, as far as the outlets to the ocean, has been, and is now greatly improving under the operations of the United States. Its depth, breadth, and straitness have all been increased, and it now affords full thirteen feet of water on its worst shoal, which is progressively deepening. The new inlet bar, it is confidently believed, from observations upon it, is capable of being readily and permanently improved; and, as this comes within the acknowledged province of the Federal Government, it is hoped she will take speedy and effectual measures for the accomplishment of so important a work to a State that has asked and received so little at her hands.

Improvement in the eastern section of the State also demands our consideration in an equal, if not superior degree. The whole Albemarle country, embracing some 20 counties, has a dangerous and inadequate outlet, and for this reason has been driven to trade with Virginia by the use of her rail and other roads, and of one of the most inconveniently located canals possible. The small vessels which navigate the water courses of this section of country, are compelled to seek an outlet at Ocracoke, some 100 to 200 miles south, when their destination generally is north.

Col. Kearney, United States Engineer, who has recently had charge of a survey of that county, reports that Ocracoke Inlet is closing, and expresses a belief that ere long it will close entirely; in which event, vessels will be compelled to seek an outlet still farther south, through the sound at Beaufort. This of course will throw our trade to a still greater extent into the markets of Virginia. Can we submit to this?

This section is composed of lands of the highest natural fertility, but it is so level, that to render it fit for cultivation, it requires the most expensive ditching and canaling. This defect, in a country where land so much abounds, and capital is so limited, has been the cause of its neglect.

The difficulty of the navigation of the Sound and of the outlet to the ocean is no doubt a superadded cause; but, remove these—and there is no doubt that these lands will become the garden spot of the State, instead of a wilderness of worthless land and a fertile source of pestilence and disease.

Nagshead, at the foot of the Albemarle Sound, seems designed by nature for the outlet. It is formed by a very narrow strip of beach, which divides the sound from the ocean, and which is of very little elevation above high water mark. It has often been surveyed by very distinguished engineers, and for the practicability of opening it, I beg to refer to their reports. The very circumstance of its having been so often surveyed, and so often alluded to as the subject of improvement, proves the value and the practicability of the enterprise. It is difficult to explain why it has not before been undertaken. The reason may perhaps be found in its magnitude as a State work, and to the impression that it should and would be executed by the general government, as coming properly within the class of works belonging to it. It is now too essential to us to be longer delayed, and must be accomplished by some power.

Nagshead is greatly more eligibly situated for an outlet, if Croatan Sound was closed, than was the new inlet to Cape Fear, which was opened within the recollection of persons now living, and has already fourteen feet water and gradually improving.

The Albemarle and tributaries, probably discharge five times the quantity of water which the Cape Fear does, and its course is directly for the ocean, until it approaches some hundreds of yards, when it turns off at right angles, and seeks an outlet one hundred miles distant at Ocracoke.

The Cape Fear pursued a similar direction, and nearer the ocean to about the same distance, a similar beach intervening, then turned off less abruptly and found an outlet (the main bar) in 10 miles; and at the turn off a storm washed over the beach and cut out the new inlet. The Croatan sound intercepts the water and draws it away before reaching Nagshead. Closing that sound, it appears to me, would force the water on Nagshead in such a body and power, and with some slight assistance by cutting the strip of beach to give it a passage in the first instance, as would make the outlet.

This, however, is a matter for the science of engineering. That the work is practicable, all have agreed—that it ought to be accomplished, none will deny, who will reflect upon its

immense importance to the State, both as to character and profit.

Congress in 1832 yielded the power to the State to impose a tax on all vessels which might pass through an outlet to be made at Nagshead. The undertaking is evidently one which belongs to the General Government, where the power is lodged to regulate commerce in the States, and because it would be a source of revenue to her.

It would be of more consequence to trade, industry, and commercial enterprise, to say nothing of its greater cheapness, than the Delaware Breakwater, and many other works which have been promptly undertaken by the General Government.

From the Chesapeake to Ocracoke, a distance of from 200 to 300 miles, there is not an inlet or harbor for vessels, driven on the coast by stress of weather—under such circumstances a dull sailer cannot be kept off, and the consequence is, that the coast is lined with wrecks and covered with the graves of our seamen. Should Ocracoke close, as anticipated by Col. Kearney, the inaccessible coast is increased some thirty or forty miles, and with it our maritime dangers and losses.

The public prints in Virginia have already directed the attention of her statesmen to the feasibility of drawing the trade of our State, even as far as the Ocracoke country, to their markets—to seizing upon and stripping the carcass, whilst the limbs are yet quivering with life. Shall we submit to this? Drained by South Carolina on the one hand, and by Virginia on the other, can we exist with honor or profit? Shall we not rather play back upon them their own game? The rail road, from the head of tide water on the Cape Fear, flanking South Carolina, may remedy our humiliating position in the one instance, and the opening an inlet at Nagshead in the other.

Some twelve hundred vessels now cross the Ocracoke bar annually; and produce, of the value of one million of dollars, passes through the canal, besides immense quantities in other directions to the Virginia markets. Not only all this trade, embracing the whole of that in the Albemarle country, but a large amount from several counties of Virginia lying on the tributaries of our water courses, would seek an outlet through our state by the opening of Nagshead, and go to build up a market in its neighborhood, equal, if not superior, to any in Virginia.

A survey and estimate of a ship channel from the Neuse to Beaufort, would afford the necessary information both of the practicability and cost of a work to relieve the navigation and trade of that section of country. The outlet at Nagshead would have some beneficial influence here, with the use of the sound, and a more direct communication by a rail road to the town location on the Albemarle.

The selection between the rail road and ship channel would be decided by the information to be acquired by the survey and estimate.

It is very evident that the trade of the Cape Fear cannot be carried to the Albemarle, and vice versa. Two points will therefore become necessary, at which to locate our home markets, and to these all our roads and other improvements of navigation should be made to look and concentrate.

If roads should be located, running from the ports and markets of Virginia and South Carolina, through the interior of our State, it is very clear that all the produce and trade above such a line of road, would be carried to those markets, dividing our state horizontally, the upper from the lower part, and virtually transferring the upper portion to our sister States. They getting the substance, we retaining the semblance of a State. But, if the figure be reversed, the apex of the angle resting on our own ports and markets, running its legs into our rich interior north and west, the effect would be to concentrate our wealth and resources within our own limits.

Let Wilmington be one point, with roads running to the north, the direction of the Wilmington and Raleigh Rail Road, and to the west, the direction of the roads heretofore recommended, and she must eventually, at least, receive the produce and trade of those sections, and commensurately increase in size and importance.

Let a market town, at the head of the Albemarle, if we succeed in opening Nagshead; or at Newbern, if a ship channel can be made to Beaufort, be the other point, and similar roads resting upon it, will give to the trade of the country through which they pass, a similar direction. And the intersection of the northern road from Wilmington, with the western road from the point on the Albemarle or Newbern, would lay open an intercourse between all parts of the State. The transportation of troops in the time of war, to the points of invasion and attack on the seaboard, with rail road facility, would be of incalculable importance. The transportation of the mail to our commercial points, adds no little to the value of such roads.

The construction of a turnpike road from Raleigh via Chapel Hill to the west, has been spoken of as highly desirable. On so rough and broken a route, I am inclined to believe that its cost would be more commensurate with its utility, than that of a rail road. And if a rail road should not be constructed from Raleigh intersecting the Wilmington and Raleigh rail road, which is highly important, I should recommend a continuance of the turnpike on that route; ultimately to be continued to the Albemarle or Newbern, the selected point for a market town in the east.

Home markets for consumption would naturally spring up along the line of improvement, and home markets for exportation and importation on the seaboard. The valuable results of this state of things, will be the establishment of common schools, by the increase of the population and wealth of the State; the bringing together the citizens of remote districts into an intercourse of trade and friendship; the removal of sectional and geographical jealousies; and the assumption of that elevated position among our sister States, to which every honorable incentive impels us.

- The currency of the State is intimately connected with the subject of domestic markets. The essential requisites to our currency are, that it be adequate to the exchanges of commodities into a circulating medium, and that it be so used.

As almost the whole of the agricultural products of this State are sold in the markets of other States, it follows that the money paid for these, consists principally of the currency of the States in which sales are made—such currency is put in circulation even in this State, to the exclusion of our own—but when merchandise is purchased in foreign markets for consumption here, and paid for in the currency of this State, it is brought back for redemption in specie. Thus, by this operation, the circulation of the currency authorised by this State is restricted between the smallest limits—if, indeed, it can be properly said to have any circulation at all.

- Home markets, in which our people could both buy and sell, would permit the circulating medium of the State to pursue its appropriate function, without embarrassment. Having no foreign rival to struggle against, the amount might be safely increased to the extent required by the various wants of the community—it would be kept in active employment, and be absorbed in domestic commerce. Without home markets, its amount must necessarily be fluctuating and uncertain, because depending on causes beyond the control of the agents authorised by this state to supply it.

I know that to accomplish these works, and to carry into effect the system of General Improvement I have proposed, necessarily involves the expenditure of a large amount, and I know too that our people are too poor and too sparsely spread over a large territory to enable us to command the means at once from our private resources. We have but one alternative, and that has no bugbear terror to a mind of enlarged and patriotic views; I mean the employment of the State's credit in foreign markets. In England money is abundant, and may be borrowed on State stocks on excellent terms, say from three and a half to five per cent. interest. This is a most fortunate conjuncture, and may never happen to us again. Wars destroy such opportunities, and are of such frequent occurrence in Europe, that they may soon break out and rob us forever of the golden moments which seem beckoning us onward to prosperity and improvement. The credit of the State is all that is asked or that is required. It will involve no taxation, for if the works should be as valuable as I believe they will be, the profits arising from them will not only pay the interest of the debt, but the principal also.

I have already shown how much the present generation has done for posterity in the privation of two wars, and in the discharge of the immense public debt created by them—in the construction of forts, the building of vessels—and other matters of consumption—draining and exhausting the means of the citizens and making the country poorer. It is now time that we looked to the permanent improvement of our beloved State; here the case is quite reversed. Money borrowed and judiciously applied for this purpose, twice blesses the people: in the disbursements first, and in the value of the improvements afterwards.

Gentlemen, we have no choice in this matter. Our course must now be onward, or we must sink into insignificance and ruin. Our sister States are up and doing, they are pulling us at two of our extremes, drawing from us the life-blood of our existence; and unless we act, and act efficiently we become the humble tributary, a mere Province of our neighbors. Energy and enterprise alone can rescue our trade, redeem our commercial degradation, and place us in that elevated and appropriate position which it becomes us to occupy in the sisterhood of Republics.

Cast your eyes on the surrounding States, and you can but contemplate the results of their energy with delight and admiration. Their canals, their rail ways their factories, and high state of agricultural improvement, rival the best and most early settled countries of the world; whilst their moral and intellectual advancement has been stimulated by, and kept pace with, their physical improvement.

If we are unmoved by facts so striking—if illustration so practical and so decisive, fails to convince, and to induce immediate and efficient action, argument is in vain—the cause is lost—the State is doomed—and the hopes of our Patriots' sons blasted forever.

A topographical, geological and minerological examination and survey of the State, is considered highly desirable. The minerals and ores are believed to be incalculably valuable, and the limestone and marble which might thus be brought to light, would benefit the farming interest beyond the cost of the undertaking.

The Literary Board employed C. B. Shaw, Esq. Engineer, to superintend the draining of the swamp lands; surveys have been made of a large tract in Hyde county; two canals located to Pungo and Alligator Lakes, and small portions of them put under contract. Difficulty has been experienced in obtaining bids for contracts, or more progress would have been made on the work. The law confined the Board to contracts only. If the employment of hands had been within their power, very probably more would have been done. In season, a report more in detail will be submitted by the Board on this very important subject.

The important subject of Common Schools was entrusted to the Board, that they might digest some system applicable to the crying wants of the State, and they have given it most anxious consideration. A variety of laws and systems have been politely furnished by the Governors of the States, to aid in the prosecution of this work. The result will also be communicated in season. A considerable fund has been set apart for this purpose. In Bank Stock, \$1,020,700. In Rail Road Stock, \$600,000, as soon as the last instalment of the State's subscription has been paid. Of the surplus—\$200,000, for draining swamp lands; \$61,654,11, in cash and notes on hand; \$33,500 stock Cape Fear Navigation Company; \$25,000 in Roanoke Navigation Company; making the sum of \$1,939,851 11, besides the income arising from entries of land, license to retailers of spiritous liquors, and to auctioneers, and the swamp lands not granted to individuals before 1836; which will probably yield an income of \$120,000 to \$150,000 per annum; and would seem to warrant a commencement of system, which indeed is all that is at present required or practicable.

The State is utterly deficient in statistics from which to draw accurate information, not only upon this, but upon all other subjects. I am very certain however that teachers could

not be procured for any extensive system, and as a deficiency of this class of useful individuals is a matter of complaint and regret in the oldest and best educated States of the Union, we could not draw them thence if desirable. We should adopt, in the first place, some plan to remedy this evil. Two modes have presented themselves—either the establishment of a school in some central position for the education of teachers, or an arrangement with the University by which such youths should be instructed free of charge, as would agree to devote themselves as school masters to the State for a term of years. The employment of a permanent Commissioner to superintend this branch of the service, will probably be necessary. He may be employed for the present in obtaining all the information in the State and elsewhere, necessary to proceeding with skill and effect.

The Constitution has given to the Executive the high prerogative of exercising clemency; which it is his duty to do according to the best of his judgment. To render this duty the more valuable to the community, he should be placed in possession of full and accurate information of the offence and punishment, which is not now the case; such information is brought to his notice by petition and representation drawn, by partial or prejudiced hands, and I have reason to believe frequently destitute of truth. To refuse the consideration of such, however, on that ground and suffer a human creature to expiate his crime with his life, when a possibility of innocence existed, would be unjust to the power with which he has been entrusted and painful to him. To remedy this uncertainty, a report of all the State prosecutions by the presiding magistrate of all cases of conviction under the seal of the Clerks, should be made to the Executive immediately on the adjournment of Court, and before the execution of the sentence; from which source valuable information could be derived, in which the State is deficient on all matters.

The communication of the Hon. R. M. Saunders, a Judge of the Superior Courts of Law and Equity, herewith submitted, marked E., presents another defect in the law, to which I beg leave to call your attention.

Soon after the close of the last session, in obedience to an act for that purpose, Gen. S. F. Patterson was commissioned to redeem \$300,000, the stock of the State issued in 1835, which duty he performed agreeable to law, and the bonds have been handed to the public Treasurer. On observing that Congress had appropriated thirty thousand dollars to pay the claims of



this State for military expenditures during the last war, I commissioned Wm. H. Haywood, Jr. Esq. to make the settlement. I am happy to inform you, that he succeeded in doing so, and received the amount appropriated, in discharge of the claims. The money has been paid to the Public Treasurer. His Report will be made at an early day.

In obedience to an act of the last session, directing the appointment of a surveyer—commissioners to superintend the surveying & selling the recently acquired lands from the Cherokee Indians; the appointments have been made, and the duties incidental thereto, performed.

The Report of the Commissioners of sale will be communicated at an early period.

Commissioners were also appointed to superintend the transcribing and printing the Revised Statutes, which duty has been performed; copies delivered agreeable to law, and the remaining number placed in the hands of Messrs. Turner & Hughs, of this place, for sale for the State.

A set of weights under an act of Congress has been received from the Secretary of the Treasury as a standard by which to regulate those in use in our State, which will require Legislative action. The importance of co-operative uniformity in all matters relative to commerce, trade, and intercourse of the different members of the Union, is too obviously necessary to need further comment at my hands, than has been bestowed on the currency and exchanges.

A compilation of military tactics, has been received from the Major General in chief, for the purpose of rendering the exercise of the Militia uniform, which will require your attention.

Six pieces of field artillery complete, and five hundred and ninety-seven muskets, the quota of 1837 inclusive, to which the State is entitled from the United States, have been received and ordered to be stored in Wilmington until disposition should be made of them by some action on your part.

The quota of 1838, of muskets, the ordnance department has requested to be informed if the State was desirous of converting in part, or the whole, into any other species of arms. The communication is herewith submitted, marked F.

The Executive is unable to advise on this subject, except the number of arms ordered to be distributed by the last session. He has received no return of arms or men. The law gives the Adjutant General the option of making his returns to the General Assembly or the Commander-in-chief, and I believe

it has been the custom to make the return of the militia, arms, accoutrements and magazines, directly to your body, which will put you in possession of all the necessary information to enable you to dispose of the subject.

Three instalments of the surplus revenue was received from the United States during the last year by the public treasurer, amounting to \$1,433,757 39 cents, which has been disposed of agreeably to the appropriations of the last session, namely \$300,000 in the redemption of the State stock—\$300,000 subscribed in the stock of the Bank of Cape Fear—\$200,000 carried to the credit of the Literary Fund, applicable to the draining of the swamp lands—\$100,000 placed in the public treasury, and the balance, \$533,757 39 cents, carried to the credit of the Board of Internal Improvements, for certain purposes agreeably to the resolution.

The general state of finances will be submitted to you by the officers in charge of that department. I will take the occasion to suggest whether reports from all the institutions of the State, in which the State has a pecuniary interest, should not be made to the Executive, previous to the meeting of the General Assembly, to enable him to take a general view of their situations, and give to the General Assembly a condensed statement of the same?

Great reliance has been placed on limited co-partnerships, for bringing into action a considerable amount of capital. I am confident no injury could result from them, and as we require the active use of all our capital, I deem the subject worthy your consideration.

At the request of the States mentioned, I have the honor of submitting communications from them to your body. From Vermont on abolition of slavery; New Hampshire relative to the surplus; Connecticut and Arkansas on the Public Lands; Connecticut on Executive Patronage—Georgia relative to the abduction of a slave by citizens of Maine; Kentucky on the currency; Louisiana relative to a Southern Convention to adopt measures against the machinations of Northern fanatics; Alabama, Ohio and Rhode Island for and against the annexation of Texas; and from Maine, Mississippi, Massachusetts, Maryland and Vermont on granting the privilege of franking to the State officers; and from Missouri resolutions approbating the conduct of the Hon. Thos. H. Benton on the expunging resolution in the Senate of the U. S., all of which are in packet A.

The resignations of Justices of the Peace you will find in packet G.

In conclusion, Gentlemen, permit me to assure you of my ready co-operation in all matters for the comfort, improvement, and happiness of the citizens of the State.

I have the honor to be Gentlemen;  
 With the highest consideration,  
 Your obedient servant.  
 EDWARD B. DUDLEY.

*Executive Department,* }  
*Nov. 21st, 1838.* }

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

FRIDAY, NOVEMBER 23, 1838.

John S. Burgess, the member representing the county of Camden, appeared, and was qualified according to law.

The Speaker, in pursuance of the Rules of Order, announced the appointment of the following Committees:

COMMITTEE ON THE JUDICIARY,

MESSRS.

Winston,	Boyden,	G. W. Caldwell,
Hoke,	Gilliam,	Eaton,
H. C. Jones,	J. P. Caldwell,	Paine.

COMMITTEE ON PRIVATE BILLS.

MESSRS.

Guthrie,	Smith,	E. B. Miller,
D. Thomas,	Farrow,	Keener,
Young,	Jarman,	Stallings,
Munday,	Ellington,	Perkins.
Hollingsworth,	Mangum,	

Mr. Hoke, from the Joint Select Committee raised on the Joint Rules of Order, reported the rules heretofore in force without amendment. The report was concurred in, and, on motion of Mr. Crawford,

*Ordered,* That a message be sent to the Senate proposing to print in pamphlet form the Rules of Order of the Senate and of the House of Commons, and the Joint Rules in connection with the Constitution of the State and of the United States.

The Speaker laid before the House the following letter of John A. D. McNeill; which was read, his resignation as a member of this House accepted, and, on motion of Mr. Hoke,

*Ordered*, That the Communication be spread upon the Journal.

“ *To the Speaker of the House of Commons  
of the Legislature of North Carolina:*

My health daily declining, admonishes me that I cannot bestow the attention to the interests of my constituents as a member of your body, which their kindness and confidence in returning me to the Legislature demands from me. I had hoped that my strength might so far be restored as to permit me to meet you; but my increasing debility forbids the further indulgence of such an impression.

I beg leave, therefore, to tender to you my resignation, entertaining the hope that my constituents may supply my seat with one whose fidelity to their true interest may satisfy them that the change in their representation has resulted in the advancement of the great cause in which I have humbly, but sincerely, exerted my feeble efforts.

I beg, in conclusion, to add my hope that you will say to the House, that whatever may be the result of my present confinement, my fervent aspirations to the Great Disposer of events shall be for the prosperity of my native State.

Respectfully,

JNO. A. D. McNEILL.

On motion of Mr. Waddell,

*Resolved*, That a writ of election be issued to the Sheriff of Moore, to hold an election to supply the vacancy thus occasioned, on Monday the third day of December next.

On motion of Mr. Hoke,

*Resolved*, That the Clerk of the House be directed to procure a copy of the Revised Statutes for the use of each of the Standing Committees of this House.

The Speaker laid before the House the Report of Daniel W. Courts, Public Treasurer, on the state of the public funds; which, on motion of Mr. Holland, was

*Ordered* to be sent to the Senate, with a proposition that it be printed, one copy for each member of the Assembly.

Mr. Gu'hric presented the following resolution; which was read and adopted:

Whereas, different constructions are placed on the 8th section of the constitution of this State by inspectors of elections in different counties, and frequently at different precincts in the same county, and many freemen are unjustly deprived of their suffrages, and sometimes improper votes are polled. And, as a declaratory opinion of the Legislature may be calculated to produce uniformity on the subject:

Be it therefore Resolved, That the subject be referred to the Committee on the Judiciary, with leave to report by resolution or otherwise.

Mr. Reid presented the certificate of the County Court of Cumberland, allowing Martha Spears, a State Pensioner, her annual allowance of fifty dollars.

*Ordered,* That the same be countersigned by the Speaker, and sent to the Senate.

The resignations of Myrick Howard, of Montgomery, of David Dalton, of Stokes, of Charles Gregory, of Onslow, of William H. Whitfield, of Lenoir, of Jacob Parker, of Chowan, and of David Mebane, of Orange county, Justices of the Peace, were presented, read, and accepted.

The communication from William Hill, Secretary of State, in relation to the Public Printing, was taken up, and, on motion of Mr. Holland,

*Ordered,* That it be sent to the Senate, with a proposition that it be referred to a Joint Select Committee.

Received from the Senate a message, concurring in the proposition of this House to raise a Joint Select Committee to designate and report some mode of giving notice of the meeting of the two Houses, and informing that Messrs. Moody, Baker, and Montgomery form their branch of the Committee.

*Ordered,* That Messrs. Rand, Massey, and Taylor form said Committee on the part of this House.

A message from the Senate, proposing that the two Houses proceed on Monday next, at twelve o'clock, to the election of a Secretary of State, and informing that the present incumbent, William Hill, is in nomination for the appointment. The proposition was agreed to.

A message from the Senate, concurring in the proposition of this House to print the Message of His Excellency, the Governor, ten copies for each member of the Legislature.

A message from the Senate, concurring in the proposition of this House to refer the communication from the Board of Directors of the Wilmington and Raleigh Rail Road Company, and from the citizens of Wilmington, to a Joint Select Committee, and informing that Messrs. Jones, McDiarmid, Bunting, Franklin, and Cherry compose the Committee on the part of the Senate.

*Ordered*, That Messrs. W. P. Williams, Crawford, J. T. Miller, Hoke, and Boyden compose said Committee on the part of the Commons.

A message from the Senate, agreeing to vote immediately for two Engrossing Clerks, and informing that Messrs. Cooper and Harper form their Committee of Superintendence.

*Ordered*, That Messrs. Nye and Brummell form said committee on the part of this House.

The House then proceeded to vote as follows:

#### FOR MR. THOMAS,

##### MESSRS.

Amis	Gwynn,	Sims,
Baker,	Hester,	Sloan,
Barnes,	Holland,	Stafford,
Bedford,	Howerton,	Stallings,
J. Blount,	Jarman	Stockard,
Braswell,	R. Jones,	Sullivan,
Brogden	Killian,	Smith,
Brummell	Larkins,	Taylor,
Burgess,	Mangum,	Tomlinson,
Cardwell,	Massey,	Trollinger,
Chambers,	Nye,	Tuton,
Daniel,	Orr,	Underwood,
Davis	Perkins,	Walker,
Eaton,	Pollock,	Wilcox,
C. Erwin,	Rand,	S. A. Williams,
Farrow,	J. R. Rayner,	W. P. Williams, 50,
Gilliam,	Roebuck,	

#### FOR MR. McCLELLAND,

##### MESSRS.

Baker,	Gwynn,	Nye,
Beall.	Hoke,	Oglesby,
Bialock,	Holland,	Orr,
Boger,	H. C. Jones,	Peden,

Braswell,	Keener,	Petty,
J. P. Caldwell,	Killian,	Sims,
G. W. Caldwell,	E. P. Miller,	Stafford,
Cardwell,	McLelland,	Trollinger,
Carson,	Munday,	Walker,
E. J. Erwin,	McLaughlin,	Young—31.
C. Erwin,		

## FOR MR. HOYT,

## MESSRS.

E. S. Bell,	Foreman,	Paine,
W. A. Blount,	Gorham,	Patton,
Bond,	Hill,	Pemberton,
Boyden,	Huggins,	Siler,
Brittain,	Hyman,	Wadsworth,
Carson,	McCleese,	J. Williams,
Covington,	Lindsay,	Wiison,
Ellington,	McWilliams,	Gwyther, 25.
Farrow,		

## FOR MR. DRAKE,

## MESSRS.

Bedford,	R. Jones,	Rand,
E. S. Bell,	Lane,	Rush,
Blalock,	Mangum,	Siler,
Boger,	Massey,	Smith,
Chambers,	W. J. T. Miller	Taylor,
Doak,	McLaurin,	D. Thomas,
Ellington,	Patton,	Waddell,
Guthrie,	Reid,	Winston, 25.
Huggins,		

## FOR MR. MILLER,

## MESSRS.

Boyden,	Harris,	Mills,
G. W. Caldwell,	Hoke,	Munday,
Clement,	H. C. Jones,	McLaughlin,
Crawford,	Keener,	Peden,
E. J. Erwin,	W. J. T. Miller,	Puryear,
Mr. Speaker,	E. P. Miller,	Young, 18.

## FOR MR. GRADY,

## MESSRS.

Barnes,	Larkins,	Sloan
J. Blount	J. T. Miller,	Sullivan,
Brogden,	Perkins,	Tomlinson,

Clement,  
Davis,  
Jarman,

Pollock,  
Reid,  
Roebuck,

Tuton  
Underwood 17,

FOR MR. WHITE,

MESSRS.

Bond,  
Burgess,  
Hyman,  
Matthews,  
McCleese,

Paine,  
K. Rayner  
J. R. Rayner  
Stallings,

Wadsworth,  
J. Williams,  
Wilson  
Gwyther, 13.

FOR MR. FOWLKES,

MESSRS.

Amis,  
W. A. Blount  
Daniel,  
Eaton,

Gilliam,  
Hester,  
Howerton,  
Stockard,

Wilcox,  
S. A. Williams,  
W. P. Williams, 11.

FOR MR. BANNER,

MESSRS.

Beall,  
Brittain,  
Brummell,  
J. P. Caldwell,

Covington,  
Foreman,  
Lindsay,  
Matthews ]

Oglesby,  
Petty,  
Purveyar, 11.

FOR MR. DOWD

MESSRS.

Clegg,  
Doak,  
Gorham,  
Harris,

Lane,  
McLaurin,  
McWilliams,  
Pemberton,

Rush,  
D. Thomas,  
Winston, 11.

FOR MR. LONDON,

MESSRS.

Clegg,  
Crawford,  
Mr. Speaker,

Guthrie,  
Hill,  
J. T. Miller,

K. Rayner,  
Waddell, 8.

Mr. W. P. Williams introduced the following Resolution; which was read and rejected:

*Resolved*, That a message be sent to the Senate, proposing to drop the three lowest candidates on the list for Engrossing Clerks, at each voting, until the proper number be elected.



The name of Mr. Fowlkes was withdrawn from the nomination for Engrossing Clerks.

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

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SATURDAY, NOVEMBER 24, 1838.

Mr. Nye, from the committee appointed to superintend the voting for Engrossing Clerks, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

On motion of Mr. Hill,

*Ordered,* That a message be sent to the Senate, proposing to vote immediately for two Engrossing Clerks, and informing that the names of Messrs. Dowd, London and Banner, are withdrawn from the nomination.

On motion, leave of absence from the service of the House from this day till Monday next, was granted to Mr. Bryan.

The Speaker announced the appointments of the following Committees, viz.

COMMITTEE ON FINANCE.

MESSRS.

Hill,	Rand,	Matthews,
W. P. Williams,	Huggins,	Gwynn.
McWilliams,	Clegg,	

COMMITTEE ON THE LIBRARY.

MESSRS.

Robards,	Amis,	Waddell.
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On motion of Mr. McWilliams,

*Ordered,* That a message be sent to the Senate, proposing to vote on Tuesday next for a Solicitor of the 2nd Judicial Circuit, and informing that the name of William H. Washington is in nomination for the appointment.

Mr. Rand, from the Joint Select Committee appointed to procure some signal for the meetings of the Houses, reported verbally that the bell of the Presbyterian Church had

been tendered for that purpose, and that the offer had been accompanied by a suggestion that the steeple was in a dilapidated condition, and considered not altogether safe. The report was concurred in; and, on motion of Mr. Hill,

*Resolved*, That it be referred to the same committee to enquire what repairs are necessary to render the ringing of the bell safe, and the amount it will require to make such repairs.

A message from the Senate, agreeing to the proposition of this House that the Rules of the two Houses, the Joint Rules, the Constitutions of the United States and of this State be printed, one copy for each member of the Legislature.

On motion of Mr. Hill, he was excused from serving on the Committee of Finance, and Mr. Reid was substituted in his stead.

On motion of Mr. Siler,

*Ordered*, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five members from each House on the subject of the Cherokee lands.

A message from the Senate, agreeing to vote immediately for two Engrossing Clerks, and informing that Messrs. Spruill and Fox form their committee to superintend the voting.

*Ordered*, That Messrs. Stockard and McCleese form said Committee on behalf of this House.

The House then voted as follows:

#### FOR MR. THOMAS,

##### MESSRS:

Amis,	Hester,	J. R. Rayner,
Baker,	Holland,	Roebuck,
Barksdale,	Hollingsworth,	Siler,
Barnes,	Jarman,	Sims,
J. Blount,	R. Jones	Sloan,
Boger,	Killian,	Stafford,
Braswell,	Larkins,	Stallings,
Brogden,	Mangum,	Stockard,
Brummell,	Massey,	Sullivan
Burgess,	W. J. T. Miller,	Taylor,
Cardwell,	Munday,	Tomlinson,
Chambers,	Nye,	Trollinger,
Daniel,	Orr,	Tuton,

Davis,	Perkins	Walker,
Eaton,	Pollock	Wilcox,
C. Erwin,	Rand,	S. A. Williams,
Gilliam,	K. Rayner,	W. P. Williams, 52.
Gwynn,		

## FOR MR. HOYT,

## MESSRS.

Bedford,	Foreman,	Patton,
E. S. Bell,	Gilliam,	Pemberton,
Blalock,	Gorham,	Purveyar
W. A. Blount,	Gwyther,	K. Rayner,
Bond,	Harris,	Robards,
Boyden	Hill,	Rush,
Brittain	Huggins,	Siler,
Brummell	Hyman,	Smith,
Carson,	Keener,	D. Thomas,
Clegg,	Lindsay,	G. Thomas,
Clement,	Matthews,	Underwood,
Covington,	E. P. Miller,	Waddell,
Doak,	Mills,	Wadsworth,
Dunlap,	McCleese,	J. Williams,
Ellington,	Oglesby,	S. A. Williams,
E. J. Erwin,	McWilliams,	Wilson,
Farrow	Paine,	Winston, 51.

## FOR MR. McLELLAND,

## MESSRS.

Amis,	C. Erwin,	Peden,
Baker,	Gwynn,	Petty,
Barnes,	Hester,	Purveyar,
Beall,	Hoke,	Sims,
Braswell,	Holland,	Stafford
J. P. Caldwell,	H. C. Jones,	Stockard,
G. W. Caldwell,	Killian,	Trollinger,
Cardwell,	Munday,	Walker,
Carson,	McLaughlin,	Wilcox,
Covington,	Nye,	W. P. Williams,
Daniel,	Oglesby,	Young,
Eaton,	Orr,	E. J. Erwin, 36.

## FOR MR. DRAKE,

## MESSRS.

Bedford,	Huggins,	Pemberton,
E. S. Bell,	Guthrie,	Petty,
Blalock,	Gwynn,	Rand,

Wm. A. Blount,	Hill,	Reid,
Boger,	Hyman,	Rush,
Brittain,	R. Jones,	Smith,
Chambers,	Lindsay,	D. Thomas,
Clegg,	Mangum,	G. Thomas,
Crawford,	Massey,	Underwood,
Doak,	W. J. T. Miller,	Waddell,
Dunlap,	McCleese,	Wadsworth
Ellington,	McLaurin,	J. Williams,
Farrow,	McWilliams,	Winston,
Foreman,	Paine,	Mr. Speaker, 44,
Gorham,	Patton,	

## FOR MR. GRADY,

## MESSRS.

Barksdale,	Jarman,	Roebuck,
J. Blount,	Larkins,	Sloan,
Brogden,	J. T. Miller,	Sullivan,
Burgess,	Perkins,	Taylor,
Davis,	Pollock,	Tomlinson,
Guthrie,	Reid,	Tuton, 19.
Hollingsworth,		

## FOR MR. MILLER,

## MESSRS.

Beall,	Harris,	Mills,
Boyden,	Hoke,	McLaughlin,
J. P. Caldwell,	H. C. Jones,	Peden,
G. W. Caldwell,	Keener,	Robards,
Clement,	J. T. Miller,	Young,
Crawford,	E. P. Miller,	Mr. Speaker, 18.

## FOR MR. WHITE,

## MESSRS.

Bond,	McLaurin,	Stallings,
Matthews,	J. R. Rayner,	Wilson, 6.

Mr. McCleese, from the committee appointed to superintend the preceding vote, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in. On motion of Mr. Crawford,

*Ordered,* That a message be sent to the Senate, proposing that the two Houses vote again immediately for two engrossing clerks.

A message from the Senate, agreeing to this proposition, and informing that Messrs. White and Miller are withdrawn from the nomination, and that Messrs. Taylor and Reid form their committee to superintend the election.

*Ordered,* That Messrs. Cardwell and W. A. Blount form said committee on behalf of the Commons.

The House proceeded to vote as follows:

FOR MR. THOMAS,

Mr Speaker,	Hester,	Roebuck,
Amis,	Holland,	Sims,
Baker,	Howerton,	Sloan,
Barnes,	Jarman,	Stafford,
J. Blount,	R. Jones,	Stallings,
Boger,	Killian,	Stockard,
Braswell,	Larkins,	Sullivan,
Brogden,	Mangum,	Taylor,
Burgess,	Massey,	Tomlinson,
G. W. Caldwell,	Munday,	Trollinger,
Cardwell,	McLaughlin,	Tuton,
Chambers,	Nye,	Walker,
Daniel,	Orr,	Wilcox,
Davis,	Perkins,	S. A. Williams,
Eaton,	Pollock,	W. P. Williams,
C. Erwin,	Rand,	Hoke,
Gilliam,	J. R. Rayner,	Wilson, 53.
Gwynn,	Reid,	

FOR MR. HOYT,

MESSRS.

Beall,	Gwyther,	Pemberton,
Bedford,	Harris,	Petty,
E. S. Bell,	Hester,	Puryear,
Blalock,	Hill,	K. Rayner,
W. A. Blount,	Howerton,	J. R. Rayner,
Bond,	Huggins,	Robards,
Brittain,	Hyman,	Rush,
Brummell,	H. C. Jones,	Siler,
Burgess,	Keener,	Smith,
Carson,	Lane,	D. Thomas,
Clegg,	Lindsay,	G. Thomas,
Clement,	Matthews,	Underwood,
Covington,	W. J. T. Miller,	Waddell,
Doak,	E. P. Miller,	Wadsworth,
Dunlap,	Mills,	J. Williams,
Ellington,	McCleese,	Wilson,
E. J. Erwin,	McLaurin,	Winston,
Farrow,	McWilliams,	Young,

Foreman,  
Gilliam,  
Gorham,  
Guthrie,

Oglesby,  
Paine,  
Patton,

Boyden,  
Crawford,  
J. T. Miller, 64.

## FOR MR. DRAKE,

## MESSRS.

Speaker,  
B. S. Beall,  
Bedford,  
E. S. Bell,  
Blalock,  
W. A. Blount,  
Boger,  
Boud,  
Brittain,  
Brummell,  
Carson,  
Chambers,  
Clegg,  
Clement,  
Doak,  
Dunlap,  
Ellington,  
Farrow,  
Foreman,

Gorham,  
Gilliam,  
Gwyther,  
Harris,  
Hill,  
Huggins,  
Hyman,  
R. Jones,  
Lane,  
Lindsay,  
Mangum,  
Massey,  
Matthews,  
W. J. T. Miller,  
McLaurin,  
McWilliams,  
Paine,  
Patton,  
Pemberton,

Perkins,  
Rand,  
K. Rayner,  
Reid,  
Robards,  
Rush,  
Siler,  
Smith,  
D. Thomas,  
G. Thomas,  
Tomlinson,  
Underwood,  
Waddell,  
Wadsworth,  
J. Williams,  
Winston,  
Boyden,  
Crawford, 56.

## FOR MR. McLELLAND,

## MESSRS.

Amis  
Baker,  
Barnes,  
Braswell,  
J. P. Caldwell,  
G. W. Caldwell,  
Cardwell,  
Covington,  
Daniel,  
Eaton,  
E. J. Erwin,  
C. Erwin,  
Gwynn,

Holland,  
H. C. Jones,  
Keener,  
Killian,  
E. P. Miller,  
Mills,  
Munday,  
McCleese,  
McLaughlin,  
Nye,  
Oglesby,  
Orr,  
Peden,

Petty,  
Puryear,  
Sims,  
Stafford,  
Stockard,  
Trollinger,  
Walker,  
Wilcox,  
S. A. Williams,  
W. P. Williams,  
Young,  
Hoke, 38.

## FOR MR. GRADY,

## MESSRS.

J. Blount,  
Brogden,

Larkins,  
Peden,

Stallings,  
Sullivan,

J. P. Caldwell,	Pollock,	Taylor,
Davis,	Roebuck,	Tuton,
Jarman,	Sloan,	J. T. Miller, 15

Mr. Caldwell, from the committee appointed to superintend this election, reported that Mr. Hoyt had received a majority of the whole number of votes, and was duly elected; and that no other of the candidates had received a majority. The report was concurred in.

A message from the Senate, proposing to vote again immediately for one Engrossing Clerk. The proposition was agreed to. The names of Messrs. McLelland and Grady were withdrawn from the nomination. Messrs. W. J. T. Miller and Walker appointed to superintend the voting. A message from the Senate, informing that Messrs. Williams of Person, and Speed form their branch of said Committee. The House then voted as follows:

## FOR MR. THOMAS,

## MESSRS.

Amis,	Hester,	Sims,
Baker,	Hoke,	Sloan,
Barnes,	Holland.	Stafford,
J. Blount,	Howerton,	Stallings,
Boger,	Jarman,	Stockard,
Braswell,	Killian,	Sullivan,
Brogden,	Larkins,	Taylor,
Burgess,	J. T. Miller,	Tomlinson,
Cardwell,	Munday,	Trollinger,
Daniel,	Nye,	Tuton,
Davis,	Orr,	Walker,
Eaton,	Perkins,	Wilcox,
E. J. Erwin,	Pollock,	S. A. Williams,
Gilliam,	J. R. Rayner	W. P. Williams, 44.
Gwynn,	Roebuck,	

## FOR MR. DRAKE,

## MESSRS.

Mr. Speaker,	Guthrie,	Paine,
B. S. Beall,	Gwyther,	Patton,
Bedford,	Harris,	Pemberton,
E. S. Bell,	Hill,	Petty,
Blalock,	Huggins,	Puryear,
W. A. Blount,	Hyman,	Rand,
Bond,	R. Jones,	K. Rayner,
Boyden,	H. C. Jones,	Reid,

Brittain,	Keener,	Robards,
Brummell,	Lane,	Rush,
J. P. Caldwell,	Lindsay,	Siler,
Carson,	Mangum,	Smith,
Clegg,	Massey,	D. Thomas,
Clement,	Matthews,	Underwood,
Covington,	W. J. T. Miller,	Waddell,
Crawford,	E. P. Miller,	Wadsworth,
Doak,	Mills,	J. Williams,
Dunlap,	McCleese,	Wilson,
Ellington,	McLaughlin,	Winston,
E. J. Erwin,	McLaurin,	Young,
Farrow,	McWilliams,	Chambers,
Foreman,	Oglesby,	Peden, 67.
Gorham,		

Mr. Walker, from the committee appointed to superintend this election, reported that Mr. Drake had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. W. P. Williams submitted the following Report:

The Joint Select Committee to whom were referred the communications from the citizens of Wilmington and the representatives of the Wilmington and Raleigh Rail Road Company, have performed their duty, and ask leave to submit the following Report:

They recommend the acceptance of the invitations contained in the communications; and as to the manner in which the Committee of Inspection shall be appointed, and as to the number, they suggest that it be referred to the delegation from each Congressional District, Senators and Representatives inclusive, to recommend and appoint what number they may think proper in each district, so as not to exceed a majority of the said delegation.

All of which is respectfully submitted.

WM. P. WILLIAMS, Ch'm.

The question on concurring with this Report was decided in the negative—yeas 30—nays 77; the yeas and nays demanded by Mr. Stallings. Those who voted in the affirmative were:

MESSRS.		
Bedford,	Hill,	Patton,
W. A. Blount	Hoke,	Peden,
Boyden,	Keener,	K. Rayner,
Brittain,	Lane,	Reid,
Brogden,	J. T. Miller,	Rush,



J. P. Caldwell,	E. P. Miller,	Sullivan,
Carson,	Mills,	Waddell,
Covington,	McLaughlin,	W. P. Williams,
Crawford,	Nye,	Winston,
E. J. Erwin,	Oglesby,	Young—30.

Those who voted in the negative were,

MESSRS.

Baker,	Gwynn,	Pollock,
Barnes,	Harris,	Puryear,
B. L. Beall,	Hester,	Rand
E. S. Bell,	Holland,	J. R. Rayner,
Blalock,	Howerton,	Robards,
J. Blount,	Huggins,	Roebuck,
Boger,	Hyman,	Siler,
Bond,	Jarman,	Sims,
Braswell,	R. Jones,	Sloan,
Brummell,	H. C. Jones,	Smith,
Burgess,	Killian,	Stafford,
Cardwell,	Larkins,	Stallings,
Chambers,	Lindsay,	Stockard,
Clegg,	Masscy]	Taylor,
Daniel,	Mangum,	D. Thomas,
Davis,	Matthews,	Tomlinson,
Doak,	W. J. T. Miller,	Trollinger,
Dunlap,	Munday,	Tuton,
Eaton,	McCleese,	Underwood,
Ellington,	McLaurin,	Wadsworth,
C. Erwin,	McWilliams,	Walker,
Farrow,	Orr,	Wilcox,
Foreman,	Paine,	J. Williams,
Gorham,	Pemberton,	S. A. Williams,
Guthrie,	Perkins,	Wilson—77.
Gwyther,	Petty,	

On motion of Mr. Crawford,

*Ordered*, That a message be sent to the Senate, proposing to raise a Joint Select Committee of three on the part of each House, whose duty it shall be to make a suitable response to said communications.

Received from His Excellency the Governor a communication, transmitting the Report of the Commissioners for superintending the publication of the Revised Statutes of this State, by act of the last session of the General Assembly. The said communication and report were read, and,

on motion of Mr. Hoke, referred to the Committee on the Judiciary.

Mr. Nye introduced a bill fixing the time for perfecting the titles to lands heretofore entered and paid in; which was read the first time and passed.

Mr. Reid introduced a bill, founded on a petition, to emancipate Tom Hadley, a slave, the property of James H. Hooper and others, of Fayetteville; which was read the first time and passed, and, on motion of Mr. Reid, referred to the Committee on Private Bills.

On motion of Mr. H. C. Jones,

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of repealing the law respecting the manner of bringing suits from one county to another, in the County Courts; and that they report by bill or otherwise.

Received from the Senate the resignations of Phillip Brittain and Epaphroditus Hightower, Justices of the Peace of the county of Buncombe; which were read and accepted.

The resignations of Simeon Marsh, of Anson, of James Brevard, of Buncombe, and of Joel Waters, of Wilkes, Justices of the Peace, were presented, read and accepted.

The House then adjourned until Monday morning ten o'clock.

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MONDAY, Nov. 26, 1838.

Mr. Patton introduced a bill, founded on a petition of sundry citizens of the county of Buncombe, entitled a bill to lay off and establish a county by the name of Henderson.—Said petition and bill were read, and, on motion of Mr. Patton, laid on the table.

Received from the Senate a message, concurring in the proposition of this House to print the Report of the Public Treasurer, and also concurring in the proposition to refer the communication from the Secretary of State on the subject of the Public Printing to a Joint Select Committee.

A message from the Senate, concurring in the proposition of this House to go into an election of a Solicitor for the second Judicial Circuit on Tuesday next.

Mr. Crawford submitted the following resolution, viz:

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of enacting a law prohibiting the recovery of money or any other property won upon elections,

The said resolution was read and rejected.

Received from the Senate the pension certificates of Cumberland county in favor of Mrs. Isabella Campbell, for the years 1837 and 1838, countersigned by the Speaker of their House.

*Ordered*, That the same be countersigned by the Speaker of this House, and returned to the Senate.

Mr. Reid presented the certificate of the County Court of Cumberland in favor of Mrs. Martha Spears, a State Pensioner for the year 1837.

*Ordered*, That the same be countersigned by the Speaker and be transmitted to the Senate.

Mr. Rand presented the petition of Henry Patterson, of the City of Raleigh, a free man of color, praying the emancipation of his wife Emmeline. Said petition was read, and, on motion of Mr. Rand, referred to the Committee on Propositions and Grievances.

Mr. Stockard presented a bill to incorporate Junto Academy, in Orange county; which was read the first time and passed.

The bill fixing the time for perfecting the titles to land heretofore entered and paid for, was read the second time and passed.

On motion of Mr. Reid,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law so as to empower the Court of Pleas and Quarter Sessions to decree a sale of lands held by tenants in common; and that they report by bill or otherwise.

On motion of Mr. Paine,

*Resolved*, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five members on the part of each House, to whom shall be referred that part of the Governor's message which recommends the establishment of Banks within the States to be offered to the General Government of the United

States as places of deposit of the public funds and fiscal agents of the General Government.

Mr. Gilliam introduced a bill to incorporate the Rocky Mount Manufacturing Company; and Mr. Gorham a bill for the better regulation of the town of Greenville. These bills were read the first time and passed.

A message from the Senate, proposing to raise a Joint Select Committee on the subject of the Public Buildings and the re-building the State Capitol; and that said Committee report whether the amount of money already appropriated for re-building the capitol has been judiciously expended, and what further amount will be required for its completion. The proposition was agreed to, and Messrs. Rand, Hyman, Carson, Wilcox and Killian were appointed the Committee on the part of this House.

Mr. G. Thomas presented the following Resolution:

*Resolved.* That a message be sent to the Senate, proposing to raise a joint select committee of one on the part of each House from each Judicial District, to whom shall be referred so much of the Governor's Message as relates to works of Internal Improvement.

Said Resolution was read and rejected.

On motion of Mr. J. T. Miller,

*Resolved,* That a message be sent to the Senate, proposing to raise a Joint Select Committee of three on the part of each House to take into consideration the expediency of authorising limited co-partnerships.

A message from the Senate, informing that Messrs. Jones, Wilson, Spruill, Hawkins, Albright, Dockery, Etheridge, and Rabun form on their part under the Joint Rules of Order, the Committee of Finance; and that Messrs. Carson, Davidson, and Williams, (of Beaufort,) form their branch of the Joint Committee on the Library.

A message from the Senate, informing that Messrs Melvin and Ribelin are appointed the Committee on their part to superintend the election of Secretary of State. *Ordered,* That Messrs. Dunlap and Braswell form said Committee on the part of this House. The roll was then called, and the following members voted

FOR MR. HILL, - *Re-acted*

## MESSRS.

Speaker,	Guthrie,	Pollock,
Amis,	Gwynn,	Purveyar,
Baker,	Harris,	Rand,
Barksda'e,	Hester,	K. Rayner,
Barnes,	Hill,	J. R. Rayner,
Bedford,	Hoke,	Reid,
E. S. Bell,	Holland,	Robards,
Blalock,	Hollingsworth,	Roebuck,
J. Blount,	Howerton,	Rush,
W. A. Blount,	Huggins,	Siler,
Boger,	Hyman,	Sims,
Bond,	Jarman,	Sloan,
Boyden,	R. Jones,	Smith,
Braswell,	Keener,	Stafford,
Brittain,	Killian,	Stallings,
Brogden,	Lane,	Stockard,
Brummell,	Larkins,	Sullivan,
Bryan,	Lindsay,	Taylor,
Burgess,	Mangum,	D. Thomas,
J. P. Caldwell,	Massey,	G. Thomas,
G. W. Caldwell,	Matthews,	Tomlinson,
Cardwell,	W. J. T. Miller.	Trollinger,
Carson,	J. T. Miller,	Tu'ton,
Chambers,	E. P. Miller,	Underwood,
Clegg,	Mills,	Waddell,
Clement,	Munday,	Wadsworth,
Covington,	McCleese,	Walker,
Daniel,	McLaughlin,	Wilcox,
Davis,	McWilliams,	J. Williams,
Doak,	Nye,	S. A. Williams,
Dunlap,	Oglesby,	W. P. Williams,
Eaton,	Orr,	Wilson,
Ellington,	Paine,	Winston,
E. J. Erwin,	Patton,	Young,
C. Erwin,	Peden,	Crawford,
Farrow,	Pemberton,	H. C. Jones,
Foreman,	Perkins,	McLaurin,
Gilliam,	Petty,	Gwyther—115.
Gorham,		

Mr. Dunlap, from the Committee appointed to superintend the election, reported that William Hill had received a majority of the whole number of votes, and was duly re-elected Secretary of State. The report was concurred in.

A message from the Senate, concurring in the proposi-

tion of this House to raise a Joint Select Committee on the subject of the Cherokee lands, and informing that Messrs. Franklin, Reinhardt, Davidson, Biddle, and Allison form their branch of the Committee. *Ordered*, That Messrs. Siler, Boyden, McLaurin, Howerton, and Gwyther form said Committee on the part of the Commons.

On motion of Mr. G. Thomas,

*Resolved*, That so much of the Governor's Message as relates to the subject of Internal Improvements, be referred to the Committee on Internal Improvements.

Mr. Boyden introduced a bill concerning last wills and testaments; which was read the first time and passed, and, on motion of Mr. H. C. Jones, referred to the Committee on the Judiciary.

Received from the Senate, Pension Certificates from the County Court of Craven, in favor of John Rhem, Thomas Ewell, Alexander Taylor, and Christopher Bexley and his Widow Margaret Bexley, State Pensioners for the years 1837 and 1838, countersigned by the Speaker of the Senate. On motion of Mr. Wadsworth, *Ordered* that the said certificates be countersigned by the Speaker of this House, and returned to the Senate.

The resignations of William Goodman and Wm. Lee, Justices of the Peace of the county of Gates, received from the Senate, were read and accepted.

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

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TUESDAY, NOV. 27, 1838.

Spier Whitaker, one of the members elect from the county of Halifax, appeared, and was qualified according to law.

Mr. Hoke presented a petition from sundry citizens of the county of Lincoln, praying the erection of a new county out of parts of the counties of Lincoln and Rutherford. And Mr. W. J. T. Miller, a petition on the same subject from sundry citizens of the county of Rutherford. Said peti-

tions were read and referred to a select committee to be composed of the Commoners from the counties of Rutherford and Lincoln.

Mr. Lane introduced a bill to extend the time for paying in entry money; which was read the first time and passed, and, on motion of Mr. Lane, referred to the Committee on the Judiciary.

On motion of Mr. Gilliam,

*Ordered*, That a message be sent to the Senate, proposing that the two Houses on to-morrow at 12 o'clock go into an election of Solicitor for the 4th Judicial Circuit, and informing that the name of John F. Poindexter is in nomination for the appointment.

On motion of Mr. Hill,

*Resolved*, That so much of the Governor's Message as relates to the payment of the 4th instalment of the State's subscription to the stock of the Wilmington and Raleigh Rail Road, be referred to the Committee on Internal Improvements.

On motion of Mr. Hoke,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a branch of the Supreme Court in the Western part of this State; and that they report by bill or otherwise.

On motion of Mr. Boyden,

*Resolved*, That so much of the Governor's Message as relates to Education, be referred to the Committee on Education.

On motion of Mr. Hill,

*Resolved*, That so much of the Governor's Message as relates to the hindrances which prevent the wholesome exercise of the high prerogative of the Executive in cases of criminal prosecution and conviction, be referred to the Committee on the Judiciary.

Mr. K. Rayner introduced a resolution authorising the publication of the Comptroller's Report.

Mr. H. C. Jones a bill to establish a toll bridge over the South Yadkin River, near Hall's Mills, in Davie county; and Mr. Mills a bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift. These bills and resolution were read the first time and passed.

Mr. H. C. Jones introduced a bill to establish the Salisbury Female Academy and to incorporate the Trustees thereof; which was read the first time and passed, and, on motion of Mr. Jones, referred to the Committee on Education.

Mr. Mills introduced a bill to alter, amend, and improve the public road from Rutherfordton to Asheville, over the Blue Ridge by the Hickory Nut Gap; which was read the first time and passed, and, on motion of Mr. Mills, referred to the Committee on Internal Improvements.

Received from the Senate a message, informing that they do not concur in the proposition of this House to raise a Joint Select Committee of five members on the part of each House on that part of the Governor's message which recommends the establishment of Banks within the States, to be offered to the General Government as places of deposit of the public moneys and fiscal agents of the General Government.

A message from the Senate, proposing to print for the use of the Legislature, the report of the Comptroller of Public accounts for the year 1837. The proposition was agreed to.

Mr. Trollinger introduced a bill, founded on a petition from many citizens of the county of Orange, entitled a bill to lay off and establish a county by the name of Jefferson; which was read the first time and passed, and, on motion of Mr. Trollinger, made the order of the day for Monday next.

A message from the Senate, informing that Messrs. Redding and Exum form the committee on the part of the Senate to superintend the voting for Solicitor of the Second Judicial Circuit, heretofore agreed on to take place this day. *Ordered*, that Messrs. Wadsworth and Brogden form said committee on the part of this House.

The Roll was called, and the House voted as follows:

FOR WM. H. WASHINGTON,

MESSRS.

Sneaker,	Harris,	Perkins,
Baker,	Hester,	Petty,
Barksdale,	Hill,	Pollock,
Barnes,	Hoke,	Purveyer,
B. L. Beall,	Holland,	Rand,
Bedford,	Howerton,	K. Rayner,
E. S. Bell,	Huggins,	J. R. Rayner,
Blalock,	Hyman,	Reid,
J. Blount,	Jarman,	Robards,



W. A. Blount,	H. C. Jones,	Roebuck,
Boger,	Keener,	Rush,
Bond,	Killian,	Siler,
Boyden,	Larkins,	Sims,
Braswell,	Lindsay,	Sloan,
Brogden,	Mangum,	Smith,
Brummell,	Massey,	Stafford,
Burgess,	Matthews,	Stockard,
J. P. Caldwell,	W. J. T. Miller,	Sullivan,
Carson,	J. T. Miller,	Taylor,
Clement,	E. P. Miller,	D. Thomas,
Covington,	Mills,	G. Thomas,
Davis,	Munday,	Trollinger,
Doak,	McCleese,	Tuton,
Dunlap,	McLaughlin,	Underwood,
Eaton,	McLaurin,	Waddell,
E. J. Erwin,	McWilliams,	Wadsworth,
C. Erwin,	Nye,	Walker,
Farrow,	Oglesby,	Whitaker,
Foreman,	Orr,	J. Williams,
Gilliam,	Paine,	W. P. Williams,
Gorham,	Patton.	Wilson,
Guthrie,	Peden,	Young—98.
Gwynn,	Pemberton,	

## FOR MR. GUTHRIE,

## MESSRS.

Bryan,	Crawford,	Lane,
G. W. Caldwell,	Daniel,	Stallings,
Cardwell,	Hollingsworth,	Wilcox,
Chambers,	R. Jones,	S. A. Williams—12.

## FOR MR. TOOLE,

## MESSRS.

Amis,	Gwyther—2.
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Mr. Wadsworth, from the Committee appointed to superintend this election, reported that William H. Washington had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

A message from the Senate, informing that Messrs. Bidle, Whitaker, Spruill, Albright, and Foy, (of Onslow,) form on their part the joint select committee on the Public Buildings and the re-building of the State Capitol.

On motion of Mr. Baker,

*Resolved*, That the Committee on the Judiciary be instructed to

inquire into the expediency of so amending the Bastard Law as to render a white woman who shall bring forth a child by a negro slave an incompetent witness against a white person, and to subject the slave to corporal punishment; with leave to report by bill or otherwise.

On motion of Mr. J. T. Miller,

*Resolved*, That a message be sent to the Senate, proposing to raise a Joint Select Committee to consist of three on the part of the Senate and six on the part of this House, for the purpose of examining the Wilmington and Raleigh Rail Road; and that said committee be instructed to report upon the condition and progress thereof.

On motion of Mr. Boyden,

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the law in regard to the conveyance of the real estates of femes covert residing beyond the limits of this State, as to render the same cheaper and more expeditious.

On motion of Mr. Boyden,

*Resolved*. That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the disposition of infant children in cases of divorce.

Mr. Guthrie, from the Committee on Private Bills, to whom was referred the bill to emancipate Tom Hadley, reported the same with sundry amendments. The amendments were read and concurred in, when, on motion of Mr. Taylor, the bill was indefinitely postponed—yeas 80, nays 32. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

MESSRS.

Amis,	Gwynn,	Peden,
Baker,	Hester,	Pollock,
Barnes,	Hill,	Rand,
Bedford,	Hoke,	J. R. Rayner,
E. S. Bell,	Holland,	Robards,
Blalock,	Howerton,	Roebuck,
J. Blount,	Huggins,	Rush,
W. A. Blount,	Hyman,	Sims,
Bond,	R. Jones,	Sloan,
Braswell,	H. C. Jones,	Smith,

Brittain,	Larkins,	Stallings,
Brogden,	Lindsay,	Stockard,
Burgess,	Mangum,	Sullivan,
G. W. Caldwell,	Massey,	Taylor,
Cardwell,	Matthews,	G. Thomas,
Carson,	W. J. T. Miller,	Trollinger,
Chambers,	J. T. Miller,	Underwood,
Covington,	E. P. Miller,	Waddell,
Daniel,	Mills,	Wadsworth,
Davis,	Munday,	Walker,
Doak,	McCleese,	Wilcox,
Eaton,	McWilliams,	J. Williams,
E. J. Erwin,	Nye,	S. A. Williams,
Farrow,	Oglesby,	W. P. Williams,
Foreman,	Orr,	Bryan,
Gilliam,	Paine,	Wilson, 80.
Gwyther,	Patton,	

Those who voted in the negative were,

MESSRS.

Barksdale,	Gorham,	Perkins,
B. L. Beall,	Guthrie,	Petty,
Boger,	Harris,	Puryear,
Boyden,	Hollingsworth,	Reid,
Brummell,	Jarman,	Siler,
J. P. Caldwell,	Keener,	Stafford,
Clegg,	Killian,	D. Thomas,
Clement,	Lane,	Tuton,
Crawford,	McLaughlin,	Whitaker,
Dunlap,	McLaurin,	Young, 32.
C. Erwin,	Pemberton,	

Mr. Pemberton introduced a petition from sundry citizens of Montgomery county, praying the erection of a new county out of a portion of the limits of Montgomery, together with a bill to carry out the object of the petitioners, entitled a bill to lay off and establish a county by the name of Stanly. Said bill was read the first time and passed, and, on motion of Mr. Pemberton, referred to the Committee on Propositions and Grievances.

A message from the Senate, informing that they do not concur in the proposition of this House to raise a Joint Select Committee of three on the part of each House, to make a suitable response to the communications from the citizens of Wilmington and the Wilmington and Raleigh Rail Road Company; and proposing to raise a Joint Select Committee

of three on the part of each House, whose duty it shall be respectfully to decline the invitation contained in the communications. The message was read, and, on motion of Mr. J. P. Caldwell, ordered to lie on the table.

The bill to incorporate Junto Academy, in Orange county, was read the second time and passed.

The bill fixing the time for perfecting the titles to land heretofore entered and paid for, was read the third time, amended, and passed, and ordered to be engrossed.

Mr. J. T. Miller presented the memorial of the Commissioners of the town of Wilmington, asking to be reimbursed in certain expenditures incurred in erecting a fortification and other works of defence during the last war. The memorial was read, and, on motion of Mr. J. T. Miller, referred to the Committee on Claims.

The resignation of Silas Pate, a Justice of the Peace of the county of Wayne, received from the Senate, was read and accepted.

The House then adjourned until to-morrow morning ten o'clock.

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WEDNESDAY, NOVEMBER 28, 1838.

Mr. Farrow presented the Report of the Commissioners appointed to superintend the draining of Mattamuskeet Lake; which was read, and, on motion of Mr. Gilliam, *Ordered* to be sent to the Senate, with a proposition that it be printed for the use of the Assembly.

Mr. Crawford introduced a bill to incorporate the Yadkin Manufacturing Company, and Mr. Gwynn a bill to circumscribe the corporate limits of the town of Milton. These bills were read the first time and passed.

On motion of Mr. McLaughlin,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending the 25th, 32nd, 41st, 75th, and 76th sections of the revenue laws of this State.

On motion of Mr. Winston, the Committee on the Judiciary was discharged from the further consideration of the Resolution directing them to inquire into the expediency of giving a legislative construction to the 8th section of the

Constitution of this State, relating to the qualifications of voters for members of the House of Commons.

Mr. Carson presented a petition from Jesse T. Walton and George S. Walton, of Burke county, praying to be allowed to erect a mill dam across the Catawba River. Said petition was, on motion of Mr. Carson, referred to the Committee on Private Bills.

Received from the Senate a message, transmitting the report of the Commissioners appointed to superintend the rebuilding of the State Capitol, and proposing that the same be printed, one copy for each member of the General Assembly, and that it be referred to the Joint Select Committee raised on the Public Buildings. Mr. Crawford moved that five copies be printed instead of one, and that the concurrence of the Senate be asked therein. The question on this motion was determined in the negative—yeas 13—nays 99.—The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Hill,	McWilliams,
J. P. Caldwell,	H. C. Jones,	Rand,
Crawford,	Matthews,	G. Thomas,
Guthrie,	McLaurin,	Winston, 13,
Gwyther,		

Those who voted in the negative were,

MESSRS.

Amis,	Gilliam,	Petty,
Baker,	Gorham,	Pollock,
Barksdale,	Gwynn,	Puryear,
Barnes,	Harris,	K. Rayner,
Bedford,	Hester,	J. R. Rayner,
E. S. Bell,	Hoke,	Reid,
Blalock,	Holland,	Robards,
J. Blount,	Hollingsworth,	Roebuck,
W. A. Blount,	Howerton,	Rush,
Boger,	Huggins,	Siler,
Boud,	Hyman,	Sims,
Boyden,	R. Jones,	Sloan,
Braswell,	Keener,	Smith,
Brittain,	Killian,	Stafford,
Brogden,	Lane,	Stallings,
Brummell,	Larkins,	Stockard,
Bryan,	Lindsay,	Sullivan,

Burgess,	Mangum,	Taylor,
G. W. Caldwell,	Massey,	D. Thomas,
Cardwell,	W. J. T. Miller,	Tomlinson,
Carson,	J. T. Miller,	Trollinger,
Chambers,	E. P. Miller,	Tuton,
Clegg,	Mills,	Underwood,
Clement,	Munday,	Waddell,
Covington,	McLaughlin,	Wadsworth,
Daniel,	Nye,	Walker,
Davis,	Oglesby,	Whitaker,
Doak,	Orr,	Wilcox,
Eaton,	Paine,	J. Williams,
E. J. Erwin,	Patton,	S. A. Williams,
C. Erwin,	Peden,	W. P. Williams,
Farrow,	Pemberton,	Wilson,
Foreman,	Perkins,	Young, 99.

The question recurring on the proposition of the Senate, was concurred in.

*Public Lands*  
Mr. Hill submitted the following resolutions:

*Resolved,* That each of the United States being a party to the national compact, possesses an interest in the public lands proportioned to the federal population of each, "or in the terms of the compact" "according to the usual respective proportions of the general charge and expenditure."

*Resolved,* That those States in whose favor Congress has not made appropriations of the Public Domain, for the purposes of education, are entitled to such appropriations as will correspond in a just proportion with those heretofore made in behalf of other States.

*Resolved,* That our Senators and Representatives in the Congress of the United States, be requested to urge the claims of the State of North Carolina, to her portion of the Public Lands; and that the same, when obtained, be applied to the establishment and support of Common Schools, and the promotion and diffusion of education throughout the State.

On motion of Mr. Hill, ordered that the said resolutions lie on the table, and, on motion of Mr. Hoke, ordered that the same be printed.

A message from the Senate, concurring in the proposition of this House, to vote on this day at 12 o'clock for Solicitor of the 4th Judicial Circuit, and informing that Messrs. Allison and Moye form their committee to superintend the election. *Ordered,* that Messrs. Gilliam and Covington form

said committee on the part of the Commons. The House then proceeded to vote as follows, viz.

FOR JOHN F. POINDEXTER,

MESSRS.

Speaker,	Harris,	Perkins,
Amis,	Hester,	Petty,
B. L. Beall,	Hill,	Pollock,
Bedford,	Hoke,	Puryear,
E. S. Bell,	Holland,	Rand,
Blalock,	Howerton,	K. Rayner,
J. Blount,	Huggins,	J. R. Rayner,
W. A. Blount,	Hyman,	Reid,
Boger,	R. Jones	Robards,
Bond,	H. C. Jones,	Roebuck,
Boyden,	Keener,	Rush,
Braswell,	Killian,	Siler,
Brittain,	Lane,	Sims,
Brummell,	Larkins,	Smith,
Burgess,	Lindsay,	Stallings,
J. P. Caldwell,	Mangum,	Stockard,
Cardwell,	Massey,	Taylor,
Carson,	Matthews,	D. Thomas,
Chambers,	W. J. T. Miller,	G. Thomas,
Clegg,	J. T. Miller,	Tomlinson,
Clement,	E. P. Miller,	Trollinger,
Covington,	Mills,	Tuton,
Crawford,	Munday,	Underwood,
Davis,	McCleese,	Waddell,
Doak,	McLaughlin,	Wadsworth,
Eaton,	McLaurin,	Walker,
Ellington,	McWilliams,	Whitaker,
E. J. Erwin,	Nye,	J. Williams,
C. Erwin,	Oglesby,	W. P. Williams,
Farrow,	Orr,	Wilson,
Foreman,	Paine	Winston,
Gilliam,	Patton,	Sloan,
Gorham,	Peden,	Young, 101.
Gwynn,	Pemberton,	

FOR JOHN S. GUTHRIE.

MESSRS.

Baker,	Daniel,	Wilcox,
Barnes,	Hollingsworth,	S. A. Williams,
Brogden,	Jarman,	Bryan, 11.
G. W. Caldwell,	Sullivan,	

FOR GREEN W. CALDWELL,

Mr. Guthrie.

Mr. Covington, from the committee appointed to superintend this election, reported that John F. Poindexter had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Received from the Senate a message, proposing to raise a Joint Select Committee on Military Affairs. The proposition was agreed to, and Messrs. Brittain, Trollinger, Peden, Whitaker, and J. T. Miller appointed to compose said committee on the part of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to change the time of holding the Courts of Pleas and Quarter Sessions for the county of Wilkes, and asking the concurrence of this House. The said bill was read the first, second, and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they do not concur in the proposition of this House to raise a Joint Select Committee of three on the part of the Senate, and six on the part of the House of Commons, for the purpose of examining the Wilmington and Raleigh Rail Road, and that said Committee report upon the condition and progress thereof.

Mr. Keener introduced a bill making valid certain surveys of the Deputy Surveyor of the county of Haywood; which was read the first time and passed, and, on motion of Mr. Keener, referred to the Committee on Private Bills.

Mr. Petty introduced a bill to authorise Robert Walker, of Wilkes county, to build a mill on his own land on Roaring River at or near a place called the Rock House; which was read the first time and passed, and, on motion of Mr. Petty, referred to the Committee on Private Bills.

The bill to incorporate the Rocky Mount Manufacturing Company; the bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; the bill to establish a toll bridge over the South Yadkin River, near Hall's Mills, in Davie county; the bill for the better regulation of the town of Greenville; and the resolution for printing the Comptroller's Report, were severally read the second time and passed.

On motion, *Ordered*, that a message be sent to the Senate, proposing that Mr. Patton be added to the Committee on Cherokee Lands.

The bill to incorporate Junto Academy, in Orange county, was read the third time, passed, and ordered to be engrossed.



Received from His Excellency Governor Dudley, by his Private Secretary, Mr. Battle, a communication touching the renting and fitting up of a House for the accommodation of the General Assembly the present session; which was read, and, on motion of Mr. Gilliam, ordered to be sent to the Senate. Received from His Excellency Governor Dudley, by his Private Secretary, a communication, transmitting the Report of William H. Haywood, Jr. Esq. Commissioner to settle the military claim of this State on the General Government; which was read, and, on motion of Mr. Hill, *Ordered* to be sent to the Senate, with a proposition to refer the subject to a Joint Select Committee.

Mr. Wilson presented the certificate of the County Court of Perquimons, in favor of Priscilla Goodwin, a State Pensioner; which was ordered to be countersigned by the Speaker and sent to the Senate.

Received from the Senate the resignations of John Meares, of Columbus county, and of John Holloway, of Person; which were read and accepted.

The resignations of D. Little, of Iredell, of Martin Quinn, and C. C. Dunham, of Rutherford, of Jesse Holmes, of Davidson, of Joel Lee, of Johnston, of Alex'r. Torrence, of Iredell, and of Robert Melvin, of Bladen, Justices of Peace, were presented, read, and accepted.

The House then adjourned until to-morrow morning ten o'clock.

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THURSDAY, NOVEMBER 29, 1838.

On motion of Mr. Winston,

*Ordered*, That a message be sent to the Senate, proposing that the two Houses, at 12 o'clock this day, go into an election of Solicitor for the 5th Judicial Circuit, and informing that the name of Alex'r. Troy is in nomination for the appointment.

Mr. Rand presented the memorial of the President and Directors of the Raleigh & Gaston Rail Road Company, asking the aid of the State in completing their Road; which was read, and, on motion of Mr. Crawford, referred to the Committee on Internal Improvements.

Mr. Siler presented the petition of Joseph Brindle, of Macon County, praying relief in a matter touching his purchase of

tract of the Cherokee Lands. Said petition was read, and, on motion of Mr. Siler, referred to the Committee on Cherokee Lands.

Mr. E. J. Erwin submitted the following resolution:

Whereas it is believed that the severity of punishment, prescribed by the criminal law now in force, is frequently the cause of offenders eluding justice from the lenity of Juries; and whereas it is further believed that the building of a penitentiary, and changing the present mode of punishment to a term of service therein, would ensure a more certain execution of the criminal laws; and that this method of punishing offenders would not only better suit our feelings of humanity, but would be less expensive and less burthensome to the people: Therefore,

*Resolved*, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five members from each House, to inquire into the expediency of building a penitentiary in this State; and that they have leave to report by bill or otherwise.

The said resolution was read and adopted.

On motion, leave of absence from the service of the House, from this day until Tuesday next, was granted to Mr. Barksdale.

Mr. Carson presented a bill, founded on a petition from many citizens of Burke and Rutherford Counties, entitled a bill to lay off and establish a county by the name of M'Dowell. The said bill was read the first time and passed, and, on motion of Mr. Carson, referred to a committee composed of the delegates from Burke and Rutherford.

On motion of Mr. Robards,

*Resolved*, That the Committee on the Library be instructed to inquire into the expediency of republishing Lawson's History of North Carolina.

Mr. Nye presented the following resolution:

*Resolved*, That the Treasurer of the State of North Carolina be, and he is hereby authorized and required to receive the purchase money for all entries of Lands, in either South Carolina or Virginia money, provided it be in notes of specie paying Banks.

Said resolution was read, and, on motion of Mr. Nye, referred to the Committee on Finance.

On motion of Mr. Whitaker,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of making the 1st volume of the Revised Statutes, as published by Messrs. Iredell & Battle, evidence in all cases; and that the same committee be further instructed to inquire into the expediency of amending the Revenue Law so far as the same provides for the valuation of lands.

Mr. Peden introduced the following resolution, viz.

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of authorizing and requiring the Public Treasurer of this State hereafter to receive from the sheriffs of the several counties of this State, the State taxes in notes of any specie paying Banks of the States of South Carolina and Virginia.

Said resolution was read and rejected.

The bill to incorporate the Yadkin Manufacturing Company; and the bill to incorporate the Rocky Mount Manufacturing Company, were, on motion of Mr. Hill, referred to the Committee on Private Bills.

On motion of Mr. W. A. Blount,

*Ordered*, That a message be sent to the Senate, proposing to raise a Joint Select Committee on so much of his Ex'cy. the Governor's Message as relates to the securing to the citizens of this State homesteads or freeholds.

Mr. Reid introduced a bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina; which was read the first time and passed.

On motion of Mr. Massey,

*Resolved*, That a message be sent to the Senate, proposing to raise a Joint Select Committee to inquire into the operation of the law passed at the last session providing for the public printing, and to report what the same has cost the State; and that said committee also inquire whether the said law does not need amendment.

On motion of Mr. Massey,

*Resolved*, That the Governor be requested to communicate to the General Assembly the bids that were made for the public printing which were filed in the Executive Office by the Secretary of State.

The bill for the better regulation of the Town of Greenville;

the bill to extend the time for registering grants, mense conveyances, powers of attorney, bills of sale and deeds of gift; and the resolution for printing the Comptroller's Report, were each read the third time, passed and ordered to be engrossed.

Messrs. Holland, Mills, Massey, H. C. Jones and Puryear were appointed the Joint Select Committee on the part of this House on the Public Printing.

On motion of Mr. Waddell,

*Resolved*, That a message be sent to the Senate, proposing to raise a Joint Select Committee of three on the part of each House, upon so much of the Governor's Message as relates to the request made by the State of Louisiana to hold a Southern Convention to adopt measures against the machinations of Northern Fanatics.

On motion of Mr. Robards,

*Resolved*, That a message be sent to the Senate, proposing to refer so much of the Governor's Message as relates to a communication from the Executive of the State of Vermont, on the subject of the Abolition of Slavery, to a Joint Select Committee of three on the part of each House.

On motion of Mr. Gilliam,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the existing law so as to render growing crops not liable to execution; and that they report by bill or otherwise.

Mr. Reid called up for a second reading the bill to incorporate the Cape Fear and Western Steamboat Company of North Carolina, when, on motion of Mr. Hill, said bill was referred to the Committee on Private Bills.

A message from the Senate, concurring in the proposition of this House to vote this day at 12 o'clock for Solicitor of the 5th Judicial Circuit, and informing that Messrs. Bunting and Williams, of Beaufort, form the committee of superintendence on their part. *Ordered*, that Messrs. Pemberton and Sloan form said Committee on behalf of the Commons.

The House then proceeded to vote as follows, viz.

FOR ALEX. TROY,

MESSRS.

Speaker,  
Barnes,  
B. L. Beall,

Gwynn,  
Harris,  
Hester,

Patton,  
Peden,  
Pemberton,

Bedford,	Hill,	Petty,
E. S. Bell,	Hoke,	Pollock,
Blalock,	Holland,	Puryear,
J. Blount,	Hollingsworth,	Rand,
W. A. Blount,	Howerton,	J. R. Rayner,
Boger,	Huggins,	Reid,
Boyden,	Hyman,	Robards,
Braswell,	Jarman,	Roebuck,
Brittain,	R. Jones,	Rush,
Brummell,	H. C. Jones,	Siler,
Burgess,	Keener,	Sims,
J. P. Caldwell,	Killian,	Sloan,
G. W. Caldwell,	Lane,	Smith,
Cardwell,	Larkins,	Stafford,
Carson,	Lindsay,	Stockard,
Chambers,	Mangum,	Sullivan,
Clegg,	Massey,	Taylor,
Clement,	Matthews,	D. Thomas,
Covington,	W. J. T. Miller.	Tomlinson,
Crawford,	J. T. Miller,	Trollinger,
Davis,	E. P. Miller,	Tuton,
Doak,	Mills,	Underwood,
Dunlap,	Munday,	Waddell,
Eaton,	McCleese,	Wadsworth,
Ellington,	McLaughlin,	Walker,
E. J. Erwin,	McLaurin,	Whitaker,
C. Erwin,	McWilliams,	J. Williams,
Farrow,	Nye,	W. P. Williams,
Foreman,	Oglesby,	Wilson,
Gilliam,	Orr,	Winston,
Gwyther,	Paine,	Young, 103.

## FOR DAVID REID,

MESSRS.

Amis,	Stallings,	S. A. Williams, 5.
Daniel,	Wilcox,	

## FOR JOHN S. GUTHRIE,

MESSRS.

Brogden,	Bryan,	Perkins, 3.
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## FOR CURTIS BROGDEN,

Mr. Guthrie.

Mr. Sloan, from the committee appointed to superintend this election, reported that Alex. Troy had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. McWilliams introduced a bill to emancipate Henry, a slave; which was read the first time and passed. Said bill was again read the second time; when, on motion of Mr. W. A. Blount, it was postponed indefinitely.

Mr. McWilliams introduced a bill to emancipate Napoleon, a slave. The said bill was read the first time; and, on motion of Mr. Stallings, rejected.

Mr. McWilliams introduced a bill relating to certain Fisheries in this State; which was read the first time and passed.

The bill to circumscribe the corporate limits of the town of Milton, was read the second time and passed.

The bill to establish a toll bridge over the South Yadkin river, near Hall's Mills, in Davie county, was, on motion of Mr. H. C. Jones, referred to a select committee to be composed of the members representing the county of Rowan.

The resignation of Peter R. Davis, as a Justice of the Peace of the county of Warren, received from the Senate, was read and accepted.

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

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FRIDAY, NOV. 30, 1838.

Mr. A. G. Proctor, the member representing the county of Pasquotank, appeared and was qualified according to law.

On motion of Mr. Wm. P. Williams, the House agreed to reconsider their vote of yesterday, by which the following resolution was adopted, viz.

*Rasolved*, That a message be sent to the Senate, proposing to refer so much of the Governor's message as relates to a communication from the Executive of the State of Vermont, on the subject of the abolition of slavery, to a joint select committee of three on the part of each House.

The resolution again coming up for consideration, Mr. Patton moved that the same lie on the table. The question thereon was determined in the negative—yeas 7, nays 104. The yeas and nays demanded by Mr. Amis.

Those who voted in the affirmative, were,

MESSRS.

B. L. Beall,	Guthrie,	Patton,
J. P. Caldwell,	H. C. Jones,	D. Thomas, 7.
E. J. Erwin,		

Those who voted in the negative, were,

Messrs.

Amis,	Hester,	Pollock,
Baker,	Hill,	Purveyar,
Bedford,	Hoke,	Proctor,
E. S. Bell,	Holland,	Rand
Blalock,	Hollingsworth,	J. R. Rayner,
J. Blount,	Howerton,	Reid,
W. A. Blount,	Huggins,	Robard,
Boger,	Hyman,	Roebuck,
Boyden,	Jarman,	Rush,
Braswell,	R. Jones,	Siler,
Brittain,	Keener,	Sims, 1
Brogden,	Killian,	Sloan,
Brummell,	Lane,	Smith,
Bryan,	Larkins,	Stafford,
Burgess,	Lindsay,	Stallings,
G. W. Caldwell,	Mangum,	Stockard,
Cardwell,	Massey,	Sullivan,
Carson,	Matthews,	Taylor,
Chambers,	W. J. T. Miller,	G. Thomas,
Clegg,	J. T. Miller,	Tomlinson,
Clément,	E. P. Miller,	Trollinger,
Covington,	Mills,	Tuton,
Crawford,	Munday,	Underwood,
Daniel,	McCleese,	Waddell,
Davis,	McLaughlin,	Wadsworth,
Doak,	McLaurin,	Walker,
Dunlap,	McWilliams,	Whitaker,
Eaton,	Nye,	Wilcox,
Ellington,	Oglesby,	J. Williams,
C. Erwin,	Orr,	S. A. Williams,
Farrow,	Paine,	W. P. Williams,
Foreman,	Peden,	Wilson,
Gilliam,	Pemberton,	Winston,
Gorham,	Perkins,	Harris,
Gwynn,	Petty,	Young—105.

On motion of Mr. Amis, the said resolution was indefinitely postponed—ayes 92, nays 21. The yeas and nays demanded by Mr. Nye.

Those who voted in the affirmative, were,

MESSRS.

Amis	Hester,	Rand,
Baker,	Hill,	J. R. Rayner,
Barnes,	Holland,	Reid,
B. L. Beall,	Hoke,	Roebuck,
Bedford,	Hollingsworth,	Rush,
E. S. Bell,	Howerton,	Siler,
Blalock,	Huggins,	Sims,
J. Blount,	Hyman,	Sloan,
Roger,	Jarman,	Smith,
Boyden,	R. Jones,	Stallings,
Braswell,	Keener,	Stockard,
Brittain,	Killian,	Sullivan,
Brogden,	Lane,	Taylor,
Brummell,	Larkins,	D. Thomas,
Bryan,	Lindsay,	G. Thomas,
Burgess,	Mangum,	Tomlinson,
G. W. Caldwell,	Massey	Trollinger,
Cardwell,	W. J. T. Miller,	Tuton,
Carson,	Munday,	Underwood,
Chambers,	McLaughlin,	Waddell,
Clegg,	McLaurin,	Wadsworth,
Clement,	McWilliams	Walker,
Covington,	Nye,	Whitaker,
Daniel,	Oglesby, 1	Wilcox,
Davis,	Orr,	J. Williams,
Doak,	Paine,	S. A. Williams,
Duolap,	Peden,	W. P. Williams,
Eaton,	Pemberton,	Wilson,
C. Erwin,	Perkins,	J. T. Miller,
Gwynn,	Petty,	Wiuston, 92.
Harris,	Pollock,	

Those who voted in the negative were,

MESSRS.

Wm. A. Blount,	Gilliam,	McCleese,
J. P. Caldwell,	Gorham,	Patton,
Crawford,	Guthrie,	Puryear,
Ellington,	H. C. Jones,	Proctor,
E. J. Erwin,	Matthews,	Robards,
Farrow,	E. P. Miller,	Stafford,
Foreman,	Mills,	Young, 21.

A message from the Senate, informing that Messrs. Reid and Montgomery form the Committee on Enrolled Bills on



the part of the Senate. *Ordered*, that Messrs. E. P. Miller, Walker, Stafford and Jarman form said committee on the part of this House.

A message from the Senate, proposing that Thursday, the 13th December proximo, be set apart for the appointment of Justices of the Peace. The proposition was concurred in.

A message from the Senate, transmitting a memorial from Joel Strong, of the county of Granville, in relation to the dividing line between North Carolina and Virginia, and proposing that said memorial be referred to a committee to consist of the members of both Houses representing the counties adjacent to the Virginia line. The proposition was not concurred in.

A message from the Senate, proposing that so much of the Governor's message as relates to the subject of the currency, and the depositories of the Federal Government, be referred to the Committee on Finance. The proposition was not concurred in.

A message from the Senate, proposing that so much of said message as relates to the public arms and a compilation of military tactics, be referred to the Joint Select Committee on Military Affairs; and proposing that so much of said message as relates to reports from the institutions of the State in which it has a pecuniary interest, be referred to the Committee on Finance. These propositions were concurred in.

Mr. Guthrie, from the Committee on Private Bills, reported without amendment the bill to authorize Robert Walker of Wilkes County to build a Mill on his own land on Roaring River at or near a place called the Rock House. Said bill was read the second time and passed.

Mr. Guthrie, from the same committee, reported without amendment the bill making valid certain surveys of the deputy surveyor of the county of Haywood. Said bill was read the second time and passed.

Mr. Crawford submitted the following resolution:

*Resolved*, That his Ex'cy. Governor Dudley be requested to forward to his Excellency the Governor of Vermont a communication upon the subject of the Resolutions transmitted to him upon the subject of abolition, and to express the indignation and abhorrence of this deliberate body in a most decided manner.

Mr. W. P. Williams moved to amend said resolution, by striking out the whole after the word *Resolved*, and to insert the following:

“That the interference of the Legislature of the State of Vermont with the subject of Slavery, as communicated to us in our Governors’s message, is a gross assault on Southern rights, and deserves a contemptuous and indignant rebuke from this House.”

Pending this motion, Mr. Eaton moved that the resolution be postponed indefinitely, and the question thereon was determined in the affirmative—Yeas 79, Nays 34. The yeas and nays demanded by Mr. Eaton.

Those who voted in the affirmative were,

MESSRS.

Amis,	Holland,	Pollock,
Baker,	Hollingsworth,	Rand,
Barnes,	Howerton,	J. R. Rayner,
Bedford,	Huggins,	Reid,
W. A. Blount,	Jarman,	Roebuck,
Boger,	R. Jones,	Rush,
Boyden,	Keener,	Siler,
Braswell,	Killian,	Sims,
Brittain,	Lane,	Sloan,
Brogden,	Larkins,	Smith,
Bryan,	Lindsay,	Stallings,
Burgess,	Mangum,	Stockard,
Cardwell,	Massey,	Sullivan,
Carson,	W. J. T. Miller	Taylor,
Chambers,	J. T. Miller,	D. Thomas,
Clegg,	Munday,	Tomlinson,
Covington,	McLaughlin,	Trollinger,
Daniel,	McLaurin,	Underwood,
Davis,	McWilliams,	Waddell,
Doak,	Nye,	Walker,
Eaton,	Oglesby,	Whitaker,
E. J. Erwin,	Orr,	Wilcox,
C. Erwin,	Peden,	S. A. Williams,
Harris,	Pemberton,	Wilson,
Hester,	Perkins,	Brummell,
Hill,	Petty,	Winston, 79.
Hoke,		

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Gilliam,	Patton,
E. S. Bell,	Gorham,	Puryear,
Blalock,	Guthrie	Proctor,
J. Blount,	Gwynn,	Robards,

J. P. Caldwell,	Hyman,	Stafford,
G. W. Caldwell,	H. C. Jones,	G. Thomas,
Clement,	Matthews,	Tuton,
Crawford,	E. P. Miller,	Wadsworth,
Dunlap,	Mills,	J. Williams,
Ellington,	McCleese,	W. P. Williams,
Farrow,	Paine,	Young, 34.
Foreman,		

Mr. Winston, from the Committee on the Judiciary, asked that the Committee be discharged from the further consideration of the resolution directing them to inquire into the expediency of amending the Bastardy Law. The committee was discharged.

On motion of Mr. Gilliam.

*Ordered*, That a message be sent to the Senate proposing that the two Houses do on Monday next, at 12 o'clock, go into an election of Counsellors of State.

Mr. Winston, from the Committee on the Judiciary, who were instructed to inquire into the expediency of authorising the County Courts to decree a sale of land held by tenants in common, reported unfavorably thereon, and asked to be discharged from the further consideration thereof.—The report was concurred in, and the committee discharged.

Mr. Winston, from the same Committee, reported a bill to amend the 39th section of the Revised Statutes, entitled an act concerning Courts of Justice, Practice, Pleas, and Process. Said bill was read the first time and passed.

Mr. Wilson introduced a bill to incorporate Pleasant Grove Academy, in the county of Perquimons; which was read the first time and passed.

Mr. Guthrie, from the Committee on Private Bills, reported the bill to incorporate the Cape Fear and Western Steam Boat Company, with sundry amendments; which were read and concurred in; and the question being on the passage of the bill the second reading, as amended, Mr. Guthrie moved further to amend the bill by adding the following section: "And be it further enacted, that the private property of the individual stockholders shall be liable for all the debts, contracts, and liabilities of the corporation." The question on concurring with this amendment was decided in the affirmative—yeas 94—nays 14. The yeas and nays demanded by Mr. Wilcox.

Those who voted in the affirmative were,

MESSRS.

Amis,	Foreman,	Patton,
Baker,	Gorham,	Peden,
Barnes,	Guthrie,	Petty,
Bedford,	Gwyther,	Pollock,
E. S. Bell,	Gwynn,	Rand,
Blalock,	Harris,	J. R. Rayner,
J. Blount,	Hester,	Roebuck,
W. A. Blount,	Howerton,	Rush,
Boger,	Huggins,	Siler,
Bond,	Hyman,	Sims,
Boyden,	R. Jones	Sloan,
Braswell,	H. C. Jones,	Stafford,
Brittain,	Keener,	Stallings,
Brogden,	Killian,	Stockard,
Brummell,	Lane,	Sullivan,
Bryan,	Larkins,	Taylor,
Burgess,	Lindsay,	D. Thomas,
J. P. Caldwell,	Mangum,	G. Thomas,
G. W. Caldwell,	Massey,	Tomlinson,
Cardwell,	W. J. T. Miller,	Trollinger,
Carson,	J. T. Miller,	Tuton,
Chambers,	E. P. Miller,	Underwood,
Clegg,	Mills,	Walker,
Clement,	McCleese,	Whitaker,
Covington,	McLaughlin,	Wilcox,
Daniel,	McLaurin,	J. Williams,
Davis,	McWilliams,	S. A. Williams,
Doak,	Nye,	W. P. Williams,
Dunlap,	Oglesby,	Wilson,
Eaton,	Orr,	Winston,
Ellington,	Paine	Young, 94.
C. Erwin,		

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Hill,	Robards,
Crawford,	Hollingsworth,	Smith,
E. J. Erwin,	Jarman,	Waddell,
Farrow,	Puryear,	Wadsworth 14.
Gillam,	Reid,	

The said bill was, on motion of Mr. Reid, laid on the table.

Mr. Guthrie, from the Committee on Private Bills, re-

ported the bill to incorporate the Yadkin Manufacturing Company, without amendment. The said bill was read the second time, and, on motion of Mr. Guthrie amended, by adding the following section, viz: "And be it further enacted, that the private property of the individual stockholders shall be liable for all the debts, contracts, and liabilities of the corporation." *Ordered*, on motion of Mr. Crawford, that the said bill lie on the table.

The House then adjourned until to-morrow morning ten o'clock.

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SATURDAY, DECEMBER 1, 1838.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, to whom was referred the petition of Henry Patterson, reported a bill to emancipate Emeline Patterson; which was read the first time and passed.

Herod Faison, one of the members elect from the county of Northampton, appeared, and was qualified according to law.

Mr. Hoke moved the House do now re-consider the vote of yesterday whereby was postponed indefinitely the following resolution, viz:

*Resolved*, That His Excellency Governor Dudley be requested to forward to His Excellency the Governor of Vermont, a communication upon the subject of the resolutions transmitted to him upon the subject of abolition, and to express the indignation and abhorrence of this deliberative body in a most decided manner."

The question on this motion was decided in the affirmative.

Mr. Hoke moved to amend said resolution by striking out the whole after the word resolved, and inserting the following, viz: "That upon the subject of the abolition of slavery we have but one opinion, and will not, under any circumstances, permit ourselves to entertain or debate it; and any effort to excite discussion by persons living out of our State, will be instantly met with the most decisive and contemptuous reprobation." Mr. Paine moved to amend the amendment, by substituting in lieu thereof the following, viz:

Whereas, we the Representatives of the people of North Carolina, perceive with abhorrence and regret that the Legislature of

the State of Vermont have, by a communication on the subject of the abolition of slavery from the Governor of said State to the Executive of the State of North Carolina, attempted officiously and without the shadow of a right to interfere with our domestic institutions; and whereas, we view all such attempts at interference as having an inevitable tendency not only to destroy harmony and good feeling among the States of this Union, but also to lead to civil war and bloodshed:

Therefore be it Resolved, That we consider all such communications as an open declaration of hostility to our peace, happiness and prosperity, and leave them to the opprobrium and detestable contempt with which they deserve to be treated by the friends of peace and good order and the advocates of the durability of the Federal Compact."

Mr. Gwynn called for a division of the question, when, on motion of Mr. Crawford, the whole subject was committed to a Select Committee consisting of Messrs. Robards, Hoke, Paine and Cardwell.

Mr. Brittain called up for consideration the bill to lay off and establish a county by the name of Henderson; when the said bill was read the second time and passed—yeas 78—nays 37. The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Gwyther,	Peden,
Bedford,	Gwynn,	Pemberton,
E. S. Bell,	Harris,	Petty,
Blalock,	Hester,	Pollock,
Boger,	Hill,	Puryear,
Boyden,	Hoke,	Proctor,
Braswell,	Holland,	Rand,
Brittain,	Huggins,	J. R. Rayner,
Brummell,	Hyman,	Reid,
J. P. Caldwell,	R. Jones,	Robards,
G. W. Caldwell,	H. C. Jones,	Rush,
Cardwell,	Keener,	Siler,
Carson,	Killian,	Sims,
Chambers,	Lane,	Smith,
Clegg,	Lindsay,	Stafford,
Clement,	Matthews,	Stockard,
Covington,	W. J. T. Miller,	D. Thomas,
Crawford,	E. P. Miller,	G. Thomas,
Doak,	Munday,	Trollingier,

Dunlap,	McLaughlin,	Waddell,
Etlington,	McLaurin,	Wadsworth,
E. J. Erwin,	Nye,	Walker,
C Erwin,	Oglesby,	W. P. Williams,
Farrow,	Orr,	Mills,
Gilliam,	Paine,	Winston,
Guthrie,	Patton.	Young—78.

Those who voted in the negative were,

MESSRS.

Amis,	Foreman,	Sloan,
Baker,	Gorham,	Stallings,
Barnes,	Hollingsworth,	Sullivan,
J. Blount,	Howerton,	Taylor,
W. A. Blount,	Jarman,	Tomlinson,
Bond,	Larkins,	Tuton,
Brogden,	Massey,	Underwood,
Bryan,	J. T. Miller,	Whitaker,
Burgess,	McCleese,	Wilcox,
Daniel,	McWilliams,	J. Williams,
Davis,	Perkins	S. A. Williams,
Eaton,	Roebuck,	Wilson—37.
Faison,		

On motion of Mr. Brittain, two thirds of the House concurring, the said bill was read the third time, and the question, shall the said bill pass the third reading? was determined in the affirmative—yeas 79—nays 36. The yeas and nays demanded by Mr. Tomlinson.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Gwynn,	Paine,
Bedford,	Harris,	Patton,
E. S. Bell,	Hester,	Peden,
Blalock,	Hill,	Pemberton,
Boger,	Hoke,	Petty,
Boyden,	Holland,	Pollock,
Braswell,	Huggins,	Puryear,
Brittain,	Hyman,	Proctor,
Brummell,	R. Jones,	Rand,
J. P. Caldwell,	H. C. Jones,	J. R. Rayner,
G. W. Caldwell,	Keener,	Reid,
Cardwell,	Killian,	Robards,
Carson,	Lane,	Rush,
Chambers,	Lindsay,	Siler,
Clegg,	Mangum,	Sims,

Clement,	Massey,	Stafford
Covington,	Matthews,	Stockard,
Crawford,	W. J. T. Miller,	D. Thomas,
Doak,	E. P. Miller,	G. Thomas,
Dunlap,	Mills,	Trollinger,
Ellington,	Munday,	Waddell,
E. J. Erwin,	McLaughlin,	Wadsworth,
C. Erwin,	McLaurin,	Walker,
Farrow	Nye,	W. P. Williams,
Galliam,	Oglesby,	Winston,
Guthrie,	Orr,	Young, 79.
Gwyther,		

Those who voted in the negative were,

MESSRS.

Amis,	Foreman,	Smith,
Baker,	Gorham,	Stallings,
Barnes,	Hollingsworth,	Sullivan,
J. Blount,	Howerton,	Taylor,
W. A. Blount,	Jarman,	Tomlinson,
Bond,	Larkins,	Tuton,
Brogden,	J. T. Miller,	Underwood,
Bryan,	McCleese,	Whitaker,
Daniel,	McWilliams,	Wilcox,
Davis,	Perkins,	J. Williams,
Eaton,	Roebuck,	S. A. Williams,
Faison,	Sloan,	Wilson, 36.

*Ordered,* That said bill be engrossed.

Mr. McLaurin called up the bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina, and moved that the House do re-consider their vote of yesterday adopting the amendment offered by Mr. Guthrie as an additional section. The question on this motion was decided in the affirmative; when, on motion of Mr. Reid, the bill and proposed amendment were laid on the table.

Mr. Hill, from the Committee on Internal Improvements, reported the bill to alter, amend, and improve the public road from Rutherfordton to Asheville, over the Blue Ridge by the Hickory Nut Gap, with amendments; when, on motion of Mr. H. C. Jones, the report was laid on the table.

Mr. H. C. Jones, from the Select Committee to whom was referred the bill to establish a toll bridge over the South Yadkin River, near Hall's Mills in Davie county, reported the same without amendment, and, on his motion, the bill was ordered to lie on the table.



The bill to authorise Robert Walker, of Wilkes county, to build a mill on his own land on Roaring River, at or near a place called the Block House; also, the bill to circumscribe the corporate limits of the town of Milton; and the bill making valid certain surveys of the Deputy Surveyor of Haywood county, were read the third time, passed, and ordered to be engrossed.

Mr. H. C. Jones called up for consideration, the bill to establish a Toll Bridge over the South Yadkin river, near Hall's Mills, in Davie county; when the said bill was read the third time, passed, and ordered to be engrossed.

Mr. Siler, from the Committee on the Cherokee Lands, to whom the matter was referred, reported a resolution in favor of Joseph Prindle; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Hester introduced a bill to amend the law concerning assaults and batteries; which was read the first time and passed, and, on Mr. Hester's motion, referred to the Committee on the Judiciary.

Mr. Petty introduced a bill, founded on a petition, to emancipate Caroline Cook and her four children, Pamelia, Archibald Tomberlin, Jas. Ellis, and Martha Jane; which was read the first time and passed, and, on motion of Mr. Petty, referred to the Committee on Propositions and Grievances.

Received from His Excellency Governor Dudley, by his Private Secretary, a communication transmitting in obedience to a call of this House the bids for the Public Printing, filed in his office by the Secretary of State. The communication was read, and, on motion of Mr. Hill, referred to the joint select committee on the Public Printing.

Received from the Senate a message, informing that Messrs. Wilson, Dockery, Harper, Hill and Cooper, form their branch of the joint select committee on Military Affairs.

A message from the Senate, concurring in the proposition of this House, to add Mr. Patton to the Committee on Cherokee Lands.

A message from the Senate, proposing that Mr. Jones be added to the Joint Select Committee on Cherokee Lands.—The proposition was agreed to.

On motion of Mr. Paine,

*Resolved*, That a message be sent to the Senate, proposing to

raise a joint select committee consisting of three on the part of each House, to whom shall be referred that part of the Governor's Message which relates to the establishment of Banks within the States, to be tendered to the Government of the United States, as places of deposite of the public monies and fiscal agents of the General Government.

A message from the Senate, concurring in the proposition of this House to refer the communication of His Excellency the Governor, together with the report of Wm. H. Haywood, Jr. Esq., on the Military Claim of North Carolina against the General Government, to a Joint Select Committee, and informing that Messrs. Morehead, Spruill, Bunting, Arrington and Speed form their branch of said Committee. *Ordered*, that Messrs. Brummell, S. A. Williams, Faison, G. W. Caldwell, and Waddell form said Committee on the part of this House.

A message from the Senate, concurring in the proposition of this House to print the Report of the Commissioner for draining Mattamuskeet Lake.

On motion of Mr. Hill,

*Resolved*, That the Joint Select Committee raised for the purpose of providing a signal for the meetings of the two Houses, be instructed to inquire what repairs are necessary on the building where the bell now stands, what expense will be incurred thereby, and to report accordingly.

A message from the Senate, informing that they had passed the engrossed bill concerning the Court of Pleas and Quarter Sessions of the county of Iredell, and asking the concurrence of this House. The said bill was read the first time and passed.

The resignations of John Linton and A. Ward, of Duplin county, and of John Hardley of Randolph, Justices of the Peace, received from the Senate, were read and accepted.

The House then adjourned until Monday morning 10 o'clock.

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MONDAY, DEC. 3, 1838.

Mr. Hoke, from the select committee to whom was referred the memorial of sundry citizens of the counties of

Lincoln and Rutherford, reported a bill to establish a new county by the name of Cleveland; which was read the first time and passed.

Mr. Trollinger presented a memorial from many citizens of the county of Orange, praying that said county be not divided.

Mr. Crawford moved that the House do now take up for consideration the bill to lay off and establish a county by the name of Jefferson. The motion prevailed. Mr. Hill moved that the said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 44, nays 64.—

The yeas and nays called for by Mr. Crawford.

Those who voted in the affirmative were,

MESSRS.

Amis,	Hollingsworth,	Roebuck,
Baker,	Huggins,	Sloan,
Barnes,	Hyman,	Smith,
J. Blount,	Jarman,	Stallings,
W. A. Blount,	Larkins,	Sullivan,
Bond,	Matthews,	G. Thomas,
Bryan,	J. T. Miller,	Tuton,
Burgess,	McCleese,	Underwood,
Daniel,	McWilliams,	Wadsworth,
Davis,	Paine,	Whitaker,
Eaton,	Perkins,	Wilcox,
Faison,	Pollock,	J. Williams,
Foreman,	Proctor,	S. A. Williams,
Gorham,	K. Rayner,	Wilson, 44.
Hill,	J. R. Rayner,	

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Farrow,	Nye,
Bedford,	Guthrie,	Oglesby,
E. S. Bell,	Gwyther,	Orr,
Blalock,	Gwynn,	Patton,
Boger,	Harris,	Peden,
Boyden,	Hester,	Pemberton,
Braswell,	Hoke,	Petty,
Brittain,	Holland,	Puryear,
Brogden,	R. Jones,	Reid,
Brummell,	H. C. Jones,	Robards,
J. P. Caldwell,	Keener,	Rush,
G. W. Caldwell,	Killian,	Siler,
Cardwell,	Lane,	Sims,

Carson,	Lindsay,	Stafford,
Chambers,	Massey,	Stockard,
Clegg,	W. J. T. Miller,	D. Thomas,
Clement,	E. P. Miller,	Trollinger,
Covington,	Mills,	Waddell,
Crawford,	Munday,	Walker,
Doak,	McLaughlin,	Winston,
Dunlap,	McLaurin,	Young—64.
E. J. Erwin,		

Mr. Robards moved to amend the bill by striking out Jefferson, the name of the county, and to insert Blakely. The question thereon was decided in the negative—yeas 50, nays 60. The yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Hollingsworth,	Petty,
Wm. A. Blount,	Huggins,	Puryear,
Bond,	Hyman,	Proctor,
Boyden,	H. C. Jones	K. Rayner,
Brittain,	Lane,	Robards,
Brummell,	Lindsay,	Rush,
J. P. Caldwell,	Matthews,	Sims,
Clement,	Mills,	Smith,
Covington,	McCleese	D. Thomas,
Doak,	McLaughlin,	Trollinger,
Dunlap,	McLaurin,	Wadsworth,
E. J. Erwin,	McWilliams,	Waddell,
Foreman,	Oglesby,	Walker,
Gorham,	Paine	J. Williams,
Guthrie,	Patton,	Winston,
Harris,	Peden,	Young, 50.
Hill,	Pemberton,	

Those who voted in the negative were,

MESSRS.

Amis,	C. Erwin,	Orr,
Baker,	Faison,	Perkins,
Bedford,	Farrow,	Pollock,
E. S. Bell,	Gwyther,	Rand,
Blalock,	Gwynn,	J. R. Rayner,
J. Blount,	Hester,	Reid,
Boger,	Hoke,	Roebuck,
Braswell,	Holland,	Siler,
Brogden,	Jarman,	Sloan,

Bryan,	R. Jones	Stafford,
Burgess,	Keener,	Stallings,
G. W. Caldwell,	Killian,	Stockard,
Cardwell,	Larkins,	Sullivan,
Carson,	Mangum,	G. Thomas,
Chambers,	Massey,	Tuton,
Clegg,	W. J. T. Miller,	Underwood,
Crawford,	J. T. Miller,	Whitaker,
Daniel,	E. P. Miller,	Wilcox,
Davis,	Munday,	S. A. Williams,
Eaton,	Nye,	Wilson—60.

The bill was amended, on the several motions of Messrs. Robards and Trollinger, and the question, shall the said bill pass the second reading? was determined in the affirmative. Mr. Siler introduced a resolution directing the Secretary of State to issue grants for lands sold at the late sale of the Cherokee Lands in certain cases; which was read, and, on motion of Mr. Robards, referred to the Committee on Cherokee Lands.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, to whom was referred the bill to lay off and establish a county by the name of Stanly, reported the same without amendment; when said bill was read the second time and passed.

Received from His Excellency Governor Dudley, by his Private Secretary, a message, transmitting the Report of the Commissioners for the sale of the Cherokee Lands. The same was read, and, on motion of Mr. Siler, *Ordered*, that it be sent to the Senate, with a proposition that it be printed and be referred to the Joint Select Committee on Cherokee Lands.

Mr. Hill introduced a bill to allow Charles P. Morris, late Sheriff of New Hanover county, further time for the collection of the taxes due from the citizens of said county; and Mr. J. T. Miller a bill to incorporate the Wilmington Hotel Company. These bills were read the first time and passed.

Received from the Senate a message, proposing that a Joint Select Committee of three on the part of each House be appointed, to make the necessary arrangements and to prescribe the time and manner for the assembling of the two Houses to compare the votes given at the late election in the State for Governor, and to declare the result. The proposition was agreed to, and Messrs. Waddell, J. T. Miller and

Patton appointed to form said committee on the part of this House.

A message from the Senate, informing that they had rejected the engrossed resolution relating to the Printing of the Comptroller's Report.

A message from the Senate, informing that Messrs. Davidson, Foy, Albright, Baker, and Sharp form their branch of the Joint Select Committee on the Public Printing.

On motion, *Ordered*, That a message be sent to the Senate, proposing that Mr. McWilliams be added to the last named Committee.

Messrs. E. S. Bell, Proctor, Hester, and Baker form the Committee on Enrolled Bills the present week.

On motion, *Ordered*, That W. P. Williams have leave of absence from the service of the House this day.

On motion, *Ordered*, That a message be sent to the Senate, informing that the following gentlemen are in nomination for Counsellors of State, viz: John A. Anderson, of Hertford, Allen Goodwin, of Chatham, James P. Leak, of Richmond, Johnson Busbee, of Wake, Thomas McGehee, of Person, Willie Perry, of Franklin, and Isaae T. Avery, of Burke.

Received from the Senate a message, informing that the following gentlemen are added to the nomination, viz: Jas. Watt, of Rockingham, George Williamson, of Caswell, Allen Rogers, sen'r. of Wake, Archibald H. Davis, of Franklin, Charles E. Johnston, of Chowan, and Thomas H. Hall, of Edgecomb; informing further that they are now ready to go into said election; and that Messrs. Biddle and McDiarmid form their committee of superintendence. *Ordered*, that Messrs. Daniel and E. J. Erwin compose said committee on the part of this House. The roll was called and the House proceeded to vote as follows for seven Counsellors of State:

FOR JOHN A. ANDERSON,

MESSRS.

Barnes,	Gilliam,	Patton,
B. L. Beall,	Gorham,	Peden,
Bedford,	Gwyther,	Pemberton,
E. S. Bell,	Gwynn,	Perkins,
Blalock,	Harris,	Petty,
J. Blount,	Hill,	Proctor,
Boger,	Hoke,	Purveyar,
Bond,	Holland,	J. R. Rayner,
Boyden,	Hollingsworth,	Reid.

Braswell,	Huggins,	Robards,
Brittain,	Hyman,	Rush,
Brogden,	Jarman,	Siler.
Brummell,	R. Jones,	Sims,
J. P. Caldwell,	H. C. Jones,	Smith,
G. W. Caldwell,	K. Rayner,	Stallings,
Cardwell,	Keener,	Stockard,
Carson,	Killian,	Sullivan,
Chambers,	Lane,	Taylor,
Clegg,	Larkins,	D. Thomas,
Clement,	Lindsay,	G. Thomas,
Covington,	Matthews,	Trollinger,
Crawford,	W. J. T. Miller.	Tuton,
Daniel,	J. T. Miller,	Underwood,
Davis,	E. P. Miller,	Waddell,
Doak,	Mills,	Wadsworth,
Dunlap,	Munday,	Walker,
Eaton,	McCleese,	J. Williams,
Ellington,	McLaughlin,	Wilson,
E. J. Erwin,	McLaurin,	Winston,
C. Erwin,	McWilliams,	Young,
Faison,	Nye,	Speaker,
Farrow,	Oglesby,	Guthrie,
Foreman,	Orr,	Mangum, 99. ✓

## FOR ALLEN GOODWIN,

Messrs.

Amis	Faison,	Peden,
Baker,	Farrow,	Pemberton,
Barnes,	Foreman,	Perkins,
B. L. Beall,	Gilliam,	Petty,
Bedford,	Gorham,	Pollock,
E. S. Bell,	Gwyther	Puryear,
Blalock,	Harris,	Proctor,
W. A. Blount,	Hill,	K. Rayner,
Boger,	Holland,	Robards,
Bond,	Hoke,	Roebuck,
Boyden,	Huggins,	Rush,
Braswell,	Hyman,	Siler,
Brittain,	R. Jones,	Sims,
Brummell	H. C. Jones,	Sloan,
Bryan,	Keener,	Smith,
Burgess,	Killian,	Stafford,
J. P. Caldwell,	Lane,	Taylor,
Cardwell,	Lindsay,	D. Thomas,
Carson,	Massey,	G. Thomas,
Chambers,	W. J. T. Miller,	Underwood,
Clegg,	J. T. Miller,	Waddell,

Clement,	E. P. Miller,	Wadsworth,
Covington,	Mills,	Whitaker,
Crawford,	Munday,	J. Williams,
Davis,	McCleese,	Wilson,
Doak,	McLaurin,	Winston,
Dunlap,	McWilliams,	Mr. Speaker,
Ellington,	Oglesby,	Patton,
E. J. Erwin,	Paine,	Guthrie, 89. ✓
C. Erwin,		

## FOR JAMES P. LEAKE,

## MESSRS.

B. L. Beall,	Foreman,	Patton,
Bedford,	Gilliam,	Peden,
E. S. Bell,	Gorham,	Pemberton,
Blalock,	Gwyther,	Petty,
W. A. Blount,	Harris,	Puryear,
Bond,	Hill,	Proctor,
Boyden,	Huggins,	K. Rayner,
Brittain,	Hyman,	Robards,
Brummell,	H. C. Jones,	Rush,
Burgess,	Keener,	Smith,
J. P. Caldwell,	Lane,	D. Thomas,
Carson,	Lindsay,	G. Thomas,
Clegg,	Matthews,	Underwood,
Clement,	W. J. T. Miller,	Waddell,
Covington,	E. P. Miller,	Wadsworth,
Crawford,	Mills,	J. Williams,
Doak,	McCleese,	Wilson,
Dunlap,	McLaughlin,	Winston,
Ellington,	McLaurin,	Young,
E. J. Erwin,	McWilliams,	Speaker,
Faison,	Oglesby,	Guthrie 65
Farrow	Paine,	

## FOR JOHNSTON BUSBEE,

## MESSRS.

B. L. Beall,	Gilliam,	Petty,
Bedford,	Gorham,	Puryear,
E. S. Bell,	Gwyther,	Proctor,
Blalock,	Harris,	Rand,
W. A. Blount,	Huggins,	K. Rayner,
Bond,	Hyman,	Robards,
Boyden,	H. C. Jones,	Rush,
Brittain,	Keener,	Siler,
Brummell,	Lane,	Smith,
Burgess,	Lindsay,	D. Thomas,
J. P. Caldwell,	W. J. T. Miller,	G. Thomas,



Carson,	E. P. Miller,	Tomlinson,
Clegg,	Mills,	Underwood,
Clement,	McCleese,	Waddell,
Covington,	McLaughlin,	Wadsworth,
Crawford,	McLaurin,	J. Williams,
Doak,	McWilliams,	Wilson,
Dunlap,	Oglesby,	Winston,
Ellington,	Paine,	Young,
E. J. Erwin,	Patton,	Mr Speaker,
Farrow,	Peden,	Guthrie, 67.
Foreman,	Pemberton,	

## FOR THOMAS McGEHEE,

## MESSRS.

B. L. Beall,	Gilliam,	Paine,
Bedford,	Guthrie,	Patton,
E. S. Bell,	Gorham,	Peden,
Blalock,	Gwyther,	Pemberton,
W. A. Blount,	Harris,	Petty,
Bond,	Hill,	Puryear,
Boyden,	Huggins,	Proctor,
Brittain,	Hyman,	K. Rayner,
Brummell,	H. C. Jones,	Robards,
Burgess,	Keener,	Rush,
J. P. Caldwell,	Lane,	Smith,
Carson,	Lindsay,	D. Thomas,
Clegg,	Matthews,	G. Thomas,
Clement,	W. J. T. Miller,	Underwood,
Covington,	E. P. Miller,	Waddell,
Doak,	Mills,	Wadsworth,
Dunlap,	McCleese,	J. Williams,
Ellington,	McLaughlin,	Wilson,
E. J. Erwin,	McLaurin,	Winston,
Faison,	McWilliams,	Young,
Farrow,	Oglesby,	Mr. Speaker, 64.
Foreman,		

## FOR WILLIE PERRY,

## MESSRS.

B. L. Beall,	Gilliam,	Patton,
Bedford,	Gorham,	Peden,
E. S. Bell,	Gwyther,	Pemberton,
Blalock,	Harris,	Petty,
W. A. Blount,	Hill,	Puryear,
Bond,	Huggins,	Proctor,
Boyden,	Hyman,	K. Rayner,
Brittain,	H. C. Jones,	Robards,
Brummell,	Keener,	Rush,

Burgess,	Lane,	Smith,
J. P. Caldwell,	Lindsay,	D. Thomas,
Carson,	Matthews,	G. Thomas,
Clegg,	W. J. T. Miller,	Underwood,
Clement,	E. P. Miller,	Waddell;
Covington,	Mills,	Wadsworth,
Doak,	McCleese,	J. Williams,
Dunlap,	McLaughlin,	Wilson,
Ellington,	McLaurin,	Winston,
E. J. Erwin,	McWilliams,	Young,
Faison,	Oglesby,	Speaker,
Farrow,	Paine,	Guthrie, 64.
Foreman,		

## FOR ISAAC T. AVERY,

## MESSRS.

B. L. Beall,	Gilliam,	Peden,
Bedford,	Gorham,	Pemberton,
E. S. Bell,	Gwyther,	Petty,
Blalock,	Harris,	Puryear,
W. A. Blount,	Hill,	Proctor,
Bond,	Huggins,	K. Rayner,
Boyden,	Hyman,	Robards,
Brittain,	H. C. Jones	Rush,
Brummell,	Keener,	Siler,
Burgess,	Lane,	Smith,
J. P. Caldwell,	Lindsay,	D. Thomas,
Carson,	Matthews,	G. Thomas,
Clegg,	W. J. T. Miller,	Underwood,
Clement,	E. P. Miller,	Waddell,
Covington,	Mills,	Wadsworth,
Crawford,	McCleese,	J. Williams,
Doak,	McLaughlin,	Wilson,
Dunlap,	McLaurin,	Winston,
E. J. Erwin,	McWilliams,	Young,
Faison,	Oglesby,	Speaker,
Farrow,	Paine,	Guthrie, 65.
Foreman,	Patton.	

## FOR JAMES WATT,

## MESSRS.

Amis,	Gwynn,	Reid,
Baker,	Hester,	Roebuck,
Barnes,	Hoke,	Sloan,
J. Blount,	Holland,	Stafford,
Braswell,	Hollingsworth,	Stallings,
Boger,	R. Jones,	Stockard,

Brogden,	Larkins,	Sullivan,
Bryan,	Massey,	Tomlinson,
G. W. Caldwell,	J. T. Miller,	Trollinger,
Cardwell,	Munday,	Tuton,
Chambers,	Nye,	Walker,
Crawford,	Orr,	Whitaker,
Daniel,	Perkins	Wilcox,
Davis,	Pollock,	S. A. Williams,
Eaton,	Rand,	Mangum, 47.
C. Erwin,	J. R. Rayner,	

## FOR GEORGE WILLIAMSON,

## MESSRS.

Amis,	Hoke,	Roebuck,
Baker,	Holland,	Siler,
Barnes,	Hollingsworth,	Sims,
J. Blount,	R. Jones,	Sloan,
Boger,	Jarman,	Stafford,
Braswell,	Killian,	Stallings,
Brogden,	Larkins,	Stockard,
Bryan,	Massey,	Sullivan,
G. W. Caldwell,	J. T. Miller,	Taylor,
Cardwell,	Munday,	Tomlinson,
Chambers,	Nye,	Trollinger,
Daniel,	Orr,	Tuton,
Davis,	Perkins,	Walker,
Eaton,	Pollock,	Whitaker,
C. Erwin,	Rand,	Wilcox,
Gwynn,	J. R. Rayner,	S. A. Williams,
Hester,	Reid,	Mangum, 51.

## FOR ALLEN ROGERS, S'r,

## MESSRS.

Amis,	Hester,	Roebuck,
Baker,	Hoke,	Siler,
Barnes,	Holland,	Sims,
J. Blount,	Hollingsworth,	Sloan,
Boger,	Jarman,	Stafford,
Braswell,	R. Jones	Stallings,
Brogden,	Killian,	Stockard,
Bryan,	Larkins,	Sullivan,
G. W. Caldwell,	Massey,	Taylor,
Cardwell,	J. T. Miller,	Tomlinson,
Chambers,	Munday,	Trollinger,
Crawford	Nye,	Tuton,
Daniel,	Orr,	Walker,
Davis,	Perkins	Whitaker,

Eaton,	Pollock,	Wilcox,	
Ellington,	Rand,	S. A. Williams,	
C. Erwin,	J. R. Rayner,	Mangum,	53
Gwynn,	Reid,		

## FOR ARCHIBALD DAVIS,

## MESSRS.

Amis,	Hester,	Sims,	
Baker,	Holland,	Sloan,	
Barnes,	Hollingsworth,	Stafford,	
J. Blount,	Jarman,	Stallings,	
Boger,	R. Jones,	Stockard,	
Braswell,	Killian,	Sullivan,	
Brogden,	Larkins,	Taylor,	
Bryan,	Massey,	Tomlinson,	
G. W. Caldwell,	Munday,	Trollinger,	
Cardwell,	Nye,	Tuton,	
Chambers,	Perkins,	Walker,	
Daniel,	Pollock,	Whitaker,	
Davis,	Rand,	Wilcox,	
Eaton,	J. R. Rayner,	S. A. Williams,	
C. Erwin,	Reid,	Mangum,	47
Gwynn,	Roebuck,		

## FOR CHARLES E. JOHNSTON,

## MESSRS.

Amis,	Hester,	Roebuck,	
Baker,	Hoke,	Sims,	
Barnes,	Hollingsworth,	Sloan,	
J. Blount,	Jarman,	Stafford	
Boger	R. Jones	Stallings,	
Braswell,	Killian,	Stockard	
Brogden,	Larkins,	Taylor,	
Bryan,	Massey	Tomlinson	
Burgess,	Munday	Trollinger,	
G. W. Caldwell,	Nye	Tuton	
Cardwell,	Orr,	Walker	
Chambers,	Paine	Whitaker,	
Daniel,	Perkins,	Wilcox,	
Davis,	Pollock,	S. A. Williams,	
Eaton,	Rand	Mangum,	49
C. Erwin,	J. R. Rayner,		
Gwynn,	Reid,		

## FOR THOMAS H. HALL,

## MESSRS.

Amis,	Killian,	Stockard,
Baker,	Massey,	Sullivan,
Brogden,	J. T. Miller,	Taylor,

Bryan,  
G. W. Caldwell,  
Daniel,  
Eaton,  
Gwynn,  
Hester,  
Hoke,  
Holland,  
Hollingsworth,  
Jarman,

Nye,  
Orr,  
Rand,  
J. R. Rayner,  
Reid,  
Roebuck,  
Siler,  
Sims,  
Sloan,  
Stallings,

Tomlinson,  
Trollinger,  
Tuton,  
Walker,  
Whitaker,  
Wilcox,  
S. A. William,  
Mangum, 37.

FOR WM. S. ASHE,

MESSRS.

J. Blount,  
Jarman,

Larkins,  
J. T. Miller,

Pollock,  
Sullivan, 6.

FOR A. ELDRIDGE,

MESSRS.

Wilcox,

S. A. Williams, 2.

FOR GEORGE FLOWERS,

MESSRS.

McLaughlin,

Young, 2.

FOR R. B. GILLIAM,

Mr. Hester—1.

FOR WM A. WRIGHT,

Mr. Hill—1.

FOR JOHN H. HAWKES,

Mr. W. A. Blount—1.

FOR FRANCIS L. DANCEY,

Mr. Stafford—1.

The House then adjourned until to-morrow morning ten o'clock.

TUESDAY, DECEMBER 4, 1838.

The certificate of the County Court of Cumberland in favor of Ann Morrison, a State Pensioner, was received from the Senate, countersigned by the Speaker of that body. On motion of Mr. Reid, *Ordered*, That the same be countersigned by the Speaker of this House.

Mr. Crawford moved that the House do now consider the bill to lay off and establish a county by the name of Jefferson. The motion prevailed, and the bill was read the third time. Mr. J. P. Caldwell moved to strike out the name of Jefferson wherever it occurs in the bill, and to insert the

name of Madison. Mr. Gilliam called for a division of the question; and the question being first on striking out, was determined in the negative—yeas 29—nays 83. The yeas and nays called for by Mr. Eaton.

Those who voted in the affirmative were,

Messrs.

Bond,	Hyman,	Paine
Boyden,	H. C. Jones,	Patton,
J. P. Caldwell,	Keener,	Peden,
Clement,	Lane,	Proctor,
E. J. Erwin,	Lindsay,	Robards,
Foreman,	Matthews,	D. Thomas,
Gilliam,	Mills,	Underwood,
Gorham,	McLaughlin,	Waddell,
Guthrie,	McLaurin,	Young, 29.
Hill,	McWilliams,	

Those who voted in the negative were,

MESSRS.

Baker,	Faison,	K. Rayner,
Barnes,	Farrow,	J. R. Rayner,
B. L. Beall,	Gwyther	Reid,
Bedford,	Gwynn,	Roebuck,
E. S. Bell,	Harris,	Rush,
Blalock,	Hester,	Siler,
J. Blount,	Hoke,	Sims,
W. A. Blount,	Holland,	Sloan,
Boger,	Hollingsworth,	Smith,
Braswell,	Huggins,	Stafford,
Brittain,	Jarman,	Stallings,
Brummell	R. Jones,	Stockard,
Bryan,	Killian,	Sullivan,
Burgess,	Larkins,	Taylor,
G. W. Caldwell,	Mangum,	G. Thomas,
Cardwell,	Massey	Tomlinson,
Carson,	W. J. T. Miller,	Trollinger,
Chambers,	E. P. Miller,	Tuton,
Clegg,	Munday,	Wadsworth,
Covington,	McCleese,	Walker,
Crawford,	Nye,	Whitaker,
Daniel,	Oglesby,	Wilcox,
Davis,	Orr,	J. Williams,
Doak,	Pemberton,	S. A. Williams,
Dunlap,	Perkins,	Wilson,
Eaton,	Petty,	Brogden,
Ellington,	Pollock,	J. T. Miller, 83.
C. Erwin,	Rand,	

The question now recurring on the passage of the bill the third reading, on motion of Mr. Gwynn, the House resolved itself into a Committee of the Whole, Mr. Gwynn in the Chair, and took said bill under consideration; and after some time spent therein, the Speaker resumed the Chair, and the chairman reported the bill without amendment. Mr. Hill moved to amend the bill by adding the following proviso: *Provided*, That in the event of the citizens of the county of Jefferson not being able to agree upon the scite of the Court-House contemplated to be erected therein, then this bill to be null and void. The question on the adoption of this amendment was decided in the negative. The question again recurring on the passage of the bill the third reading, was decided in the affirmative—yeas 61—nays 53. The yeas and nays demanded by Mr. Whitaker.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Gilliam,	McLaurin,
Bedford,	Guthrie,	Nye,
Blalock,	Gwynn,	Oglesby,
Boger,	Harris,	Orr,
Boyden,	Hester,	Patton,
Braswell,	Hoke,	Peden,
Brittain,	Holland,	Pemberton,
Brummell,	R. Jones,	Petty,
G. W. Caldwell,	H. C. Jones,	Rand,
Cardwell,	Keener,	Rush,
Carson,	Killian,	Siler,
Chambers,	Lane,	Sims,
Clegg,	Lindsay,	Stafford,
Clement,	Mangum,	Stockard,
Covington,	Massey,	D. Thomas,
Crawford,	W. J. T. Miller.	Trollinger,
Doak,	E. P. Miller,	Waddell,
Dunlap,	Mills,	Walker,
E. J. Erwin,	Monday,	Winston,
C. Erwin,	McLaughlin,	Young—61.
Farrow,		

Those who voted in the negative were,

MESSRS.

Baker,	Hollingsworth,	Roebuck,
Barnes,	Huggins,	Sloan,
E. S. Bell,	Hyman,	Smith,
Wm. A. Blount,	Jarman,	Stallings,
Bond,	Larkins,	Sullivan,

Brogden,	Matthews,	Taylor,
Bryan,	J. T. Miller,	G. Thomas,
Burgess,	McCleese,	Tomlinson,
J. P. Caldwell,	McWilliams,	Tuton,
Daniel,	Paine,	Underwood,
Davis,	Perkins,	Wadsworth,
Eaton,	Pollock,	Whitaker,
Ellington,	Puryear,	Wilcox,
Faison,	Proctor,	J. Williams,
Foreman,	K. Rayner,	S. A. Williams,
Gorham,	J. R. Rayner,	J. Blount,
Gwyther,	Reid,	Wilson, 53.
Hill,	Robards,	

*Ordered*, That said bill be engrossed.

Mr. Winston, from the Committee on the Judiciary, reported the bill to extend the time for paying in entry money without amendment; when the said bill was read the second time and passed.

The bill to allow Charles P. Morrison, late Sheriff of New Hanover county, further time for the collection of taxes, was read the second time and passed.

The resignation of Wm. B. McCorkle as a Justice of the Peace of the county of Anson, was presented, read, and accepted.

Mr. Robards, from the Select Committee raised upon the subject, submitted the following Report:

The Committee to whom were referred the various Resolutions on so much of the Governor's Message as relates to the communication from the State of Vermont on the Abolition of Slavery, have had the matter under the most mature and solemn consideration, and report the following Resolutions:

*Resolved*, That the Resolution from the State of Vermont on the Abolition of Slavery, transmitted to us by His Excellency the Governor of this State, is a gross assault on the rights and domestic institutions of the South.

*Resolved*, That it is inconsistent with the dignity and solemn duty of this Legislature to make any response to them whatever.

*Resolved*, That upon the subject of the Abolition of Slavery we have but one opinion, and will not permit ourselves to entertain or debate it; and any effort to provoke discussion will be instantly met with the most decisive reprobation.

Mr. Whitaker moved that said Report be laid on the table, and made the special order of the day for to-morrow. The motion did not prevail. Mr. J. P. Caldwell moved to amend the Resolutions by striking out all after the word resolved, and to insert the following:

“Whereas, we the Representatives of the people of North Carolina, perceive with abhorrence and regret, that the Legislature of



the State of Vermont have, by a communication on the subject of the abolition of slavery from the Governor of said State to the Executive of the State of North Carolina, attempted officiously and without the shadow of a right to interfere with our domestic institutions; and whereas, we view all such attempts at interference as having an inevitable tendency not only to destroy harmony and good feeling among the States of this Union, but also to lead to civil war and bloodshed:

Therefore be it Resolved. That we consider all such communications as an open declaration of hostility to our peace, happiness and prosperity, and leave them to the opprobrium and detestable contempt with which they deserve to be treated by the friends of peace and good order and the advocates of the durability of the Federal Compact."

Pending this motion, Mr. K. Rayner moved that the Report and amendment be postponed to Thursday next, and made the order of the day for that day. The motion prevailed.

Mr. E. J. Erwin, from the Committee appointed to superintend the election of Counsellors of State, reported that John A. Anderson, Allen Goodwin, James P. Leake, Johnson Busbee, Thomas McGehee, Willie Perry, and Isaac T. Avery had each received a majority of the whole number of votes, and were duly elected. The report was concurred in.

Mr. K. Rayner submitted the following Resolutions:

Whereas, we believe that a great crisis has arrived in the political history of our country, on the issue of which we conceive the safety of our free institutions to depend; and whereas, we consider it our bounden duty, as the Representatives of the freemen of North Carolina, to express in calm and dispassionate language our opinions on the great questions which have been for some time, and some of which still are, agitating the public mind:

Resolved therefore, That this General Assembly do condemn, in the most decided manner, that act of the Senate of the United States expunging the records of that body as a palpable violation of the plain letter of the Constitution, and as an act of party servility calculated to degrade the character of the Senate.

Resolved, That Resolutions ought to be passed by the Senate of the United States condemnatory of that act and rescinding the Resolutions authorizing it to be done.

Resolved, That this General Assembly do condemn the Sub-Treasury System which this Administration is endeavoring to establish, as another item in that series of fatal experiments of this and the past Administration, which are the main source of that derangement in the currency and prostration of commercial credit which have been so severely felt of late in every branch of industry, and which, if suffered to become a law, will, by its tendency to augment Executive power, to unite the purse and the sword in the hands of the Executive, and to destroy the Credit System, by the exaction of

specie in the Government dues, ultimately change the real character of our Government and place in peril the liberties of our country.

*Resolved*, That we consider the Public Lands of the United States as the common property of all the States, and that we therefore condemn the late act of Congress allowing settlers on the Public Lands the right of pre-emption at the minimum price, as an act of gross injustice to the old States who originally ceded them, or who contributed to a common fund for their purchase.

*Resolved*, That we believe that the proper and equitable disposition of the Public Domain is, to divide the proceeds arising from their sales among the several States of the Union according to the ratio of their Federal population.

*Resolved*, That we do most solemnly protest against the wasteful extravagance of the present administration and their profligate expenditure of the public money, which not only creates a demand for heavy taxation in order to meet the exorbitant appropriations of the General Government, but which tends to the corruption of public morals and the degradation of the national character.

*Resolved*, That the power and patronage of the Executive Department of the Federal Government have increased to an alarming extent and ought to be diminished.

*Resolved*, That our Senators in Congress will represent the wishes of a majority of the people of this State by voting to carry out the foregoing Resolutions.

*Resolved*, That the Governor of this State be requested to forward a copy of these Resolutions to each of our Senators in Congress, with a request that they lay them before the Senate of the United States; and one to each of the Governors of the several States of the Union, with a request that they lay them before their respective Legislatures.

The foregoing Resolutions were read, and, on motion of Mr. K. Rayner, *Ordered*, That they be printed and made the order of the day for Thursday the 13th inst.

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

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WEDNESDAY, DECEMBER 5, 1838.

Mr. E. J. Erwin, from the select committee, to whom was referred the bill to establish and lay off a county by the name of McDowell, reported the same with an amendment. The amendment was concurred in, and the bill read the second time. Mr. Wilcox moved the bill be postponed indefinitely. The question thereon was determined in the negative—yeas 54, nays 57. The yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative were,

## MESSRS.

Amis,	Hill,	Proctor,
Baker,	G. Thomas,	Rand,
Barnes,	Hollingsworth,	K. Rayner,
E. S. Bell,	Howerton,	J. R. Rayner,
J. Blount,	Huggins,	Roebuck,
W. A. Blount,	Hyman,	Sloan,
Bond,	Jarman,	Smith,
Brogden,	Larkins,	Stallings,
Burgess,	Mangum,	Sullivan,
J. P. Caldwell,	Massey,	Taylor,
Daniel,	Matthews,	Tomlinson,
Davis,	J. T. Miller,	Tuton,
Eaton,	McCleese,	Wadsworth,
Ellington,	McLaughlin,	Whitaker,
Faison,	McWilliams	Wilcox,
Foreman,	Paine,	J. Williams,
Gorham,	Perkins,	S. A. Williams,
Gwyther,	Pollock,	W. P. Williams, 54.

Those who voted in the negative were,

## MESSRS.

B. L. Beall,	C. Erwin,	Nye,
Bedford,	Farrow,	Oglesby, ]
Blalock,	Gilliam,	Orr,
Boger,	Guthrie,	Patton,
Boyden,	Gwynn,	Peden,
Braswell,	Harris,	Pemberton,
Brittain,	Hester,	Petty,
Brummell,	Hoke,	Purveyar,
G. W. Caldwell,	Holland,	Reid,
Cardwell,	R. Jones,	Robards,
Carson,	H. C. Jones,	Rush,
Chambers,	Keener,	Stafford,
Clegg,	Killian,	Stockard,
Clement,	Lindsay,	D. Thomas,
Covington,	W. J. T. Miller,	Trollinger,
Crawford,	E. P. Miller,	Waddell,
Doak,	Mills,	Walker,
Dunlap,	Munday,	Winston,
E. J. Erwin,	McLaurin,	Young, 57.

The question recurring on the passage of the bill the second reading, was determined in the negative.

Received from his Excellency the Governor, by his pri-

vate Secretary, a communication transmitting a letter from Hon. R. M. Saunders, one of the Judges of the Superior Courts, on the necessity of changing the time of holding the Superior Courts in the 1st, 2d, and 3d circuits; which was read, and, on motion of Mr. Hoke, referred to the Committee on the Judiciary.

Received from the Senate a message, concurring in the proposition of this House, to refer to a joint select committee, so much of the Governor's message as relates to the currency, and to the depositories of the General Government. *Ordered*, that Messrs. Paine, Whitaker, Hill, Wadsworth and Walker, form this committee on the part of the Commons.

A message from the Senate, concurring in the proposition of this House to raise a joint select committee of five on the part of each House, to inquire into the expediency of building a Penitentiary, and informing that Messrs. Morehead, Edwards, Holt, Shepard and Kerr, form said committee on their part. *Ordered*, that Messrs. E. J. Erwin, Gilliam, Eaton, Amis and Lindsay, form said committee on the part of this House.

A message from the Senate, informing that Messrs. Spruill, Arrington and Moye, form their branch of the joint select committee, to make the necessary arrangements, and to prescribe the time for comparing the votes cast in the State for Governor.

A message from the Senate, concurring in the proposition of this House, that the joint select committee, raised on that subject, inquire what repairs are necessary on the steeple, and what expense will be incurred to render the ringing of the bell safe.

A message from the Senate, informing that Messrs. Spruill and Wilson, form their branch of the committee on enrolled bills for this week.

A message from the Senate, proposing to refer an accompanying petition from a portion of the citizens of Burke and Wilkes, praying the establishment of a new county; and also, the bill to carry the prayer of the petitioners into effect, to a joint committee to be composed of the members of both Houses, from the above named counties. The proposition was concurred in.

Mr. Boyden, from the Committee on the Judiciary, reported the bill concerning last wills and testaments, without amendment. On motion of Mr. Whitaker, *ordered* that said bill lie on the table.

A message from the Senate, informing that they had passed the engrossed bill to alter the mode of electing constables in this State, so far as relates to the county of Martin: and the engrossed resolution relative to the purchase of two Maps of North Carolina, for the use of the Senate and House of Commons, and asking the concurrence of this House. The said bill and resolution were read the first time and passed.

Received from his Excellency the Governor by his private Secretary, a communication transmitting the report of the President and Directors of the Literary Fund of North Carolina. The report was read, and on motion of Mr. Hill,

*Ordered*, That it be sent to the Senate, together with the documents accompanying, with a proposition to print the copies for each member, of the document exhibiting a plan or system of Common Schools; and one copy for each member, of the Engineer Mr. Shaw's second report; and to refer the whole communication to a joint select committee of six on the part of each House. On the question to print ten copies of the Report on Common Schools for each member, Mr. Cardwell called for the yeas and nays, and the vote was yeas 80, nays 29.

Those who voted in the affirmative were,

MESSRS.

Baker,	Gorham,	Patton,
Bedford,	Guthrie,	Peden,
E. S. Bell,	Gwyther,	Pemberton,
Blalock,	Gwynn,	Petty,
Wm. A. Blount,	Harris,	B. L. Beall,
Bond,	Hester,	Pollock,
Boyden,	Hill,	Puryear,
Braswell,	Hoke,	Proctor,
Brittain,	Huggins,	Rand,
Brummell,	H. C. Jones,	K. Rayner,
Burgess,	Keener,	Reid,
J. P. Caldwell,	Larkins,	Robards,
G. W. Caldwell,	Lindsay,	Rush,
Carson,	Mangum,	Siler,
Clegg,	Massey,	Smith,
Covington,	Matthews,	Stafford,
Crawford,	W. J. T. Miller.	D. Thomas,
Daniel,	J. T. Miller,	G. Thomas,
Doak,	E. P. Miller,	Trollinger,
Dunlap,	Mills,	Waddell,

Eaton,	McCleese,	Walker,
E. J. Erwin,	McLaughlin,	Wilcox,
C. Erwin,	McLaurin,	Wilson,
Faison,	McWilliams,	J. Williams,
Farrow,	Nye,	Winston,
Foreman,	Oglesby,	Young—80.
Gilliam,	Paine,	

Those who voted in the negative were,

MESSRS.

Barnes,	Hollingsworth,	Sloan,
J. Blount,	Howerton,	Stallings,
Boger,	Hyman,	Sullivan,
Brogden,	Jarman <sup>1</sup>	Tomlinson,
Cardwell,	R. Jones,	Tuton,
Chambers,	Killian,	Wadsworth,
Clement,	Munday,	Whitaker,
Davis,	Perkins,	S. A. Williams,
Ellington,	Orr,	W. P. Williams, 29.
Holland,	J. R. Rayner,	

Mr. Boyden introduced the following resolution:

*Resolved*, As the opinion of this House, that the creditors of deceased persons, in case of a deficiency of assets, ought to receive a pro rata payment without any regard to the dignity of their claims.

The resolution was read, and, on motion of Mr. Boyden, laid on the table.

Mr. Guthrie, from the Committee on Private Bills, reported the bill to incorporate the Rocky Mount Manufacturing Company, with an amendment. *Ordered*, on motion of Mr. Gilliam, that the bill and amendment be laid on the table.

Mr. Rand introduced a resolution in favor of David Royster; which was read the first time and passed.

On motion of Mr. Whitaker,

*Resolved*, That the Committee on the Judiciary, be instructed to inquire into the expediency of providing by law, the manner in which persons convicted of an infamous crime, shall be restored to the rights of citizenship.

On motion of Mr. E. S. Bell,

*Resolved* That the Committee on Internal Improvement, be in-

structed to inquire into the expediency of constructing some communication by a rail road, from some point at or near Beaufort Harbour, through or near Trenton, in Jones county, then Westwardly by the most convenient and eligible route, to with the contemplated rail road of the Cape Fear, Yaakin, and Pe-dee Rail Road at or near the town of Fayetteville. And they report by bill or otherwise.

Mr. Wilson presented a petition and counter petition from sundry citizens of the county of Perquimons, relating to hauling seines and fishing in and at the mouth of Perquimons river; which were, on his motion, referred to the Committee on Propositions and Grievances.

Mr. Cardwell offered the following Resolutions; which were read, and, on his motion, laid on the table:

*Resolved*, That any act of Congress giving the Public Lands to the States in which they lie would be violating the rights of the old States and the spirit of the Constitution.

*Resolved further*, That any act of Congress setting apart the proceeds of the sales of the Public Lands for distribution among the States must necessarily compel the General Government to raise the whole amount of its revenues from sources which would bear heavily upon the people.

*Resolved further*, That it is a violation of the principles of a free government to set agents over the people to collect, directly or indirectly, their money, to be dealt out again to them at the mercy of Executive or Legislative authority.

*Resolved further*, That the best interests of the Union require that no more revenue should be collected from the people than is absolutely necessary to defray the expenditures of an economical administration of the General Government.

*Resolved*, That the Governor of this State be, and he is hereby requested, to transmit copies of these Resolutions to each of our Senators and Representatives in the Congress of the United States.

Mr. G. W. Caldwell introduced a bill to incorporate the Trustees of Davidson College; which was read the first time and passed, and, on motion of Mr. G. W. Caldwell, referred to the Committee on Education. Memorials upon this subject from sundry citizens of the State were also presented by Messrs. G. W. Caldwell, J. P. Caldwell, Boger, H. C. Jones, Gwynn, Hoke, Covington; which were also referred to the Committee on Education.

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

THURSDAY, DEC. 6, 1838.

The bill to lay off and establish a county by the name of Stanly was read the third time, and the question, shall the said bill pass the third reading? was decided in the affirmative—yeas 62—nays 48. The yeas and nays demanded by Mr. Tomlinson.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Gilliam,	Paine,
Bedford,	Guthrie,	Patton,
E. S. Bell,	Gwynn,	Peden,
Blalock,	Harris,	Pemberton,
Boger,	Hester,	Petty,
Boyden,	Holland,	Puryear,
Braswell,	R. Jones,	Reid,
Brummell,	H. C. Jones	Robards,
J. P. Caldwell,	Keener,	Rush,
G. W. Caldwell,	Killian,	Siler,
Carson,	Lindsay,	Sims,
Chambers,	Matthews,	Stafford,
Clegg,	W. J. T. Miller,	Stockard,
Clement,	E. P. Miller,	D. Thomas,
Covington,	Mills,	G. Thomas,
Crawford	Munday,	Trolinger,
Doak,	McLaughlin,	Waddell,
Dunlap,	McLaurin,	Winston,
E. J. Erwin,	Nye,	Walker,
C. Erwin,	Oglesby,	Young, 62.
Farrow,	Orr,	

Those who voted in the negative were,

MESSRS.

Amis,	Foreman,	Roebuck,
Baker,	Gorham,	Sloan,
Barksdale,	Gwyther,	Smith,
Barnes,	Hill,	Stallings,
J. Blount,	Hollingsworth,	Sullivan,
W. A. Blount,	Howerton,	Tomlinson,
Bond,	Huggins,	Tuton,
Brogden,	Hyman,	Underwood,
Bryan,	Jarman,	Wadsworth,
Burgess,	Mangum,	Whitaker,
Cardwell,	J. T. Miller,	Wilcox,



Daniel,	McCleese,	J. R. Rayner,
Davis,	McWilliams,	J. Williams,
Eaton,	Perkins	S. A. Williams,
Ellington,	Pollock,	W. P. Williams,
Faison,	K. Rayner,	Wilson, 48.

*Ordered*, That said bill be engrossed.

Mr. Perkins introduced the following Resolution:

*Resolved*, That this General Assembly adjourn sine die on Saturday the 22nd inst., and that the Clerks of both Houses be directed to make up their estimates to that day.

Mr. Nye moved that the Resolution be indefinitely postponed. The question thereon was decided in the negative—yeas 49—nays 60. The yeas and nays demanded by Mr. Tuton.

Those who voted in the affirmative were,

MESSRS.

Amis,	Eaton,	McWilliams,
Baker,	Ellington,	Nye
Barksdale,	C. Erwin,	Oglesby,
Barnes,	Faison,	Peden,
B. L. Beall,	Gilliam,	Petty,
Bedford,	Guthrie,	Puryear,
E. S. Bell,	Gwyther	Rand,
Blalock,	Hill,	K. Rayner,
W. A. Blount,	H. C. Jones,	Reid,
Boyden,	Keener,	Robards,
Brummell,	Matthews,	Rush,
J. P. Caldwell,	E. P. Miller,	Siler,
Carson,	Mills,	Stafford,
Clegg,	McCleese,	G. Thomas,
Covington,	McLaughlin,	Waddell,
Crawford,	McLaurin,	Young, 49.]
Doak,		

Those who voted in the negative were,

MESSRS.

J. Blount,	Hoke,	Roebuck,
Boger,	Holland,	Sloan,
Bond,	Hollingsworth,	Smith,
Braswell,	Howerton,	Stallings,
Brogden,	Huggins,	Stockard
Bryan,	Hyman,	Sullivan,
Burgess,	Jarman,	Taylor,
G. W. Caldwell,	R. Jones	D. Thomas,

Cardwell,	Killian,	Tomlinson
Chambers,	Lindsay,	Trollinger,
Clement,	Mangum,	Tuton
Daniel,	Massey	Underwood,
Davis,	W. J. T. Miller,	Wadsworth,
Dunlap,	J. T. Miller,	Walker
E. J. Erwin,	Munday,	Whitaker,
Farrow,	Orr,	Wilcox,
Foreman,	Paine	J. Williams,
Gorham,	Perkins,	S. A. Williams,
Gwynn,	Pollock,	W. P. Williams,
Hester,	J. R. Rayner,	Winston, 60.

Mr. Gwynn moved to amend the said Resolution by striking out all after the word resolved, and to insert the following: That a message be sent to the Senate, proposing that the two Houses of this General Assembly adjourn on the 22nd inst. Mr. Hill moved to amend the amendment by striking out the whole thereof, and to insert the following: That from and after Monday the 17th inst. this House will hold evening sessions during the remainder of the session. The question on Mr. Hill's motion was determined in the affirmative, when, on motion of Mr. Stallings, *Ordered*, That the Resolution lie on the table.

Mr. Whitaker moved that the vote of yesterday whereby was rejected the bill to lay off and establish a county by the name of McDowell be now re-considered. The motion prevailed; when, on motion of Mr. E. J. Erwin, *Ordered*, That said bill lie on the table.

The House proceeded to the special order of the day, on motion of Mr. J. T. Miller, and took up the Resolutions reported by the select committee, relating to the proceedings of the Vermont Legislature upon the subject of the abolition of slavery in the District of Columbia.

Mr. J. P. Caldwell, with leave, withdrew the amendment proposed by him, and the House, on motion of Mr. Gilliam, resolved itself into committee of the whole, Mr. J. P. Caldwell in the Chair, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported said Resolutions to the House without amendment. The question on the adoption of the Resolutions was decided in the affirmative—yeas 110—nays 1. The yeas and nays demanded by Mr. Gilliam.

Those who voted in the affirmative, were,

## MESSRS.

Baker,	Gilliam,	Peden,
Barnes,	Gorham,	Pemberton,
B. L. Beall,	Guthrie,	Perkins,
Bedford,	Gwyther,	Petty,
E. S. Bell,	Gwynn,	Pollock,
Blalock,	Harris,	Purveyar,
J. Blount,	Hester,	Proctor,
W. A. Blount,	Hill,	Rand
Boger,	Hoke,	K. Rayner,
Bond,	Holland,	J. R. Rayner,
Boyden,	Howerton,	Reid,
Braswell,	Huggins,	Robards,
Brittain,	Hyman,	Roebuck,
Brogden,	Jarman,	Rush,
Brummell	R. Jones	Sloan,
Bryan,	H. C. Jones,	Smith,
Burgess,	Keener,	Stafford
J. P. Caldwell,	Killian,	Stallings,
G. W. Caldwell,	Lane,	Stockard,
Cardwell,	Lindsay,	Sullivan,
Carson,	Mangum,	Taylor,
Chambers,	Massey,	D. Thomas,
Clegg,	Matthews,	G. Thomas,
Covington,	W. J. T. Miller,	Tomlinson,
Clement,	E. P. Miller,	Trollinger,
Crawford,	J. T. Miller,	Tuton,
Daniel,	Mills,	Underwood,
Davis,	Munday,	Waddell,
Doak,	McCleese,	Wadsworth,
Dunlap,	McLaughlin,	Walker,
Eaton,	McLaurin,	Whitaker,
Ellington,	McWilliams,	Wilcox,
E. J. Erwin,	Nye,	J. Williams,
C. Erwin,	Oglesby,	S. A. Williams,
Faison,	Orr,	Wilson,
Farrow,	Paine,	Young, 110.
Foreman,	Patton,	

Mr. Amis voted in the negative; and, by way of Protest, submitted the following Declaration, which, by order, is spread upon the Journal:

I beg leave to submit the following reasons in explanation of the vote which I gave upon the Resolutions in response to the Vermont Resolutions, and ask that they be entered upon

the Journal. I was impressed with the opinion that respect for ourselves and the dignity of this House required that those Resolutions should be treated with silent contempt; and to that end, when they were first brought before this House, moved for their indefinite postponement; which motion prevailed by an overwhelming majority.

Subsequent to this expression of opinion, a Resolution was introduced expressive of contempt for the Vermont Resolutions, thereby entertaining the subject and entirely thwarting the motion for indefinite postponement. Believing, as I do, that the adoption of the Resolutions in response to the Vermont Resolutions indicative of a respect unmerited on their part and entirely inconsistent with a just regard for our own rights, I therefore hope that these reasons may be entered upon the Journal, in explanation of the vote which I gave.

Mr. Keener submitted the following Resolution:

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of authorising the Public Treasurer to allow a discount of eight per cent. per annum on all advanced payments which may hereafter be made on the bonds of the late sale of the Cherokee Lands.

On motion of Mr. Stallings, the Resolution was amended by striking out eight, and inserting six per cent.; when, on motion of Mr. Boyden, ordered that the resolution lie on the table.

Mr. E. J. Erwin introduced a bill to incorporate the town of Morganton, in the county of Burke; and Mr. Reid a bill providing for the appointment of overseers and hands to clear out Big and Little Rockfish Creeks, in Cumberland and Robeson counties. These bills were read the first time and passed.

A message from the Senate, informing that they have passed the following engrossed bills and resolutions, viz: 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; a bill to amend the 16th section of an act in the Revised Statutes, entitled an act concerning the General Assembly of the State of North Carolina; a resolution in favor of the Public Treasurer, and a resolution in favor of Wm. Ashley. These bills and resolutions were read the first time and passed.

The bill to amend the 39th section of the Revised Statutes, entitled an act concerning Courts of Justice, Practice,

Pleas and Process; and the bill to incorporate Pleasant Grove Academy, in the county of Perquimons, were each read the second time and passed.

The bill to incorporate the Wilmington Hotel Company, was read and indefinitely postponed.

The Speaker laid before the House a statement from the Raleigh and Gaston Rail Road Company, transmitted in obedience to their charter, exhibiting the receipts and disbursements of the Company to the 1st November, 1838.—The statement was, on motion of Mr. H. C. Jones, referred to the Committee on Internal Improvement.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported the bill to emancipate Caroline Cook and her four children, Pamela, Archibald, James Ellis, and Martha Jane, with an amendment, which was concurred in, and the question, shall the said bill pass the second reading? was decided in the affirmative—yeas 84—nays 28. The yeas and nays called for by Mr. Taylor.

Those who voted in the affirmative were,

MESSRS.

Amis,	Guthrie,	Pemberton,
B. L. Beall,	Gwyther,	Perkins,
Bedford,	Gwynn,	Petty,
E. S. Bell,	Harris,	Purveyar,
Blalock,	Hester,	Proctor,
Boger,	Hill,	Rand,
Bood,	Hoke,	K. Rayner,
Boyden,	Holland,	J. R. Rayner,
Braswell,	Huggins,	Reid,
Brittain,	Hyman,	Robards,
Brummell,	R. Jones,	Roebuck,
J. P. Caldwell,	H. C. Jones,	Rush,
Cardwell,	Keener,	Sims,
Carson,	Killian,	Smith,
Clegg,	Lindsay,	Stafford,
Clement,	Massey,	D. Thomas,
Covington,	Matthews,	G. Thomas,
Crawford,	W. J. T. Miller.	Trollinger,
Doak,	E. P. Miller,	Underwood,
Dunlap,	Mills,	Waddell,
Eaton,	Munday,	Wadsworth,
Ellington,	McCleese,	Walker,
E. J. Erwin,	McLaughlin,	Whitaker,
C. Erwin,	Nye,	Wilcox,
Farrow,	Oglesby,	J. Williams,

Foreman,  
Gilliam,  
Gorham,

Orr,  
Paine,  
Peden,

Winston,  
Wilson,  
— Young, 84.

Those who voted in the negative were,

MESSRS.

Baker,  
Barksdale,  
Barnes,  
J. Blount,  
Wm. A. Blount,  
Brogden,  
Bryan,  
Burgess,  
G. W. Caldwell,  
Chambers,

Davis,  
Faison,  
Hollingsworth,  
Howerton,  
Jarman,  
Mangum,  
McLaurin,  
McWilliams  
Patton,

Pollock,  
Sloan,  
Stockard,  
Sullivan,  
Taylor,  
Tomlinson,  
Tuton,  
S. A. Williams,  
W. P. Williams, 28.

Mr. Waddell, from the joint select committee appointed to inquire into and designate the time and manner of counting and comparing the votes cast at the last election for Governor, reported the following resolution:

*Resolved,* That the two Houses shall assemble in the Hall of the House of Commons, on Friday the 7th day of December, 1838, at 12 o'clock.— That one person be appointed Teller on the part of the Senate, and two on the part of the House of Commons, to make a list of the votes for Governor of the State of North Carolina, as they shall be declared. That the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled as aforesaid, the State of the vote, and the person elected, if it shall appear that a choice has been made, agreeably to the Constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and together with a list of the votes, shall be entered on the Journals of the two Houses.

The said resolution was read and concurred in.

A message from the Senate, concurring in the proposition of this House, to refer to a joint select committee of three, on the part of each House, that part of the Governor's Message which relates to the establishment of Banks within the States to be tendered as places of deposite of the public moneys, and as fiscal agents of the Government; and informing that Messrs. Carson, Moore and Hawkins, form their branch of said committee. *Ordered,* that Messrs.

form said committee on the part of this House.

A message from the Senate, concurring in the proposition of this House to add Mr. McWilliams to the Committee on Public Printing.

A message from the Senate, proposing that the standing committees of both Houses on Education and the Literary Fund, be constituted a joint select committee. The proposition was concurred in.

The House then adjourned until to-morrow morning ten o'clock.

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FRIDAY, DECEMBER 7, 1838.

Mr. Crawford, from the Committee on Education, to whom the bill was referred, reported without amendment, the bill to incorporate the Trustees of Davidson College.—The bill was read the second time and passed, and, on motion, two thirds of the House concurring, the bill was read the third time and passed, and ordered to be engrossed.

Mr. B. L. Beall introduced a bill to regulate drill musters in the 87th regiment of North Carolina Militia, in Davidson county; which was read the first time and passed.

The bill to amend the 39th section of the revised statutes, entitled an act concerning Courts of Justice, Practice, Pleas and Process, was read the third time. Mr. Reid moved to amend the bill by adding the following section: "And be it further enacted, that nothing in this act shall be so construed, as to prevent the plaintiff in any suit, to issue writs directed to the Sheriff or Coroner of any county where the defendant or defendants are most likely to be found." The question on the adoption of this amendment was decided in the negative. And the question, shall the said bill pass the third reading, was determined in the affirmative. *Ordered* that the said bill be engrossed.

The bill to allow Charles P. Morrison, late Sheriff of New Hanover county, further time for the collection of taxes, was read the third time and passed, and ordered to be engrossed.

Mr. Davis obtained leave of absence from the service of the House, from and after this day, till Wednesday next.

Mr. Whitaker introduced a petition from sundry citizens of the counties of Edgecomb and Nash, praying that a part of the latter be attached to the first named county; which was read, and, on motion of Mr. Whitaker, referred to the members from the two named counties.

Mr. Nye introduced a resolution directing the Secretary of State to issue certain grants; which was read, and, on motion of Mr. Nye, referred to the Committee on Claims.

Mr. Taylor, from the joint select committee on that subject, reported that the steeple of the Presbyterian Church was in bad order, and that it would require one hundred dollars to repair it.

Mr. Killian presented a claim of Wm. Harbinson, for a provision and entertainment furnished a company of Light Horsemen, who were ranging after Robbers and Tories in the year 1779; which was referred, on motion of Mr. Munday, to the Committee on Claims.

Mr. Whitaker presented a petition from sundry citizens of the county of Halifax, praying the emancipation of Edithy, the wife of Pompey Jones; which was referred to the Committee on Propositions and Grievances.

Mr. Blalock introduced a bill to repeal the act of Assembly of 1835, allowing compensation to jurors in the county of Yancy; which was read the first time and passed, and referred to the Committee on Private Bills.

The engrossed resolutions in favor of the Public Treasurer, and in favor of Wm. Ashley, were each read the second time and passed.

The engrossed bill concerning the Court of Pleas and Quarter Sessions for the county of Iredell, was read the second and third times, passed, and ordered to be enrolled.

The bill to extend the time for paying in entry money; and the bill to incorporate the Trustees of Pleasant Grove Academy, in the county of Perquimons, were each read the third time, passed, and ordered to be engrossed.

The bill to emancipate Caroline Cook and her four children, Pamela, Archibald, James, and Martha, was read the third time, and the question, shall the said bill pass the third reading? was determined in the affirmative—yeas 80—nays 25. The yeas and nays called for by Mr. Baker.

Those who voted in the affirmative were,

MESSRS.

Amis,	Gwynn,	Perkins,
B. L. Beall,	Harris,	Petty,
Bedford,	Hester,	Puryear,
E. S. Bell,	Hill,	Proctor,
Blalock,	Hoke,	Rand,
Boger	Holland,	J. R. Rayner,



Bond,	Higgins,	Reid,
Boydén,	Hyman,	Robards,
Braswell,	H. C. Jones,	Roebuck,
Brittain,	H. Jones,	Rush,
Brummell,	Keener,	Siler,
J. P. Caldwell,	Killian,	Sims,
Cardwell,	Lane,	Smith,
Carson,	Lindsay,	Stafford,
Clegg,	Massey,	D. Thomas,
Clement,	Matthews,	G. Thomas,
Covington,	W. J. T. Miller,	Trollinger,
Crawford,	E. P. Miller,	Underwood,
Doak,	Mills,	Waddell,
Eaton,	Munday,	Wadsworth,
Ellington,	McCleese,	Walker,
E. J. Erwin,	McLaughlin,	Whitaker,
C. Erwin,	Oglesby,	J. Williams,
Farrow,	Orr,	Wilson,
Foreman,	Paine,	Winston,
Gorham,	Peden,	Young, 80.
Guthrie,	Pemberton,	

Those who voted in the negative were,

MESSRS.

Baker,	Chambers,	Patton,
Barksdale,	Faison,	Pollock,
Barnes,	Hollingsworth,	Sloan,
J. Blount,	Howerton,	Stalings,
W. A. Blount,	Jarman,	Stockard,
Brogden,	Larkins,	Sullivan,
Bryan,	Mangum,	Taylor,
Burgess,	McLaurin,	W. P. Williams, 25.
G. W. Caldwell,		

*Ordered,* That the bill be engrossed.

A message was now sent to the Senate, informing of the readiness of this House to receive that body in the Hall of the Commons, for the purpose of comparing and examining the returns of the votes given by the people at the last election for Governor of the State, according to the previous arrangements of the two Houses, and informing that Messrs. K. Rayner and W. P. Williams are appointed tellers on the part of this House.

Received from the Senate a message, informing that Mr. Morehead is appointed teller for this purpose on behalf of the Senate.

The two Houses thereupon assembled in general convention in the Commons Hall, Mr. Speaker Joyner, of the Senate, in the Chair, and the Clerks of the two Houses, in presence of the tellers, proceeded to examine the several returns of the Sheriffs and to declare the number of votes given in the several counties of the State, as follows:

	For E. B. Dudley,	For John Branch,
Anson County,	908	161
Ashe,		
Beaufort,	768	217
Bertie,	403	225
Bladen,	276	360
Brunswick,	340	58
Buncombe,	772	396
Burke,	1324	278
Cabarrus,	445	158
Camden,	347	88
Carteret,	428	48
Caswell,	248	870
Chatham,	1026	250
Chowan,	370	104
Columbus,	190	142
Craven,	578	259
Cumberland,	657	608
Currituck,	56	332
Davidson,	1412	70
Duplin,	365	411
Edgecomb,	165	507
Franklin,	254	460
Gates,		286
Granville,	872	223
Greene,	350	61
Guilford,		
Halifax,	458	321
Haywood,	166	312
Hertford,	335	116
Hyde,	195	007
Iredell,	1324	186
Johnston,	715	142
Jones,	213	39
Lenoir,	213	262
Lincoln,	634	1540
Macon,	44	627
Martin,	282	69
Mecklenburg,	781	979
Montgomery,	949	46
Moore,	555	281
Nash,	186	412
New Hanover,	235	587
Northampton,	439	240
Onslow,	422	180

Orange,	1480	1308
Pasquotank,	535	211
Perquimons,		
Person,	328	369
Pitt,	637	275
Randolph,	1148	59
Richmond,	504	37
Robeson,	453	443
Rockingham,	540	509
Rowan,	2008	30
Rutherford,		
Sampson,	445	510
Stokes,	964	765
Surry,	1205	189
Tyrrell,	250	52
Wake,	937	920
Warren,	106	651
Washington,	322	46
Wayne,	383	342
Wilkes,	1223	55
Yancy,	161	464

Aggregate for Dudley,	34,329	for Branch,	20,153
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Whereupon Mr. Speaker Joyner, as President of the General Convention, made a declaration of the result as follows:

*“ Gentlemen of the Senate and of the  
House of Commons:*

The Tellers appointed by the two Houses to compare the returns and make a list of the votes given at the late election for Governor in this State, report that Edward B. Dudley received 34,329 votes, being the highest number of votes given to any person, and that John Branch received 20,153 votes. No objection being made to the report, I declare Edward B. Dudley duly elected Governor of the State of North Carolina for two years from the first of January next.

The Tellers further report that no return has been received from the County of Rutherford. “ And that no legal returns have been received from the Counties of Ashe, Guilford, and Perquimons, though, according to documents delivered to the Speaker of the Senate by the Secretary of State, but not certified by the Sheriffs of said counties as returns in this election, there appeared to be additional votes for E. B. Dudley, 2,117, and for John Branch, 541, in those counties; and that, according to the return of the Sheriff of Gates, 323 votes were given for General Dudley,” none of which are included in the statement first aforesaid.”

The Senators having withdrawn, the Speaker of the Com-

mons resumed the Chair, and the House then adjourned until to-morrow morning ten o'clock.

SATURDAY, DECEMBER 8, 1838.

David McNeill, the member elect from the county of Moore, to fill the vacancy occasioned by the resignation of John A. D. McNeill, appeared and was qualified according to law.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the resolution directing the Secretary of State to issue certain grants, when the same was read and adopted, and ordered to be engrossed.

Mr. Wilson presented a bill to appoint commissioners for the town of Hertford, and other purposes; which was read the first time and passed.

The bill to establish a new county by the name of Cleveland, was read the second time and amended, and the question shall the said bill pass the second reading was determined in the affirmative—yeas 57—nays 56. The yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Farrow,	Oglesby,
Bedford,	Gwynn,	Orr,
E. S. Bell,	Harris,	Patton,
Blalock,	Hester,	Peden,
Boger,	Hoke,	Pemberton,
Boyden,	Holland,	Petty,
Braswell,	R. Jones,	Puryear,
Brittain,	H. C. Jones	Reid,
Brummell,	Keener,	Robards,
G. W. Caldwell,	Killian,	Rush,
Cardwell,	Lane,	Siler,
Carson,	W. J. T. Miller,	Sims,
Clement,	E. P. Miller,	Stafford,
Covington,	Mills,	Stockard,
Crawford	Munday,	D. Thomas,
Doak,	McLaughlin,	Trollinger,
Dunlap,	McLaurin,	Walker,
E. J. Erwin,	McNeill,	Winston,
C. Erwin,	Nye,	Young, 57.

Those who voted in the negative were,

MESSRS.

Amis,	Gwyther,	Roebuck,
Baker,	Hill,	Sloan,
Barksdale,	Howerton,	Smith,
Barnes,	Huggins,	Stallings,
J. Blount,	Hyman,	Sullivan,
W. A. Blount,	Jarman,	Taylor,
Bond,	Larkins <sup>n</sup> ,	G. Thomas,
Brogden,	Mangum,	Tomlinson,
Burgess,	Massey,	Tuton,
J. P. Caldwell,	Matthews,	Underwood,
Clegg,	J. T. Miller,	Waddell,
Daniel,	McCleese,	Wadsworth,
Eaton,	Paine,	Whitaker,
Ellington,	Perkins,	Wilcox,
Faison,	Pollock,	J. Williams,
Foreman,	Proctor,	S. A. Williams,
Gilliam,	Rand,	W. P. Williams,
Gorham,	K. Rayner,	Wilson, 56.
Guthrie,	J. R. Rayner,	

Mr. Siler, from the joint select committee on Cherokee Lands; rep rted without amendment, the resolution directing the Secretary of State to issue grants for lands sold at the late sale of the Cherokee lands in ce rtain cases; when the same was read and adopted, and ordered to be engrossed.

Mr. Patton introduced a resolution in favor of Charles L. Hinton; which was read the first time and passed, and referred, on Mr. Patton's motion, to the Committee on Cherokee Lands.

Mr. Brittain presented a petition from a portion of the officers of a Company of Light Infantry, attached to the 84th Regiment of Militia, praying an act of incorporation; which was referred to the Committee on Military Affairs.

On motion of Mr. Guthrie,

*Ordered,* That a message be sent to the Senate, with a proposition to raise a joint select committee, consisting of two members on the part of each House, to wait on his Excellency Edward B. Dudley, and inf rm him of his re-election as Governor of this State, and to ascertain at what time it will be agreeable to him to appear before the General Assembly, and take the necessary oaths of office.

On motion of Mr. Blalock,

*Resolved,* That the Committee on the Judiciary be instructed

to inquire into the expediency of further legislating, so as to provide for the security of the rights and privileges of the citizens of this State, against trespasses and aggressions committed by citizens of other States, or by the Indians within this State; and that they report by bill or otherwise.

Received from his Excellency the Governor, by his Private Secretary, a message recommending the consolidation of the two Boards directing the Internal Improvement and Literary Fund of the State, and communicating also the report of the President and Directors of the Internal Improvement Board, together with sundry documents connected therewith. On motion, *Ordered*, that the same be transmitted to the Senate, with a proposition that the message of the Governor and the report of the Board be printed.

The Bill regulating certain Fisheries in this State, was taken up and, on motion of Mr. McWilliams, *Ordered*, that it lie on the table. The resolution in favor of David Royster, was read the second and third times, passed, and ordered to be engrossed.

The engrossed resolution relative to the purchase of two Maps of North Carolina, for the use of the Senate and House of Commons, was read the second and third times and passed.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill fixing the time for perfecting titles to land heretofore entered and paid for.

A message from the Senate, concurring in the proposition of this House to refer so much of the Governor's message as relates to the request made by the State of Louisiana to hold a Southern Convention to adopt measures against the northern fanatics, to a Joint Select Committee of three on the part of each House, but with this condition, that the Committee be instructed to report to the two Houses the reasons why, in the opinion of the Legislature of North Carolina, it is inexpedient at this time to summon a Convention of the Southern States.

A message from the Senate, informing that they do not concur in the proposition of this House to refer the Report of the President and Directors of the Literary Fund, with the message of His Excellency the Governor accompanying the same, to a Joint Select Committee, and proposing that they be referred to a Joint Select Committee on Education and the Literary Fund. This proposition of the Senate was concurred in.

The engrossed bill to alter the mode of electing Constables in this State, so far as relates to the county of Martin, was read the second time and passed.

The resignations of Wm. A. Lea, of Caswell, of James P. Williams, of Duplin, of E. A. Chamlee, of Hertford, and of Wm. Loudermilk, of Randolph county, Justices of the Peace, were presented, read and accepted.

The bill to emancipate Emmaline, wife of Henry Patterson, was read the second time and amended, and the question, shall the said bill pass the second reading? was determined in the negative—yeas 53—nays 55. The yeas and nays demanded by Mr. Sloan.

Those who voted in the affirmative were,

Messrs.

E. S. Bell,	Gwynn,	Petty,
Blalock,	Harris,	Puryear,
Boger,	Hill,	Proctor.
Boyden,	Hoke,	Rand
Brittain,	R. Jones,	K. Rayner,
Brummell,	H. C. Jones,	Robards,
J. P. Caldwell,	Keener,	Rush,
Clegg,	Killian,	Siler,
Clement,	Lane,	Sims,
Covington,	Lindsay,	Stafford,
Crawford,	Matthews,	D. Thomas,
Doak,	Munday,	Trollinger,
Dunlap,	McLaughlin,	Walker,
E. J. Erwin,	McNeill,	Whitaker,
C. Erwin,	Nye,	Wilcox,
Foreman,	Oglesby,	Winston,
Gilliam,	Peden,	Young—53.
Guthrie,	Pemberton,	

Those who voted in the negative were,

MESSRS.

Amis,	Gorham,	Paine
Baker,	Gwyther,	Patton,
Barksdale,	Hester,	Pollock,
Barnes,	Holland,	J. R. Rayner,
B. L. Beall,	Hollingsworth,	Sloan,
Bedford,	Howerton,	Smith,
J. Blount,	Huggins,	Stallings,
W. A. Blount,	Hyman,	Stockard,
Bond,	Larkins,	Sullivan,

Braswell,	Mangum,	Taylor,
Brogden,	Massey	Tomlinson,
Burgess,	W. J. T. Miller,	G. Thomas,
Cardwell,*	E. P. Miller,	Tuton,
Carson,	Mills,	Underwood,
Chambers,	McCleese,	Wadsworth,
Eaton,	McLaurin,	J. Williams,
Ellington,	McWilliams,	W. P. Williams,
Faison,	Orr,	Wilson, 55.
Farrow,		

The House then adjourned until Monday morning ten o'clock.

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MONDAY, DEC 10, 1838.

Messrs. Amis, B. L. Beall, Doak and Gorham were appointed the Committee on Enrolled Bills on the part of this House, the present week.

Mr. Mills called up for consideration the bill to alter, amend, and improve the public road from Rutherford on to Asleville, over the Blue Ridge by the Hickory Nut Gap; and the bill was read the second time. Mr. Brittain moved to amend the bill by adding the following, viz: "*Provided*, That no part of the appropriation made by this act shall be drawn from the Treasury until the Commissioners above named shall enter into bond, with such securities as shall be approved by the Governor, and made payable to the State of North Carolina, in the penal sum of fourteen thousand dollars, that the Commissioners shall, within the period of seven years from the passage of this act, refund to the State the sum hereby appropriated, with legal interest thereon." The question on the adoption of this amendment was determined in the affirmative. The said bill was thereupon, on motion of Mr. Boyden, laid on the table.

Mr. Guthrie, from the Committee on Private Bills, to whom was referred a petition upon the subject, reported a bill to authorise Jesse T. Walton and George S. Walton to construct a mill dam across the Catawba river; which was read the first time and passed.

The bill concerning last wills and testaments was read the second time and passed. Mr. Winston moved that the bill



be re-committed to the Committee on the Judiciary. The motion was negatived.

Mr. Siler introduced a bill to improve a part of the State Road leading from the town of Franklin, in Macon county, across the Nantahala and Valley River mountain, to the new town site called Murphy; which was read the first time and passed, and, on motion of Mr. Siler, referred to the Committee on Internal Improvements.

On motion of Mr. Guthrie,

*Resolved*, That the Committee on Propositions and Grievances be instructed to inquire into the expediency of repealing so much of the law as now authorises the holding of additional terms of the Superior Court in any of the counties of the State wherein jury causes have been abolished in the County Court; and that they have leave to report by bill or otherwise.

On motion of Mr. Reid,

*Resolved*, That the Committee on Propositions and Grievances be instructed to inquire into the expediency of restoring to the County Court the trial by jury where the same has been abolished; and that they report by bill or otherwise.

Mr. Hill called up for consideration the Resolutions heretofore submitted by him relating to the disposition of the Public Lands of the General Government. Mr. Cardwell moved to amend the said Resolutions by striking out all after the word resolved, and inserting in lieu thereof the resolutions by him submitted on the 5th inst. Pending this motion, it was ordered, on motion of Mr. Stallings, that the said proposed amendment be printed, and, on motion of Mr. K. Rayner, *Ordered*, that the said resolutions lie on the table till to-morrow.

A message from the Senate, informing that they had rejected the engrossed resolution in favor of Joseph Prindle.

A message from the Senate, agreeing to print the Report of the President and Directors of the Literary Fund and certain documents accompanying, as proposed by this House.

A message from the Senate, informing that they had passed the engrossed bill to authorise the Justices of the Court of Pleas and Quarter Sessions for the county of Perquimons to purchase the bridge across Perquimons River, and the engrossed resolution in favor of B. B. Smith, and asking the concurrence of this House. The said bill and resolution were read the first time and passed.

The engrossed bill to alter the mode of electing constables in this State so far as relates to the county of Martin, was read the the third time, passed, and ordered to be enrolled.

The bill to appoint commissioners for the town of Hertford and other purposes; and the bill to regulate drill musters in the 87th regiment of North Carolina militia in Davidson county, were each read the second time and passed.

On motion of Mr. Crawford,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the Bastardy Law as to deprive the mother of the benefits of the allowance usually made, and of placing said fund in the hands of Trustees for the benefit of the child.

The engrossed bill to amend the 16th section of an act in the Revised Statutes, entitled an act concerning the General Assembly of the State of North Carolina, was read the second time, and, on motion of Mr. Wilcox, indefinitely postponed.

The resignation of Barthy Deans, as a Justice of the Peace of the county of Nash, received from the Senate, was read and accepted.

The House then adjourned until to-morrow morning ten o'clock.

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TUESDAY, DECEMBER 11, 1838.

Mr. Blalock introduced a resolution in favor of Flealder Hensley and others; which was read and referred to the Committee on Claims.

Messrs. Waddell, Hoke, Boyden, J. Williams, and McNeill were appointed the Joint Select Committee on the part of this House on the subject of a Southern Convention as proposed by the State of Louisiana.

The bill to lay off and establish a county by the name of McDowell was read the second time. Mr. Stallings moved that the bill be laid on the table till the 4th Monday of January next. The question on this motion was determined in the negative—yeas 51—nays 58. The yeas and nays demanded by Mr. Stallings.

## Those who voted in the affirmative were,

## MESSRS.

Amis,	Hill,	J. R. Rayner,
Baker,	Hollingsworth,	Sims,
Barksdale,	Howerton,	Sloan,
Barnes,	Huggins,	Stallings,
J. Blount,	Hyman,	Sullivan,
Wm. A. Blount,	Jarman,	Taylor,
Braswell,	H. C. Jones,	Tomlinson,
Brogden,	Mangum,	Tuton,
Bryan,	Massey,	Underwood,
Burgess,	Matthews,	Waddell,
Daniel,	J. T. Miller,	Wadsworth,
Eaton,	McCleese,	Whitaker,
Ellington,	McWilliams	Wilcox,
Faison,	Perkins,	J. Williams,
Foreman,	Pollock,	S. A. Williams,
Gorham,	Proctor,	W. P. Williams,
Gwynn,	Rand,	Wilson, 51.

## Those who voted in the negative were,

## MESSRS.

B. L. Beall,	C. Erwin,	McNeill,
Bedford,	Farrow,	Nye,
Blalock,	Gilliam,	Oglesby,
Boger,	Guthrie,	Orr,
Bond,	Harris,	Patton,
Boyden,	Hester,	Peden,
Brittain,	Hoke,	Pemberton,
Brummell,	Holland,	Petty,
J. P. Caldwell,	R. Jones,	Puryear,
G. W. Caldwell,	Keener,	Reid,
Cardwell,	Killian,	Rush,
Carson,	Lane,	Siler,
Chambers,	Larkins,	Smith,
Clegg,	Lindsay,	Stafford,
Clement,	W. J. T. Miller.	Stockard,
Covington,	E. P. Miller,	D. Thomas,
Crawford,	Mills.	Trollinger,
Doak,	Munday,	Walker,
Dunlap,	McLaughlin,	Young, 58.
E. J. Erwin,		

The question recurring on the passage of the bill the second reading, was decided in the negative—yeas 53—nays 55. The yeas and nays demanded by Mr. Bryan.

Those who voted in the affirmative, were,

MESSRS.

B. L. Beall,	C. Erwin,	McNeill,
Bedford,	Farrow,	Nye,
Blalock,	Gilliam,	Oglesby,
Roger,	Harris,	Orr,
Boyden,	Hester,	Patton,
Brittain,	Hoke,	Peden,
Brummell	Holland,	Petty,
J. P. Caldwell,	R. Jones	Puryear,
G. W. Caldwell,	Keener,	Reid,
Cardwell,	Killian,	Rush,
Carson,	Lane,	Siler,
Chambers,	Lindsay,	Stafford
C egg,	W. J. T. Miller,	Stoekard,
Covington,	E. P. Miller,	D. Thomas,
Clement,	Mil's,	Trollinger,
Crawford,	Munday,	E. J. Erwin,
Doak,	McLaughlin,	Young, 53.
Dunlap,	McLaurin,	

Those who voted in the negative were,

MESSRS.

Amis,	Gwyther,	Rand
Baker,	Gwynn,	J. R. Rayner,
Barksdale,	Hill,	Sims,
Barnes,	Hollingsworth,	Sloan,
E. S. Bell,	Howerton,	Smith,
J. Blount,	Huggins,	Stallings,
W. A. Blount,	Hyman,	Sullivan,
Bond,	Jarman,	Tomlinson,
Braswell,	H. C. Jones,	Tuton,
Brogden,	Mangum,	Underwood,
Bryan,	Massey,	Waddell,
Burgess,	Matth ws,	Wadsworth,
Daniel,	J. T. Miller,	Whitaker,
Eaton,	McCleese,	Wilcox,
Ellington,	McWilliams,	J. Williams,
Faison,	Perkins,	S. A. Williams,
Foreman,	Pollock,	W. P. Williams,
Gorham,	Proctor,	Wilson, 55.
Guthrie,		

The bill relating to certain Fisheries in this State, was read the second time, and, on motion of Mr. E. S. Bell, indefinitely postponed.

Mr. Wilson presented a bill to amend an act, entitled an act to compel any person to give bond and security for the maintenance of Bastard Children, in certain cases; which was read the first time and passed, and, on motion of Mr. Wilson, referred to the Committee on the Judiciary.

The House proceeded to the special order of the day, and took up the resolutions relating to the Public Lands of the United States; when, on motion of Mr. Nye, the consideration was postponed, and made the order of the day for Monday next.

Mr. Peden introduced a bill authorizing the Public Treasurer of this State to receive South Carolina and Virginia money in payment of State Taxes; which was read the first time and passed, and, on motion of Mr. Matthews, referred to the Committee on the Judiciary.

Mr. McWilliams presented the following resolution:

*Resolved*, That the resolution of this House, ordering the printing of ten copies of the report of the President and Directors of the Literary Fund, on the subject of Common Schools for each member, be, and the same is hereby rescinded.

*Resolved further*, That a message be sent to the Senate, requesting their concurrence with this House in the above resolution,

The resolution was read and rejected.

The bill providing for the appointment of overseers and hands to clear out Big and Little Rockfish Creeks in Cumberland and Robeson counties, was read the 2nd time, and, on motion of Mr. Patton, postponed indefinitely.

The bill to incorporate the town of Morganton, in the county of Burke; the bill to authorize Jesse T. and George S. Walton, to construct a mill dam across the Catawba river; 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; the bill to authorize the Justices of the Court of Pleas and Quarter Sessions for the county of Perquimons, to purchase the bridge across Perquimons river; and the resolution in favor of B. B. Smith, were each read the second time and passed.

The bill to regulate drill musters in the 87th regiment of North Carolina Militia in Davidson county, was read, and, on motion of Mr. Whitaker, laid on the table.

The engrossed resolution in favor of Wm. Ashley, was read the third time and passed, and ordered to be enrolled.

The engrossed resolution in favor of the Public Treasurer, was read the third time and passed, and ordered to be enrolled.

The bill to appoint commissioners for the town of Hertford, and for other purposes, was read the third time, passed, and ordered to be engrossed.

The bill relating to the clearing out Rockfish Creeks, this day postponed indefinitely, was, on motion of Mr. McLaurin, reconsidered, and on Mr. Reid's motion, referred to the Committee on Private Bills.

The resignations of A. Harley of Burke, and of Benjamin Sumner of Person county, Justices of the peace, were presented, read, and accepted.

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

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WEDNESDAY, DECEMBER 12, 1838.

Mr. Reid presented a memorial signed by many citizens of the town of Fayetteville, relating to the incorporation of the Cape Fear and Western Steam Boat Company; which was read, and, on Mr. Reid's motion, laid on the table.

The Speaker laid before the House, a communication from John D. Jones, President of the Bank of Cape Fear, transmitting a statement of the condition of that Institution.—*Ordered*, on motion of Mr. Holland, that the documents be transmitted to the Senate, with a proposition that they be printed and referred to the Committee of Finance, with instructions to report whether the exhibits are furnished in conformity to the provisions of the Bank Charter.

A message from the Senate, proposing to raise a joint select committee of three on the part of each House, to inquire into the failures of Sheriffs who have not duly made returns of the votes polled for their respective counties at the late election for Governor of this State; and that they report by bill otherwise. The proposition was agreed to, and Messrs. J. P. Caldwell, G. Thomas and Whitaker, appointed the committee on the part of the Commons.

A message from the Senate, concurring in the proposition of this House, to raise a joint select committee to inform his

Excellency E. B. Dudley, of his re-election as Governor of the State, and informing that Messrs. Davidson and Kerr, form their branch of said committee. *Ordered*, that Messrs. Hill and Amis, form said committee on the part of this House.

Mr. W. P. Williams, from the Committee on Finance, to whom was referred the resolution authorizing and directing the Treasurer of the State to receive the purchase money for all entries of lands in notes of the specie paying Banks of Virginia & South Carolina, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. The report was concurred in.

A message from the Senate, informing that Messrs. Bunting and Speed, form their branch of the Committee on Enrolled Bills the present week.

Mr. Winston presented a resolution in favor of George Hoover; which was read the first time and passed, and, on Mr. Winston's motion, referred to the Committee on Claims.

Mr. Whitaker presented a petition from G. P. Harvey and P. P. Harvey of Halifax county, praying the emancipation of certain slaves; which was referred to the Committee on Propositions and Grievances.

On motion of Mr. Britain,

*Resolved*, That the Public Treasurer be, and he is hereby directed to furnish this House with an exhibit of the full amount which has been appropriated by the State for making and repairing the Hickory Nut Gap Road in the county of Rutherford, specifying the several sums and the times when the appropriations were made.

Mr. Stockard introduced a resolution in favor of James C. Turrentine, Sheriff of Orange county; which was read the first time and passed, and, on motion of Mr. Stockard, referred to the Committee on Claims.

Mr. Reid presented a bill to incorporate the Phoenix Wool Manufacturing Company, of the town of Fayetteville; which was read the first time and passed, and, on Mr. Reid's motion, referred to the Committee on Private Bills.

Mr. Crawford presented the following resolution:

*Resolved*, That the Committee on Finance, be instructed to inquire into the expediency of enacting a law imposing a tax on every hundred dollars loaned at interest, equal to the tax on every

hundred dollars worth of real estate; and that they report by bill or otherwise.

The resolution was read and rejected.

Mr. Boyden presented the memorial of sundry citizens of Rockingham, touching the construction of a Rail Road from Fayetteville to Madison, in Rockingham county; which was read, and, on motion of Mr. Cardwell, referred to the Committee on Internal Improvements.

The bill to establish a new county by the name of Cleveland, was read the third time and passed—yeas 56—nays 55. The yeas and nays demanded by Mr. W. A. Blount.

Those who voted in the affirmative were,

MESSRS.

B. L. Beail,	Farrow,	Orr,
Bedford,	Gwynn,	Paine
Blalock,	Harris,	Patton,
Boger,	Hester,	Peden,
Boyden,	Hoke,	Pemberton,
Brittain,	Holland,	Petty,
Brummell,	R. Jones,	Purveyar,
J. P. Caldwell,	Keener,	Reid,
G. W. Caldwell,	Killian,	Robards,
Cardwell,	Laue,	Rush,
Carson,	Lindsay,	Siler,
Chamb/ers,	W. J. T. Miller,	Sims,
Clement,	E. P. Miller,	Stafford,
Covington,	Mills,	Stockard,
Crawford,	Munday,	Trollinger,
Doak,	McLaughlin,	Walker
Dunlap,	McLaurin,	Winston,
E. J. Erwin,	McNeill,	Young, 56.
C. Erwin,	Oglesby,	

Those who voted in the negative were,

MESSRS.

Amis,	Gorham,	Sloan,
Baker,	Guthrie,	Smith,
Barksdale,	Hill,	Stallings,
Barnes,	Hollingsworth,	Sullivan,
E. S. Bell,	Howerton,	Taylor,
J. Blount,	Hyman,	D. Thomas,
W. A. Blount,	Jarman,	G. Thomas,
Bond,	Larkins,	Tomlinson,
Braswell,	Mangum,	Tuton



Brogden,  
 Bryan,  
 Burgess,  
 Daniel,  
 Eaton,  
 Ellington,  
 Faison,  
 Foreman,  
 Gilliam,  
 J. R. Rayner,

Matthews,  
 Massey  
 J. T. Miller,  
 McCleese,  
 McWilliams,  
 Perkins,  
 Pollock,  
 Proctor,  
 Rand,

Wilson, 55.  
 Underwood,  
 Waddell,  
 Wadsworth,  
 Whitaker,  
 Wilcox,  
 J. Williams;  
 S. A. Williams,  
 W. P. Williams,

*Ordered,* That said bill be engrossed.

On motion of Mr. Gilliam,

*Resolved,* That the Committee on the Judiciary be instructed to inquire into the expediency of amending the existing law so as to increase the compensation now allowed to Clerks of the Superior and County Courts, for making out transcripts of record.

Mr. Peden presented the following Resolution:

*Resolved,* That the Committee on Public Printing be, and they are hereby authorised, to contract with the Printer for the Legislature or any other Printer to print immediately and on as good terms as possible, nine extra copies of the Report on Common Schools for each member of the Legislature.

*Ordered,* On motion of Mr. Cardwell, that said Resolution lie on the table.

On motion of Mr. Hill,

*Resolved,* That the Committee on Public Printing be instructed to contract for the printing of the report submitted to this House upon the subject of Common Schools with some one of the presses of this City; giving to the printer of the State a preference in the execution of the job, provided it can be done as cheap and as expeditiously by him as by the proprietors of the other presses.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill to amend the law concerning assaults and batteries. The bill was thereupon read the second time, and the question, shall the said bill pass the second reading? was determined in the negative—yeas 33—nays 71. The yeas and nays demanded by Mr. Hester.

Those who voted in the affirmative were,

Messrs.

Baker,  
 Barksdale,

Hester,  
 Hollingsworth,

Pollock,  
 Rand,

Barnes,	Jarman,	Sims,
Bedford,	R. Jones	Sloan,
Blalock,	Larkins,	Smith,
Boger	Mangum,	Stockard,
Brogden,	Massey,	Sullivan,
Chambers,	W. J. T. Miller,	Taylor,
Davis,	Munday	Trollinger,
C. Erwin,	McWilliams,	Tuton,
Farrow,	Nye,	Walker, 33.

Those who voted in the negative were,

MESSRS.

Amis,	Gorham,	Perkins
B. L. Beall,	Guthrie,	Petty,
E. S. Bell,	Gwynn,	Purveyar,
W. A. Blount,	Hill,	J. R. Rayner,
Bond,	Holland,	Reid,
Boydén,	Howerton,	Robards,
Braswell,	Hyman,	Rush,
Brittain,	Keener,	Siler,
Brummell,	Killian,	Stafford,
Burgess,	Lane,	Stallings,
J. P. Caldwell,	Lindsay,	D. Thomas,
G. W. Caldwell,	Matthews,	G. Thomas,
Cardwell,	J. T. Miller,	Tomlinson,
Carson,	E. P. Miller,	Waddell,
Clement,	Mills,	Wadsworth,
Covington,	McCleese,	Whitaker,
Crawford,	McLaughlin,	Wilcox,
Daniel,	McLaurin,	J. Williams,
Doak,	McNeill,	S. A. Williams,
Dunlap,	Oglesby,	W. P. Williams,
Eaton,	Orr,	Wilson,
Ellington,	Paine,	Winston,
Foreman,	Patton,	Young, 71.
Gilliam,	Peden,	

Mr. Patton introduced a bill to empower the Courts of Pleas and Quarter Sessions of Buncombe to draw Jurors for each week of the Superior Courts of said county; which was read the first time and passed. and, on motion of Mr. Hill, referred to the Committee on the Judiciary.

Mr. Rand introduced a bill to emancipate Tom, the property of Charles Dewey; which was read the first time and passed.

Received from His Excellency Governor Dudley, by his

Private Secretary, a communication transmitting a letter from the Secretary at War on the subject of ceding to the United States the jurisdiction of the site on which the Arsenal is now being constructed at Fayetteville. The message was read, and referred, on Mr. Crawford's motion, to the Committee on Military Affairs.

A message from His Excellency, the Governor, by his Private Secretary, showing the disbursement of the fund appropriated for repairing and furnishing the Governor's House, was read and referred, on Mr. Waddell's motion, to the Committee on Claims.

The bill to incorporate the town of Morganton, in the county of Burke, and the bill to authorise Jesse T. and George S. Walton to construct a mill dam across the Catawba River, were each read the third time, passed, and ordered to be engrossed.

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 the engrossed bill to authorise the Justices of the Court of Pleas and Quarter Sessions for the county of Perquimons to purchase the bridge across Perquimons River, were each read the third time, passed, and ordered to be enrolled.

The bill concerning last wills and testaments was read the third time, passed, and ordered to be engrossed.

The bill to repeal the act of 1835, allowing compensation to jurors in the county of Yancey, was read the second time, amended and passed.

Mr. Jarman presented the petition of sundry citizens of the county of Duplin, praying to be allowed to open the run of Rockfish creek; which was read and referred to the Committee on Private Bills.

The resolution in favor of B. B. Smith was read the third time, and the question, shall the said bill pass the third reading? was determined in the affirmative—yeas 97—nays 7. The yeas and nays demanded by Mr. Chambers.

Those who voted in the affirmative were,

MESSRS.

Amis,	Gwynn,	Pemberton,
Baker,	Harris,	Perkins,
Barnes,	Hester,	Petty,
B. L. Beall,	Hill,	Pollock,
Bedford,	Holland,	Purveyer,
E. S. Bell,	Howerton,	Rand <sup>d</sup> ,

Blalock,	Huggins,	J. R. Rayner,
W. A. Blount,	Hyman,	Reid,
Boger,	Keener,	Roebuck,
Bond,	Killian,	Rush,
Boyden,	Lane,	Siler,
Braswell,	Larkins,	Sims,
Brogden,	Lindsay,	Sloan,
Brummell,	Mangum,	Smith,
Bryan,	Massey,	Stafford,
Burgess, †	Matthews,	Stallings,
J. P. Caldwell,	W. J. T. Miller,	Stockard
Cardwell,	J. T. Miller,	Sullivan,
Carson,	E. P. Miller,	D. Thomas,
Covington,	Mills,	G. Thomas,
Crawford,	Munday,	Trollinger,
Daniel,	McCleese,	Underwood,
Doak,	McLaughlin,	Waddell,
Dunlap,	McLaurin,	Wadsworth,
Eaton,	McWilliams,	Walker,
Ellington,	McNeill,	Wilcox,
E. J. Erwin,	Nye,	J. Williams,
Faison,	Oglesby,	S. A. Williams,
Farrow,	Orr,	W. P. Williams,
Foreman,	Paine,	Wilson,
Gilliam,	Patton,	Winston,
Gorham,	Peden,	Young, 97.
Guthrie,		

Those who voted in the negative were,

MESSRS.

Chambers;	C. Erwin,	Taylor,
Clement,	Jones,	Tomlinson, 7.
Davis,		

The resignation of John Carter, as a Justice of the Peace of the county of Surry, received from the Senate, was read and accepted.

Mr. Sullivan introduced the following resolution:

*Resolved*, That from and after the 13th inst. this House hold evening sessions.

The resolution was, on motion of Mr. Guthrie, laid on the table.

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

THURSDAY, DEC. 13, 1838.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition of sundry citizens of Perquimons county, asking the passage of a law prohibiting the hauling of seines across the channel of Perquimons river, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. J. P. Caldwell, from the same committee, reported unfavorably on the petition of Pompey Jones, praying the emancipation of his wife, and asked to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

A message from the Senate, proposing to postpone until Saturday afternoon next the recommendation of Justices of Peace. The proposition was agreed to.

A message from the Senate, informing that Messrs. Shepard, Edwards, Morehead, Exum and Myers, form their branch of the joint select committee, on the subject of a Southern Convention.

Mr. Matthews presented a petition from sundry Militia Officers of the county of Stokes, praying that they may be compelled to muster four times a year; which was referred, on motion of Mr. Matthews, to the Committee on Military Affairs.

Mr. C. Erwin presented a petition from Thos. Douglass and others, claiming to be the heirs of one Thomas Walker, a Revolutionary Soldier in relation to the Military Lands of said Walker. The petition was referred, on Mr. Erwin's motion, to the committee on Claims.

Mr. Brittain presented a bill concerning Deeds of Trust; which was read the first time and passed, and referred to the Committee on the Judiciary.

On motion of Mr. Crawford,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of enacting a law making provoking and insulting language from one white man to another, a justification on the part of the persons provoked or insulted in striking; and that they report by bill or otherwise.

Mr. Mills introduced a bill to incorporate the Rutherfordton Male and Female Academies in the county of Rutherford; Mr. Patton a bill, supplemental to an act passed by

the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson; and Mr. C. Erwin a bill concerning Land Pedlars. These bills were read the first time and passed.

The resignations of Gabriel Sherard of Wayne, and of John L. Beard of Cabarrus counties, Justices of the Peace, received from the Senate, were read and accepted.

Mr. Guthrie, from the Committee on Private Bills, reported the bill to incorporate the Phoenix Wool Manufacturing Company, of the town of Fayetteville, with an amendment. *Ordered*, on motion of Mr. Hill, that the bill and amendment lie on the table.

Mr. moved that the House adjourn until tomorrow morning 10 o'clock. The question thereon was decided in the negative—yeas 56—nays 58. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

MESSRS.

Amis,	Gilliam,	Oglesby,
B. L. Beall,	Gorham, ]	Paine,
Bedford,	Guthrie,	Patton,
E. S. Bell,	Gwyther,	Peden,
W. A. Blount,	Hester,	Pemberton,
Bond,	Hill,	Perkins,
Boyden,	Hoke,	Petty,
Brittain,	Huggins,	Puryear,
Brummell,	Hyman,	Proctor,
J. P. Caldwell,	H. C. Jones,	Rand,
G. W. Caldwell,	Keener,	K. Rayner,
Carson,	Lane,	Reid,
Chambers,	Matthews,	Robards,
Clement,	W. J. T. Miller,	Rush,
Crawford,	J. T. Miller,	Stallings,
Dunlap,	Mills,	D. Thomas,
E. J. Erwin,	McCleese,	Waddell,
Faison,	McLaurin,	Wadsworth, 56.
Foreman,	Nye	

Those who voted in the negative were,

MESSRS.

Baker,	Gwynn,	Sims,
Barksdale,	Harris,	Sloan,
Barnes,	Holland,	Smith,
Blalock,	Hollingsworth,	Stafford,

J. Blount,	Howerton,	Stockard,
Boger,	Jarman	Sullivan,
Braswell,	R. Jones,	Taylor,
Brogden,	Killian,	Tomlinson,
Bryan,	Larkins,	Trollinger,
Burgess,	Mangum,	Tuton,
Cardwell,	Massey	Underwood,
Clegg,	E. P. Miller,	Walker,
Covington,	McLaughlin,	Whitaker,
Daniel,	McNeill,	Wilcox,
Davis,	Orr,	J. Williams,
Doak,	Pollock,	S. A. Williams,
Eaton,	J. R. Rayner,	W. P. Williams,
Ellington,	Roebuck,	Wilson,
C. Erwin,	Siler,	Young—58.
Farrow,		

The House proceeded to the special order of the day, being the resolutions submitted by Mr. K. Rayner, on the 4th inst., when, on motion of Mr. Gilliam, their consideration was postponed, and made the special order of the day for to-morrow.

The bill to emancipate Tom, the property of Charles Dewey, was read the second time, and, on motion of Mr. Crawford, postponed indefinitely.

Mr. Hill moved that the House adjourn until to-morrow morning 10 o'clock. The question thereon, was determined in the affirmative—yeas 60—nays 47. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

MESSRS.

Amis,	Harris,	Perkins,
Bedford,	Hester,	Petty,
E. S. Bell,	Hill,	Purveyar,
W. A. Blount,	H. C. Jones,	Proctor,
Boyden,	Keener,	Rand,
Brittain,	Lindsay,	K. Rayner,
J. P. Caldwell,	Mangum,	Reid,
G. W. Caldwell,	Matthews,	Robards,
Carson,	W. J. T. Miller,	Rush,
Chambers,	J. T. Miller,	Siler,
Covington,	Mills,	Sloan,
Crawford,	Munday,	Smith,
Doak,	McCleese,	Stallings,
Dunlap,	McLaurin,	D. Thomas,
E. J. Erwin,	McNeill,	Tomlinson,

Faison,	Nye,	Trollinger,
Foreman,	Oglesby,	G. Thomas,
Gilliam,	Paine,	Waddell,
Guthrie,	Patton,	Wadsworth,
Gwyther,	Peden,	Young, 60.

Those who voted in the negative were,

MESSRS.

Baker,	Ellington,	Pollock,
Barksdale,	C. Erwin,	J. R. Rayner,
Barnes,	Farrow,	Roebuck,
B. L. Beall,	Gorham,	Stafford,
J. Blount,	Gwynn,	Stockard,
Boger,	Holland,	Sullivan,
Bond,	Hollingsworth,	Taylor,
Braswell,	Howerton,	Underwood,
Brogden,	Jarman,	Walker,
Bryan,	R. Jones,	Whitaker,
Burgess,	Killian,	Wilcox,
Cardwell,	Larkins,	J. Williams,
Clegg,	Massey,	S. A. Williams,
Daniel,	E. P. Miller,	W. P. Williams,
Davis,	McLaughlin,	Wilson, 47.
Eaton,	Orr,	

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FRIDAY, DECEMBER 14, 1838.

Mr. Crawford introduced a bill to amend an act, entitled an act to establish the Clemmons ville Academy; which was read the first time and passed, and referred to the Committee on Education.

Mr. Baker, from the Select Committee, to whom was referred the petition of sundry citizens, relative to an alteration of the dividing line between the counties of Edgecomb and Nash, reported unfavorably thereon and prayed to be discharged from the further consideration of the subject.—The Report was concurred in.

Mr. J. T. Miller introduced a memorial from the President and Directors of the Wilmington & Raleigh Rail Road Company in relation to the payment by the State of the last instalment of her stock subscription, and praying the enactment of penal laws for the protection of life and property on said Rail Road. The memorial was read and was



referred, on Mr. Miller's motion, to the Committee on Internal Improvement.

Mr. McWilliams, from the Joint Select Committee on Public Printing, to whom was referred the Resolution of the 12th inst. directing them to contract for the printing of the Report on Common Schools, made a detailed report thereon; which was read and concurred in.

On motion of Mr. Holland,

*Resolved*, That the Committee on Propositions and Grievances be instructed to inquire into the expediency of causing a sufficient number of the Journals of this General Assembly to be printed as will furnish at least                      copies to each Captain's company within this State; and that they report by bill or otherwise.

Mr. Proctor introduced a resolution in favor of John C. Eringhaus; which was read the first time and passed, and, on motion of Mr. Proctor, referred to the Committee on Claims.

Mr. W. A. Blount introduced a bill to repeal the third section of an act passed in the year 1832, entitled an act for the better organization of the militia of the county of Beaufort and for other purposes; which was read the first time and passed, and referred to the Committee on Military Affairs.

Mr. Lane presented a petition from sundry officers and privates of the 56th regiment of militia, praying to increase the number of company and drill musters; which was read and referred, on Mr. Lane's motion, to the Committee on Military Affairs.

Mr. Wilson introduced a bill to amend an act, entitled an act concerning mills and millers; also, a bill to prevent the hauling of seines or obstructing the passage of fish on certain days in Perquimons river, in Perquimons county; and Mr. R. Jones a bill to prevent the spreading of contagious diseases in the several counties of this State. These bills were severally read the first time and passed.

The bill to repeal the act of 1835, allowing compensation to jurors in the county of Yancy, was read the third time, passed, and ordered to be engrossed.

On motion of Mr. Crawford,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the tax imposed on Pedlars in this State; and that they report by bill or otherwise.

Mr. Crawford introduced a bill to attach a portion of Bla-

den county to the county of Cumberland; which was read the first time and passed, and, on Mr. Crawford's motion, referred to the Committee on Private Bills.

Mr. Wilson presented the following Resolution:

*Resolved*, That a message be sent to the Senate, proposing that the two Houses of the Legislature adjourn sine die on Monday 31st inst.; and that the Clerks of the two Houses make up the estimates accordingly.

Mr. Crawford moved that the said resolution lie on the table. The question thereon was determined in the negative—yeas 24—nays 79. The yeas and nays demanded by Mr. Wilcox.

Those who voted in the affirmative were,

MESSRS.

E. S. Bell,	Crawford,	Peden,
Wm. A. Blount,	Dunlap,	Petty,
Boyden,	Gilliam,	Puryear,
Brummell,	Guthrie,	Rand,
J. P. Caldwell,	Gwyther	Reid,
Carson,	H. C. Jones,	Robards,
Clegg,	Nye,	Sims,
Clement,	Lane,	Waddell, 24.

Those who voted in the negative were,

MESSRS.

Amis,	Harris,	J. R. Rayner,
Baker,	Hester,	Roebuck,
Barksdale,	Hoke,	Rush,
Barnes,	Holland,	Sloan,
B. L. Beall,	Hollingsworth,	Smith,
Bedford,	Howerton,	Stafford,
Blalock,	Jarman,	Stallings,
J. Blount,	R. Jones,	Stockard,
Boger,	Keener,	Sullivan,
Braswell,	Killian,	Taylor,
Brogden,	Larkins,	D. Thomas,
Burgess,	Lindsay,	G. Thomas,
G. W. Caldwell,	Mangum,	Tomlinson,
Cardwell,	Massey,	Trollinger,
Chambers,	Matthews,	Tuton,
Covington,	W. J. T. Miller.	Underwood,
Daniel,	E. P. Miller,	Wadsworth,
Doak,	J. T. Miller,	Walker,
Davis,	Mills,	Whitaker,
Eaton,	McLaughlin,	Wilcox,

Ellington,	McNeill,	J. Williams,
E. J. Erwin,	Orr,	S. A. Williams,
C. Erwin,	Paine,	W. P. Williams,
Faison,	Patton,	Wilson,
Foreman,	Perkins,	Winston,
Gorham,	Pollock,	Young, 79 nays.
Gwynn,		

Mr. Robards moved that said Resolution be indefinitely postponed. The question thereon was determined in the negative—yeas 19—nays 88. The yeas and nays demanded by Mr. Robards.

Those who voted in the affirmative, were,

## MESSRS.

E. S. Bell,	Crawford,	Nye,
W. A. Blount,	Guthrie,	Puryear,
Boyden,	Gwyther,	Rand,
Brummell	H. C. Jones,	Reid,
J. P. Caldwell,	Lane,	Robards,
Clegg,	McLaurin,	Waddell, 19 yeas.
Clement,		

Those who voted in the negative were,

## MESSRS.

Amis,	Hester,	Petty,
Baker,	Hill,	Pollock,
Barksdale,	Hoke,	Proctor,
Barnes,	Holland,	J. R. Rayner,
B. L. Beall,	Hollingsworth,	Roebuck,
Bedford,	Howerton,	Rush,
Blalock,	Jarman,	Siler,
J. Blount,	R. Jones,	Sims,
Boger,	Keener,	Sloan,
Braswell,	Killian,	Smith,
Brogden,	Larkins,	Stallings,
Bryan,	Lindsay,	Stockard,
Burgess,	Mangum,	Sullivan,
G. W. Caldwell,	Matthews,	Taylor,
Cardwell,	W. J. T. Miller,	D. Thomas,
Chambers,	J. T. Miller,	G. Thomas,
Covington,	E. P. Miller,	Tomlinson,
Daniel,	Mills,	Trollinger,
Davis,	Munday,	Tuton
Doak,	McCleese,	Underwood,
Dunlap,	McLaughlin,	Wadsworth,
Eaton,	McNeill,	Walker

Ellington,	Oglesby,	Whitaker,
E. J. Erwin,	Orr,	Wilcox,
C. Erwin,	Paine	J. Williams,
Foreman,	Patton,	S. A. Williams,
Gilliam,	Peden,	W. P. Williams,
Gorham,	Pemberton,	Wilson,
Gwynn,	Perkins,	Young, 88 nays.
Harris,		

The question recurring on the adoption of the Resolution, was determined in the affirmative.

The Bill concerning land pedlars, was read the second time, and, on motion of Mr. G. W. Caldwell, postponed indefinitely.

The bill supplemental to an act passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson, was read the second time, amended on Mr. Patton's motion, and passed.

The bill to incorporate the Trustees of the Rutherfordton Male and Female Academies, was read the second time and passed.

Mr. Nye introduced the following Resolution:

*Resolved*, That this House hold evening sessions from and after Monday next.

The question on the adoption of this Resolution was determined in the affirmative—yeas 98—nays 13. The yeas and nays demanded by Mr. Nye.

Those who voted in the affirmative were,

MESSERS.

Amis,	Gwyther,	Pollock,
Baker,	Gwynn,	Purveyor,
Barksdale,	Harris,	Proctor,
Barnes,	Hester,	Rand,
B. L. Beall,	Hoke,	J. R. Rayner,
Bedford,	Holland,	Robards,
E. S. Bell,	Hollingsworth,	Roebuck,
J. Blount,	Howerton,	Rush,
W. A. Blount,	Jarman	Sims,
Boger,	R. Jones,	Sloan,
Boyden,	Keener,	Smith,
Braswell,	Killian,	Stafford,
Brittain,	Lane,	Stallings,
Brummell,	Larkins,	Stockard,
Bryan,	Lindsay,	Sullivan,

Burgess,	Mangum,	Taylor,
G. W. Caldwell,	Massey	D. Thomas,
Cardwell,	Matthews,	G. Thomas,
Carson,	W. J. T. Miller,	Tomlinson,
Clegg,	J. T. Miller,	Trollinger,
Clement,	E. P. Miller,	Tuton,
Covington,	Mills,	Underwood,
Crawford,	Munday,	Waddell,
Daniel,	McCleese,	Wadsworth,
Davis,	McLaughlin,	Walker,
Doak,	McNeill,	Whitaker,
Dunlap,	Nye	Wilcox,
Eaton,	Oglesby,	J. Williams,
Ellington,	Paine,	S. A. Williams,
E. J. Erwin,	Patton,	W. P. Williams,
C. Erwin,	Peden,	Wilson,
Gilliam,	Perkins,	Young—98 yeas.
Gorham,	Petty,	

Those who voted in the negative were,

MESSRS.

Blalock,	Foreman,	K. Rayner,
Brogden,	Guthrie,	Reid,
J. P. Caldwell,	H. C. Jones,	Siler,
Chambers,	McLaurin,	Winston, 13 nays.
Faison,		

The resignation of Benjamin Ellis, as a Justice of the Peace for the county of Rutherford, was presented, read, and accepted.

Mr. Guthrie moved that the House do now proceed to the special order of the day, viz: The resolutions submitted by Mr. Rayner on the 4th inst. Mr. Orr moved that said resolutions lie on the table until the 25th inst. The question on Mr. Orr's motion, was determined in the negative—yeas 54—nays 58. The yeas and nays demanded by Mr. Orr.

Those who voted in the affirmative were,

MESSRS.

Baker,	Holland,	Reid,
Barnes,	Hollingsworth,	Roebuck,
Bedford,	Howerton,	Sims,
J. Blount,	Jarman,	Siler,
Boger,	R. Jones	Sloan,
Braswell,	Killian,	Stafford,

Brogden,	Larkins,	Stallings,
Bryan,	Mangum,	Stockard,
G. W. Caldwell,	Massey,	Sullivan,
Cardwell,	J. T. Miller,	Taylor,
Chambers,	Munday,	Tomlinson,
Daniel,	McNeill,	Trollinger,
Davis,	Nye,	Tuton,
Eaton,	Orr,	Walker,
C. Erwin,	Perkins	Whitaker,
Gwynn,	Pollock,	Wilcox,
Hester,	Rand,	S. A. Williams,
Hoke,	J. R. Rayner,	W. P. Williams, 54.

Those who voted in the negative were,

MESSRS.

Barksdale,	Foreman,	Paine,
B. L. Beall,	Gilliam,	Patton,
E. S. Bell,	Gorham,	Peden,
Blalock,	Guthrie,	Pemberton,
W. A. Blount,	Gwyther,	Petty,
Boyden,	Harris,	Proctor,
Brittain,	Hill,	K. Rayner,
Brummell,	H. C. Jones,	Robards,
Burgess,	Keener,	Rush,
J. P. Caldwell,	Lane,	Smith,
Carson,	Lindsay,	D. Thomas,
Clegg,	Matthews,	G. Thomas,
Clement,	W. J. T. Miller,	Underwood,
Covington,	E. P. Miller,	Waddell,
Crawford,	Mills,	Wadsworth,
Doak,	McCleese,	J. Williams,
Dunlap,	McLaughlin,	Wilson,
Ellington,	McLaurin,	Winston,
E. J. Erwin,	Oglesby,	Young, 58.
Faison,		

Mr. G. W. Caldwell moved that the consideration of said resolutions be postponed until Monday the 24th inst. The question on this motion, was decided in the negative.—yeas 55—nays 60. The Yeas and nays demanded by Mr. G. W. Caldwell.

Those who voted in the affirmative were,

MESSRS.

Amis,	Holland,	Roebuck,
Baker,	Hollingsworth,	Siler,
Barksdale,	Howerton,	Sims,

Bedford,	Jarman,	Sloan,
J. Blount,	R. Jones,	Stafford,
Boger,	Killian,	Stallings,
Braswell,	Larkins,	Stockard,
Brogden,	Mangum,	Sullivan,
Bryan,	Massey,	Taylor,
G. W. Caldwell,	J. T. Miller,	Tomlinson,
Cardwell,	Munday,	Trollinger,
Chambers,	McNeill,	Tuton,
Daniel,	Nye,	Walker,
Davis,	Orr,	Whitaker,
Eaton,	Perkins,	Wilcox,
C. Erwin,	Pollock,	S. A. Williams,
Gwynn,	Rand,	W. P. Williams,
Hester,	J. R. Rayner,	55 yeas.
Hoke,	Reid,	

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Foreman,	Paine
E. S. Bell,	Gilliam,	Patton,
Blalock,	Gorham,	Peden,
W. A. Blount,	Guthrie,	Pemberton,
Boyden,	Gwyther,	Petty,
Brittain,	Harris,	Puryear,
Brummell,	Hill,	Proctor,
Burgess,	H. C. Jones,	K. Rayner,
J. P. Caldwell,	Keener,	Robards,
Carson,	Lane,	Rush,
Clegg,	Lindsay,	Smith,
Clement,	Matthews,	D. Thomas,
Covington,	W. J. T. Miller,	G. Thomas,
Crawford,	E. P. Miller,	Underwood,
Doak,	Mills,	Waddell,
Dunlap,	McCleese,	Wadsworth,
Ellington,	McLaughlin,	J. Williams,
E. J. Erwin,	McLaurin,	Wilson,
Faison,	McWilliams,	Winston,
Farrow,	Oglesby,	Young, 60.

The House thereupon proceeded to the consideration of the said Resolutions, and resolved itself into a Committee of the Whole, Mr. Hill in the Chair; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again. The report was concurred in, and leave granted as prayed for.

The House then adjourned until to-morrow morning ten o'clock.

SATURDAY, DECEMBER 15, 1838.

A message was received from the Senate, informing that Messrs. Carson, Morehead, and Speed form their branch of the Joint Select Committee on the subject of the failure of certain Sheriffs to make the returns of votes given at the last election for Governor of the State.

A message from the Senate, concurring in the proposition of this House to refer the statement of the affairs of the Cape Fear Bank to the Committee of Finance, with instructions to report whether it be made in conformity with the requisites of the charter, and also to print the same.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the town of Greenville, with sundry amendments, and asking the concurrence of this House. The amendments were read and concurred in.

On motion, leave of absence was granted to Mr. Barnes from this day till Tuesday next.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Lexington Manufacturing Company, and the engrossed bill to compel owners of bridges to construct draws. These bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of Martha Waddill, and asking the concurrence of this House. Said resolution was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolutions in favor of Thomas Winkler and others; also, the engrossed resolution in favor of certain entries of lands paid for and not granted in Wilkes; and the engrossed resolution in favor of Benjamin Hawkins, and asking the concurrence of this House. These resolutions were read and adopted and ordered to be enrolled.

Mr. Winston, from the Committee on the Judiciary, to whom was referred a bill to amend an act to compel any person to give bond and security for the maintenance of bastard children in certain cases, reported unfavorably thereon, and asked to be discharged from the further consideration of the bill. The bill was thereupon read the second time and rejected.

Mr. Winston, from the same Committee, reported unfavorably on the resolution directing them to inquire into the



expediency of passing a law making provoking and insulting language a justification for an assault and battery, and asked that the committee be discharged from the further consideration of the subject. The report was concurred in and the committee discharged.

Mr. Winston, from the same committee, to whom was referred so much of the message of His Excellency the Governor as relates to the Executive right of pardon on convictions in criminal cases, reported that it is not expedient to legislate upon the subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Winston, from the same committee, who were instructed to inquire into the expediency of further legislating so as to provide for the rights and privileges of the citizens against trespasses and aggressions committed by citizens of other States, or by the Indians within this State, reported that further legislation on this subject is not necessary, and asked to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

Mr. Hill, from the Committee on Internal Improvements, to whom was referred a petition of sundry citizens, praying the incorporation of a company for the construction of a Rail Road from the town of Fayetteville to Madison, in Rockingham county, with Banking privileges, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof. The report was concurred in, and the committee discharged.

Mr. Hill, from the same committee, reported the bill to improve a part of the State Road leading from the town of Franklin, in Macon county, across the Nantahala and Valley River Mountain to the new town site called Murphy, with an amendment. The amendment was concurred in, and the bill as amended, read the second time and passed.

Mr. Blalock introduced a bill appointing commissioners to lay off a public road from Burnsville, Yancy county, to the Tennessee line; and Mr. Brittain a bill to incorporate the Buncombe Warm Spring Company. These bills were read the first time and passed, and the last named bill referred to the Committee on Private Bills.

Mr. E. J. Erwin presented a petition from sundry citizens owning lands in the newly acquired Cherokee county, praying a change in the location of the county site, and to

alter the name from Murphey to Junalusky. The petition was read and referred, on Mr. Erwin's motion, to the Committee on Cherokee Lands.

On motion of Mr. Nye,

Resolved, That the Committee on Public Buildings be instructed to report to this House how much money in their opinion it will take to complete the two Legislative Halls in the new Capitol.

Mr. Robards introduced the following Resolution:

*Resolved*, That the Public Printer have permission to return such documents as he cannot print, so soon as the Legislature may desire, and that the Clerks of the two Houses employ such other persons as they may think proper, on the same terms and responsibilities as are now incurred by the Public Printer; and that the said Public Printer be released from all responsibility for the execution of the work so returned.

The resolution was read and adopted, and ordered to be engrossed.

On motion of Mr. Wilson,

*Resolved*, That a message be sent to the Senate, proposing that the two Houses on Thursday next proceed to the election of a Public Treasurer and Comptroller according to law.

On motion of Mr. W. P. Williams,

*Resolved*, That the Committee on the Judiciary be instructed to examine and inquire into the expediency of altering the law in regard to the loans of the Literary and Internal Improvement Funds of the State.

Mr. J. P. Caldwell introduced certain proceedings of a Court Martial, composed of officers of the Southern Regiment of militia of Iredell county; which were referred, on his motion, to the Committee on Military Affairs.

The Speaker laid before the House a supplemental return from the Bank of Cape Fear, of the state and condition of that institution. *Ordered*, on motion of Mr. Gilliam, that the exhibit be printed and transmitted to the Senate, and referred to the Committee on Finance.

Mr. W. P. Williams gave notice that he should, on Monday next, move an amendment to the Rules of Order in the adoption of the following order: "That no person shall come within the bar of this House, except ladies and gentlemen attending them, and members of the Senate and officers of the State and United States Government.

The certificate of the County Court of Cumberland in favor of Ann Morrison, a State Pensioner, received from the

Senate, was read and ordered to be countersigned by the Speaker of this House.

The resignations of Edward McCallum, of Montgomery; of John P. Miller, of Stokes; of L. Bethune, of Cumberland; and of Benjamin Hurdle, of Orange county, Justices of the Peace, were read and accepted.

Mr. Reid called up for consideration the bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina; and the question recurring on the adoption of the following amendment offered by Mr. Guthrie, viz: "And be it further enacted, that the private property of the individual stockholders shall be liable for all the debts, contracts and liabilities of the corporation," was decided in the negative—yeas 51—nays 57. The yeas and nays demanded by Mr. Mangum.

Those who voted in the affirmative were,

MESSRS.

Amis,	Guthrie,	J. R. Rayner,
Baker,	Gwyther,	Roebuck,
Barksdale,	Gwynn,	Rush,
Boger,	Hester,	Sims,
Braswell,	Holland,	Sloan,
Brogden,	Howerton,	Smith,
Burgess,	R. Jones,	Stallings,
Cardwell,	Lane,	Stockard
Chambers,	Larkins	Taylor,
Daniel,	Mangum,	Tomlinson,
Davis,	Massey,	Underwood,
Dunlap,	J. T. Miller,	Walker,
Eaton,	McWilliams,	Whitaker,
Ellington,	Orr,	Wilcox,
C. Erwin,	Paine,	J. Williams,
Foreman,	Pollock,	S. A. Williams,
Gorham,	Rand,	Winston, 51.

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Harris,	Peden,
Bedford,	Hill,	Pemberton,
E. S. Bell,	Huggins,	Perkins,
Blalock,	H. C. Jones,	Petty,
W. A. Blount,	Keener,	Puryear,
Böyden,	Killian,	K. Rayner,
Brittain,	Lindsay,	Reid,
Brummell,	Matthews,	Robards,
J. P. Caldwell,	W. J. T. Miller,	Siler,

Carson,	E. P. Miller,	Stafford,
Clegg,	Mills,	Sullivan,
Clement,	Munday,	D. Thomas,
Covington,	McCleese,	G. Thomas,
Crawford,	McLaughlin,	Tuton,
Doak,	McLaurin,	Waddell,
E. J. Erwin,	McNeill,	Wadsworth,
Faison,	Nye,	W. P. Williams,
Farrow,	Oglesby,	Wilson,
Gilliam,	Patton,	Young, 57 nays.

On motion of Mr. Reid, the bill was amended by enlarging the capital stock to \$30,000, and by adding the following section: "And be it further enacted that said company for and in consideration of the corporate privileges granted by this act, shall carry freight at 20 per cent. below the printed rates of 1825, of the Henrietta Steam Boat Company."

Mr. Whitaker moved to amend the bill by adding the following section: "That in case of the insolvency of the said Company, or of its failure to pay its debts, each stockholder shall be liable out of his or her own property for double the amount of stock held by him or her in the said Company." Pending the question, on this motion, the said bill was, on motion of Mr. Gilliam, postponed and made the order of the day for Tuesday next.

The House now resumed the special order of the day, and resolved itself into a Committee of the Whole, Mr. Hill in the Chair, on Mr. K. Rayner's resolutions, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again. The report was concurred in, and leave granted as prayed for.

The House then adjourned until Monday morning ten o'clock.

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MONDAY, DEC 17, 1838.

Received from the Senate a message, informing that they had passed the following engrossed bills, viz: A bill to amend an act entitled an act concerning idiots and lunatics; and a bill to amend an act concerning quarantine, and to

prevent the introduction and communication of contagious diseases, and asking the concurrence of this House. The said bills were read the first time and passed.

A message was received from the Senate, informing that they had passed the following engrossed bills and resolutions, viz: A bill to compel the Jailor of Stokes county, to live in the jail, and for other purposes; a bill to alter the times of holding the Superior Courts of Law and Equity, for the counties of Stokes and Guilford; a resolution in favor of Turner and Hughes; resolution for repairing the steeple of the Presbyterian Church; and a resolution in favor of Osborne Bowers; and asking the concurrence of this House. The said bills and resolutions were severally read the first time and passed.

Mr. Siler introduced a bill to lay off and establish a county by the name of Cherokee; which was read the first time and passed, and referred, on Mr. Siler's motion, to the Committee on Propositions and Grievances.

On motion of Mr. Petty,

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee of three on the part of each House, to take into consideration the expediency of establishing a Lunatic Asylum in this State; and that they report by bill or otherwise.

Mr. Winston, from the Committee on the Judiciary, reported favorably on the bill to empower the Courts of Pleas and Quarter Sessions of Buncombe, to draw jurors for each week of the Superior Court of said county. The said bill was read the second time and passed.

Mr. Winston, from the same committee, reported unfavorably on the bill concerning Deeds of Trust. On motion of Mr. Eaton, *Ordered*, that the said bill lie on the table.

Mr. Winston, from the same committee, reported unfavorably on the bill authorising the Public Treasurer of this State to receive South Carolina and Virginia money in payment of State Taxes. On motion of Mr. Crawford, *Ordered* that the said bill lie on the table.

Mr. G. W. Caldwell introduced a bill, founded on petitions, presented by himself and Mr. Winston, from sundry citizens of the counties of Mecklenburg and Anson, entitled a bill to lay off and establish a county by the name of Union; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Trustees of David-

son College, with sundry amendments; and asking the concurrence of this House. The amendments were read and concurred in.

Mr. Cardwell presented the petition of the officers of the 8th brigade of militia, praying an alteration in the militia laws; which was referred, on Mr. Cardwell's motion, to the Committee on Military Affairs.

Mr. Gilliam presented a memorial from the President and Directors of the Bank of Cape Fear, praying an amendment of their charter; which was read and referred, on Mr. Gilliam's motion, to the Joint Select Committee on Banks.

Mr. Roebuck introduced a resolution in favor of Simon M. Smithwick; which was read the first time and passed, and referred, on motion of Mr. Roebuck, to the Committee on Claims.

The bill to prevent the spreading of contagious diseases in the several counties of this State, was read, and on motion of Mr. Cardwell, laid on the table.

Mr. Hoke presented a memorial from the President of the South Western Railroad Bank, praying a modification of the charter; which was read and laid on the table.

On Mr. Rand's motion,

*Resolved*, That a select committee of three be appointed to inquire into the expediency of exposing to sale a lot of ground belonging to the State in the vicinity of Raleigh, lying on the south side of Newbern Street and heretofore bid off by D. L. Barringer, and by him relinquished to the State, under a resolution of the General Assembly, passed in 1835; and that they report by bill or otherwise.

Said committee consists of Messrs. Rand, E. S. Bell and Burgess.

Mr. Killian presented a bill to incorporate the High Shals Manufacturing Company; which was read the first time and passed.

The engrossed bill to incorporate the Lexington Manufacturing Company, was read, and, on Mr. B. L. Beall's motion, laid on the table.

The engrossed bill to compel owners of bridges to construct draws, was read the second time and rejected.

The bill appointing commissioners to lay off a public road from Burnsville Yancey county, to the Tennessee line; and the engrossed resolution in favor of Matthew Waddell, were each read the second time and passed.

Mr. Guthrie, from the Committee on Private Bills, re-

ported unfavorably on the bill providing for the appointment of overseers and hands to clear out Big and Little Rockfish Creeks, in Cumberland and Robeson counties. On motion of Mr. Reid, *Ordered* that said bill lie on the table. Previously to the adoption of this order, Mr. McLaurin offered the following amendment to said bill, viz:—"And be it further enacted, that no Toll Bridge shall be kept over said Big Rockfish, on any public road, or any road that has become public by usage, custom, or travelling, where the citizens of both, or either of said counties pass free of Toll, and all others pay; and any person keeping a Toll Bridge over said stream on any road as aforesaid, and demanding and exacting toll from others excepting the citizens of said counties, shall for every toll so exacted and collected, forfeit and pay the sum of ten dollars, to be recovered by action of debt, before any Justice of the Peace, one half to the use of the person suing for the same, and the other for the poor of the county where the recovery is had, besides a liability to an action of damages for detention, provided the action be brought within twelve months from the time in which the cause of action occurs." This amendment was read and rejected.

Mr. Hill, from the joint select committee on this subject, reported that Saturday the 29th inst. had been determined upon as the day when his Exc<sup>y</sup> E. B. Dudley, will appear before the two branches of the General Assembly, and take the oaths of office as prescribed by law. The report was concurred in.

The resignation of Alex<sup>r</sup> Murchison, a Justice of the Peace of the county of Cumberland, was read and accepted.

The House, on motion of Mr. Paine, again resolved itself into a committee of the whole (Mr. Hill in the Chair) on the resolutions heretofore presented by Mr. Rayner, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress, and asked leave to sit again. The report was concurred in, and leave granted as prayed for.

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

TUESDAY, DECEMBER 18, 1838.

Mr. Whitaker, from the Committee on Military Affairs, to whom were referred certain proceedings of the militia of Iredell county, praying increased compensation to musicians, reported that in the opinion of the committee it is not expedient to legislate in the way proposed, and asked to be discharged from the further consideration of the subject. The report was concurred in, and the Committee discharged.

Mr. Whitaker, from the same Committee, to whom were referred sundry petitions from militia officers, praying an increase in the number of company musters, reported that a bill is now before the General Assembly embracing the objects of the petitioners, and asked that the committee be discharged from the further consideration thereof. The report was concurred in.

Mr. Whitaker, from the same committee, to whom was referred a memorial from the Secretary at War, reported a bill vesting in the United States of America jurisdiction over a certain tract of land in the town of Fayetteville and county of Cumberland; which was read the first time and passed.

Mr. Siler, from the Select Committee to whom was referred the Report of the Commissioners on the sales of Cherokee Lands, reported a resolution allowing 8 per cent. discount on Cherokee Bonds. Said Resolution was read the first time and passed.

On motion of Mr. W. P. Williams, the House, in pursuance of notice given on the 16th inst., took up for consideration and adoption the amendment to the Rules of Order as by him proposed.

Mr. Wilcox presented a bill concerning Public Registers; which was read the first time and passed.

Mr. Hill, from the Committee on Internal Improvements, reported a bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the first time and passed, and ordered, on motion of Mr. Hester, to be printed with the Report.

Mr. Hill, from the same Committee, reported a resolution in aid of the Wilmington and Raleigh Rail Road Company; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to incorporate the Trustees of the Greensborough Female College in



the county of Guilford, and a bill to exempt the aged and infirm from being compelled to serve in fire companies and upon guards in any of the incorporated towns and cities of this State, and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. Paine, who voted yesterday in the majority on the question rejecting the bill to compel owners of bridges to construct draws, moved that the House do now re-consider that vote. The question on this motion was decided in the affirmative; and, on motion of Mr. Wadsworth, *Ordered*, that said bill be referred to the Committee on Propositions and Grievances.

Mr. Reid presented a resolution in favor of George and John Elliott; which was read the first time and passed, and referred to the Committee on Claims.

A message from the Senate, informing that Messrs. Montgomery and McDiarmid form their branch of the Committee on Enrolled Bills the present week. *Ordered*, That Messrs. Foreman, D. Thomas, Barksdale, and Cardwell form said committee on the part of this House.

Mr. Winston, from the Committee on the Judiciary, reported a bill concerning infant children whose parents shall be divorced; which was read the first time and passed.

Mr. Winston, from the same Committee, reported a bill to amend an act, entitled an act concerning bastardy, and prescribing the mode of legitimating bastard children in certain cases; which was read the first time and passed.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the resolution in favor of James C. Turrentine, Sheriff of Orange county; which was read the second time and passed.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition of G. P. and P. P. Harvey, of Halifax, praying the emancipation of certain slaves, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. J. P. Caldwell, from the same committee, reported without amendment the bill to lay off and establish a county by the name of Cherokee; when said bill was read the second time and passed.

Mr. J. P. Caldwell, from the same Committee, reported unfavorably on the resolution instructing them to inquire into the expediency of repealing the law authorising the

holding of additional terms of certain Superior Courts. The Report was concurred in.

The bill supplemental to an act passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Henderson, and the bill to incorporate the Trustees of the Rutherfordton Male and Female Academies, were each read the third time and passed, and ordered to be engrossed.

The resignations of John Gatling, of Perquimons, and of Joseph A. Drake, of Nash counties, Justices of Peace, were read and accepted.

The House again resolved itself into a Committee of the Whole, Mr. Hill in the Chair, and resumed the consideration of Mr. Rayner's Resolutions; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again. The Report was concurred in, and leave granted.

Whereupon the House adjourned until

HALF PAST 3 O'CLOCK, P. M.

The bill to empower the Courts of Pleas and Quarter Sessions of Buncombe to draw jurors for each week of the Courts of said county, and the bill appointing commissioners to lay off a public road from Burnsville, Yancey county, to the Tennessee line, were each read the third time, passed, and ordered to be engrossed.

The engrossed resolution in favor of Matthew Waddill was read the third time, passed, and ordered to be enrolled.

The engrossed resolution in favor of Turner & Hughes was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend an act, entitled an act concerning idiots and lunatics, was, on motion of Mr. Gilliam, referred to the Committee on the Judiciary.

The engrossed bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases, was read, and on motion of Mr. Wilcox, referred to the Committee on the Judiciary.

The engrossed bill to compel the jailor of Stokes county to live in the jail and for other purposes, was read the second and third times and passed, and ordered to be enrolled.

The House then adjourned until to-morrow morning ten o'clock.

WEDNESDAY, DECEMBER 19, 1838.

On motion of Mr. Cardwell, the bill to prevent the spreading of contagious diseases in the several counties of this State was taken up and referred to the Committee on the Judiciary.

Mr. Guthrie, from the Committee on Private Bills, reported unfavorably on the bill to attach a portion of Bladen county to the county of Cumberland. *Ordered*, That said bill be indefinitely postponed.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the resolution directing them to inquire into the expediency of increasing the tax imposed on pedlars, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Nye presented a bill to appoint commissioners to lay off a part of the Great State Road from Presly Shepherd's to Frederick Seavert's; which was read the first time and passed.

The bill to prevent the hauling of seines or obstructing the passage of fish on certain days in Perquimons river in Perquimons county, was read, and on motion of Mr. Paine, indefinitely postponed.

The bill to lay off and establish a new county by the name of Union, was read the second time. Mr. Bryan moved the bill be postponed indefinitely. The question thereon was decided in the negative—yeas 50—nays 59. The yeas and nays demanded by Mr. Bryan.

Those who voted in the affirmative were,

MESSRS.

Amis,	Hill,	J. R. Rayner,
Baker,	Holland,	Sloan,
Barksdale,	Howerton,	Stallings,
Barnes,	Huggins,	Sullivan,
E. S. Bell,	Hyman,	Taylor,
J. Blount,	Jarman,	Tomlinson,
Brogden,	Larkins,	Tuton,
Bryan,	Mangum,	Underwood,
Daniel,	Massey,	Waddell,
Davis,	Matthews,	Wadsworth,
Eaton,	J. T. Miller,	Whitaker,
Ellington,	Munday,	Wilcox,
Faison,	Perkins,	J. Williams,
Foreman,	Pollock,	W. P. Williams,

Gorham,	Proctor,	S. A. Williams,
Guthrie,	Rand,	Wilson, 50 yeas.
Gwyther,	K. Rayner,	

Those who voted in the negative were,

MESSRS.

B. L. Beall,	E. J. Erwin,	McNeill,
Bedford,	C. Erwin,	Nye,
Blalock,	Farrow,	Orr,
W. A. Blount,	Gilliam,	Patton,
Boger,	Gwynn,	Peden,
Boyden,	Harris,	Pemberton,
Braswell,	Hester,	Petty,
Brittain,	Hoke,	Puryear,
Brummell,	Hollingsworth,	Robards,
J. P. Caldwell,	R. Jones,	Rush,
G. W. Caldwell,	H. C. Jones	Siler,
Cardwell,	Killian,	Sims,
Carson,	Lane,	Smith,
Chambers,	Lindsay,	Stockard,
Clegg,	W. J. T. Miller,	D. Thomas,
Clement,	E. P. Mil'er,	Trollinger,
Covington,	Mills,	Walker,
Crawford,	McLaughlin,	Winston,
Doak,	McLaurin,	Young, 59 nays.
Dunlap,	McWilliams,	

The question recurring on the passage of the bill the second reading, was determined in the affirmative.

On motion of Mr. G. W. Caldwell, two thirds of the House concurring, the said bill was read the third time, and the question, shall the said bill pass the third reading, was decided in the affirmative—yeas 60—nays 51. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative, were,

MESSRS.

B. L. Beall,	E. J. Erwin,	Nye,
Bedford,	C. Erwin,	Orr,
Blalock,	Farrow,	Patton,
W. A. Blount,	Gilliam,	Peden,
Boger,	Gwynn,	Pemberton,
Boyden,	Harris,	Petty,
Braswell,	Hester,	Puryear,
Brittain,	Hoke,	Reid,
Brummell,	R. Jones,	Robards,
J. P. Caldwell,	H. C. Jones,	Rush,

G. W. Caldwell,	Killian,	Siler,
Cardwell,	Lane,	Sims,
Carson,	Lindsay,	Smith,
Chambers,	Matthews,	Stockard,
Clegg,	W. J. T. Miller.	D. Thomas,
Clement,	E. P. Miller,	Trollinger,
Covington,	Mills,	Waddell,
Crawford,	McLaughlin,	Walker,
Doak,	McLaurin,	Winston,
Dunlap,	McNeill,	Young, 60 years.

Those who voted in the negative were,

MESSERS.

Amis,	Hill,	Proctor,
Baker,	Holland,	Rand,
Barksdale,	Hollingsworth,	K. Rayner,
Barnes,	Howerton,	J. R. Rayner,
E. S. Bell,	Huggins,	Sloan,
J. Blount,	Hyman,	Stalings,
Brogden,	Jarman,	Sullivan,
Bryan,	Larkins,	Taylor,
Burgess,	Mangum,	Tomlinson,
Daniel,	Massey,	Underwood,
Davis,	J. T. Miller,	Wadsworth,
Eaton,	Munday,	Whitaker,
Ellington,	McCleese,	Wilcox,
Faison,	McWilliams,	J. Williams,
Foreman,	Paine,	S. A. Williams,
Gorham,	Pollock,	W. P. Williams,
Gwyther,	Perkins,	Wilson, 51 nays.

*Ordered,* That said bill be engrossed.

Mr. W. P. Williams, from the Committee on Finance, submitted the following report:

“The Committee on Finance, have carefully examined the Books and accounts of the Public Treasurer and Comptroller, from the 31st of October, 1836, to 31st October, 1838; and take much pleasure in saying that they correspond entirely with the statements given in the printed Reports of both Treasurer and Comptroller, as furnished to this General Assembly by them.— They have also examined with much care, the monthly account of the Treasurer with Bank deposits, and find that they are in strict conformity with the act of the General Assembly.

Your Committee cannot forego the expression of the most entire satisfaction, at the able, honest, and business-like manner in which their Books and Accounts are kept.

All of which is respectfully submitted.

W. P. WILLIAMS, Chairman.”

The Speaker laid before the House, an exhibit showing the state and condition of the affairs of the Banks of the State of North Carolina, on the 24th November, 1838, furnished in obedience to the charter of the Institutions. *Ordered*, that said exhibit be transmitted to the Senate, with a proposition that it be printed.

*Ordered*, on motion of Mr. Gilliam, that a message be sent to the Senate, informing that Daniel W. Courts is nominated for re-election to the office of Public Treasurer.— And Wm. F. Collins to the office of Comptroller of Public Accounts.

The House now resolved itself into a committee of the whole, Mr. Hill in the Chair, and resumed the consideration of Mr. Rayner's Resolutions; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again. The report was concurred in, and leave granted as prayed for.

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

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THURSDAY, DEC. 20, 1838.

The Speaker laid before the House an exhibit shewing the state and condition of the Merchants' Bank of Newbern, transmitted in pursuance of the Bank charter. *Ordered*, that the document be transmitted to the Senate with a proposition that it be printed.

Mr. Siler, from the Committee on Cherokee Lands, reported without amendment the resolution in favor of Chas. L. Hinton, when the said resolution was read the second and third times, passed, and ordered to be engrossed.

Mr. Baker presented petitions from many citizens of Edgecomb for and against the emancipation of a slave named Ely, late the property of Godwin Cotton, dec'd. *Ordered*, That said petitions be referred to the Committee on Propositions and Grievances.

Received from the Senate a message, informing that they had rejected the engrossed bill, entitled a bill to establish a new county by the name of Cleaveland.

A message from the Senate, transmitting the Report of the Committee on Finance, and proposing that it be printed. The proposition was agreed to.

A message from the Senate, informing that they had passed the engrossed bill to amend the militia laws of this State, and the engrossed resolution in favor of Hiram Higgins and Solomon Perry, of Ashe, and asking the concurrence of this House. The said bill was read the first time and passed; and the said resolution read and adopted, and ordered to be enrolled.

A message from the Senate, informing that they had rejected the engrossed bill to allow Charles P. Morris, late Sheriff of New Hanover county, further time for the collection of taxes.

A message from the Senate, agreeing to vote this day at 11 o'clock for a Comptroller of Public Accounts, and informing that Messrs. Myers and Henry form their branch of the committee to superintend the election. *Ordered*, that Messrs. Young and Baker form said Committee on behalf of the Commons.

The roll was called, and the House voted as follows:

FOR WM. F. COLLINS, ✓

MESSRS.

Speaker,	Foreman,	Pemberton,
Amis,	Gilliam,	Perkins,
Baker,	Gorham,	Petty,
Barksdale,	Guthrie,	Purveyer,
Barnes,	Gwynn,	Pollock,
B. L. Beall,	Harris,	Proctor,
Bedford,	Hester,	K. Rayner,
E. S. Bell,	Hill,	J. R. Rayner,
Blalock,	Holland,	Reid,
J. Blount,	Hollingsworth,	Robards,
W. A. Blount,	Howerton,	Roebuck,
Boger,	Huggins,	Rush,
Boyden,	Hyman,	Siler,
Braswell,	Jarman,	Sims,
Brittain,	R. Jones.	Sloan,
Brogden,	H. C. Jones,	Smith,
Brummell,	Keener,	Stafford,
Bryan,	Killian,	Stallings,
Burgess,	Lane,	Stockard,
J. P. Caldwell,	Larkins,	Sullivan,
G. W. Caldwell,	Lindsay,	Taylor,
Cardwell,	Mangum,	D. Thomas,
Carson,	Massey,	Tomlinson,
Chambers,	Matthews,	Trollinger,
Clegg,	W. J. T. Miller,	Tuton,

Clement,	J. T. Miller,	Underwood,
Covington,	E. P. Miller,	Waddell,
Crawford,	Mills,	Wadsworth,
Daniel,	Munday,	Walker,
Davis,	McLaughlin,	Whitaker,
Doak,	McLaurin,	Wilcox,
Dunlap,	McWilliams,	J. Williams,
Eaton,	McNeill,	S. A. Williams,
Ellington,	Nye,	W. P. Williams,
E. J. Erwin,	Orr,	Wilson,
C. Erwin,	Paine,	Winston,
Faison,	Patton,	Young, 113.
Farrow,	Peden,	

A message from the Senate, informing that they do concur in the proposition of this House, to go into an election this day at 12 o'clock, for a Public Treasurer; and informing that Messrs. Fox and Reding form their branch of the Committee for superintending the election. *Ordered*, that Messrs. Proctor und McNeill form said committee on the part of this House. The House thereupon proceeded to vote as follows:

#### FOR DANIEL W. COURTS.

##### MESSRS.

Speaker,	Foreman,	Perkins,
Anis,	Gorham,	Petty,
Baker,	Gilliam,	Pollock,
Barksdale,	Guthrie,	Proctor,
Barnes,	Gwyther	Rand,
B. L. Beall,	Gwynn,	J. R. Rayner,
Bedford,	Harris,	K. Rayner,
E. S. Bell,	Hester,	Reid,
Blalock,	Hill,	Robards,
J. Blount,	Hoke,	Roebuck,
W. A. Blount,	Holland,	Rush,
Boger	Howerton,	Siler,
Boyden,	Huggins,	Sims,
Braswell,	Hyman,	Sloan,
Brittain,	Jarman,	Smith,
Brogden,	R. Jones,	Stafford,
Brummell,	H. C. Jones,	Stallings,
Bryan,	Keener,	Stockard,
Burgess,	Killian,	Sullivan,
G. W. Caldwell,	Lane,	Taylor,
Cardwell,	Larkins,	D. Thomas,
Carson,	Lindsay,	Tomlinson,



Chambers,	Mangum,	Trollinger,
Clegg,	Massey,	Tuton
Clement,	Matthews,	Underwood,
Covington,	W. J. T. Miller,	Waddell,
Crawford,	J. T. Miller,	Wadsworth,
Daniel,	Mills,	Walker,
Davis,	Munday,	Whitaker,
Doak,	McLaurin,	Wilcox,
Dunlap,	McWilliams,	J. Williams,
Eaton,	McNeill,	S. A. Williams,
Ellington,	Nye,	W. P. Williams,
E. J. Erwin,	Orr,	Wilson,
C. Erwin,	Patton,	Winston,
Faison,	Peden,	Young, 110.
Farrow,	Pemberton,	

Mr. Baker, from the Committee appointed to superintend the election of a Comptroller of Public Accounts, reported that Wm. F. Collins had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

Mr. McWilliams introduced a bill authorising the Justices of the Peace of the several counties in this State to classify themselves for holding the Courts of Pleas and Quarter Sessions; which was read the first time and passed.

The bill to incorporate the Rocky Mount Manufacturing Company, was, on motion of Mr. Gilliam, taken up for consideration, and the question being on the amendment proposed by Mr. Guthrie in the following words, viz: "And be it further enacted, that the private property of the individual stockholders shall be liable for all the debts, contracts and liabilities of the corporation," Mr. Ellington moved to strike out the proposed amendment, and to insert the following, viz: "Be it further enacted, that in case of failure on the part of said corporation, that the private or individual property of the stockholders therein shall be subject by law to the payment of the debts of the corporation in proportion to the amount of stock by them severally owned, and not otherwise." Mr. Guthrie called for a division of the question, and the question being first to strike out the amendment offered by Mr. Guthrie, was decided in the affirmative—yeas 60—nays 47. The yeas and nays demanded by Mr. Barnes.

Those who voted in the affirmative were,

MESSRS.  
Bedford, Gilliam, Pemberton,

E. S. Bell,	Gorham,	Petty,
Blalock,	Harris,	Purveyar,
J. Blount,	Hill,	Rand,
W. A. Blount,	Howerton,	K. Rayner,
Boyden,	Huggins,	Rush,
Brummell,	Hyman,	Siler,
Burgess,	H. C. Jones,	Sloan,
J. P. Caldwell,	Keener,	Smith,
Carson,	Killian,	Stafford,
Clegg,	Lane,	Stallings,
Covington,	Lindsay,	Stockard
Crawford,	Matthews,	D. Thomas,
Davis,	W. J. T. Miller,	Underwood,
Doak,	Mills,	Wadsworth,
Dunlap,	McLaughlin,	Whitaker,
Ellington,	McWilliams,	J. Williams,
E. J. Erwin,	Paine,	W. P. Williams,
Faison,	Patton,	Wilson,
Farrow,	Peden,	Young, 60.

Those who voted in the negative were,

MESSRS.

Amis,	Guthrie,	Pollock,
Baker,	Gwynn,	J. R. Rayner,
Barnes,	Hester,	Reid,
B. L. Beall,	Hoke,	Robards,
Boger,	Holland,	Roebuck,
Braswell,	Hollingsworth,	Sims,
Brittain,	Jarman,	Sullivan,
Brogden,	R. Jones,	Taylor,
Bryan,	Larkins,	Tomlinson,
G. W. Caldwell,	Mangum,	Trollinger,
Cardwell,	J. T. Miller,	Tuton,
Chambers,	Munday,	Waddell,
Daniel,	McNeill,	Walker,
Eaton,	Nye,	Wilcox,
C. Erwin,	Orr,	Winston, 47.
Foreman,	Perkins,	

The next question being on inserting the amendment proposed by Mr. Ellington, was decided in the affirmative—yeas 65—nays 47.

Those who voted in the affirmative were,

MESSRS.

Amis,	Guthrie,	K. Rayner,
Baker,	Gwynn,	J. R. Rayner,
Barksdale,	Harris,	Roebuck,

Barnes,	Hester,	Rush,
Bedford,	Hoke,	Sloan,
Boger,	Holland,	Stafford,
J. Blount,	Howerton,	Stallings,
Braswell,	Jarman,	Stockard,
Brogden,	R. Jones,	Sullivan,
Bryan,	Killian,	Taylor,
Burgess,	Lane,	Tomlinson,
G. W. Caldwell,	Larkins,	Trollinger,
Cardwell,	Mangum,	Tuton,
Chambers,	Massey,	Underwood,
Daniel,	J. T. Miller,	Walker,
Davis,	Munday,	Whitaker,
Eaton,	McWilliams,	Wilcox,
Ellington,	McNeill,	J. Williams,
C. Erwin,	Nye,	S. A. Williams,
Faison,	Orr,	Wilson,
Farrow,	Pollock,	Winston, 65.
Gorham,	Rand,	

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Gilliam,	Peden,
E. S. Bell,	Gwyther,	Pemberton,
Blalock,	Hill,	Petty,
W. A. Blount,	Hollingsworth,	Puryear,
Boyd,	Huggins,	Proctor,
Brittain,	Hyman,	Reid,
Brummell,	H. C. Jones,	Robards,
J. P. Caldwell,	Keener,	Siler,
Carson,	Lindsay,	Sims,
Clegg,	Matthews,	Smith,
Covington,	W. J. T. Miller,	D. Thomas,
Crawford,	E. P. Miller,	Waddell,
Doak,	Mills,	Wadsworth,
Dunlap,	McLaurin,	W. P. Williams,
E. J. Erwin,	Paine,	Young—47.
Foreman,	Patton,	

Mr. Whitaker moved to amend the bill by adding the following section: "That the President and Directors of said Company shall pay annually unto the Treasurer of the State the sum of twenty cents on every hundred dollars worth of stock other than real estate subscribed for and paid in—the first payment to be made twelve months after the company shall have gone into operation." This amendment was rejected. The said bill as amended, was there-

upon read the third time, passed, and ordered to be engrossed.

The Speaker laid before the House a memorial from a Convention of Delegates recently assembled in the City of Raleigh from various parts of the State on the subject of Internal Improvements. The memorial was read, and on motion of Mr. Hoke, *Ordered*, that it be sent to the Senate with a proposition to refer it to a Joint Select Committee to be composed of the Standing Committees on Internal Improvements in each House, and to print ten copies for each member of the General Assembly. Mr. Crawford moved to strike out ten and insert twenty copies. The question thereon was decided in the negative—yeas 41—nays 71. The yeas and nays demanded by Mr. Baker.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Gilliam,	Pemberton,
Bedford,	Hill,	Petty,
E. S. Bell,	Hoke,	Purveyar,
Blalock,	H. C. Jones,	Proctor,
W. A. Blount,	Keener,	K. Rayner,
Boger,	Lane,	Reid,
Boyden,	Lindsay,	Rush,
Brummell	Matthews,	Stafford,
J. P. Caldwell,	E. P. Miller,	D. Thomas,
Carson,	McLaughlin,	Waddell,
Clement,	Nye,	Wilson,
Crawford,	Paine	Winston,
Doak,	Patton,	Young, 41 yeas.
E. J. Erwin,	Peden,	

Those who voted in the negative were,

MESSRS.

Amis,	Gwynn,	Pollock,
Baker,	Harris,	Rand,
Barnes,	Hester,	J. R. Rayner,
J. Blount,	Holland,	Robards,
Braswell,	Hollingsworth,	Roebuck,
Brittain,	Howerton,	Siler,
Brogden,	Huggins,	Sims,
Bryan,	Hyman,	Sloan,
Burgess,	Jarman,	Smith,
G. W. Caldwell,	R. Jones,	Stallings,
Cardwell,	Killian,	Stockard,
Chambers,	Larkins,	Sullivan,
Clegg,	Mangum,	Taylor,

Covington,	Massey,	Tomlinson,
Daniel,	W. J. T. Miller,	Trollinger,
Davis,	J. T. Miller,	Tuton,
Eaton,	Mills,	Underwood,
Ellington,	Munday,	Wadsworth,
C. Erwin,	McCleese,	Walker
Faison,	McLaurin,	Whitaker,
Farrow,	McWilliams,	Wilcox,
Foreman,	McNeill,	J. Williams,
Gorham,	Orr,	S. A. Williams,
Gwyther,	Perkins	72 nays.

On the motion to print ten copies the vote was—yeas 60  
—nays 51.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Harris,	Pemberton,
Bedford,	Hill,	Puryear,
E. S. Bell,	Hoke,	Proctor,
Blalock,	Huggins,	Rand,
Wm. A. Blount,	H. C. Jones,	K. Rayner,
Boyden,	Keener,	Reid,
Brittain,	Lane,	Rush,
Brummell,	Lindsay,	Siler,
J. P. Caldwell,	Matthews,	Smith,
Carson,	E. P. Miller,	Stafford,
Clegg,	Mills,	Sullivan.
Clement,	Munday,	D. Thomas,
Covington,	McLaughlin,	Trollinger,
Crawford,	McWilliams,	Waddell,
Doak,	McNeill,	Wilson,
Dunlap,	Nye,	Winston,
E. J. Erwin,	Orr,	Young,
C. Erwin,	Paine	Boger,
Gilliam,	Patton,	Burgess,
Gwyther,	Peden,	Petty, 60.

Those who voted in the negative were,

MESSRS.

Amis,	Gorham,	Pollock,
Baker,	Gwynn,	J. R. Rayner,
Barksdale,	Hester,	Roebuck,
Barnes,	Holland,	Sims,
J. Blount,	Hollingsworth,	Sloan,
Braswell,	Howerton,	Stallings,
Brogden,	Hyman,	Stockard,
G. W. Caldwell,	R. Jones	Taylor,

Cardwell,	Killian,	Tomlinson,
Chambers,	Larkins,	Tuton,
Daniel,	Mangum,	Walker,
Davis,	Massey,	Wadsworth,
Eaton,	W. J. T. Miller,	Whitaker,
Ellington,	J. T. Miller,	Wilcox,
Faison,	McCleese,	J. Williams,
Farrow,	McLaurin,	S. A. Williams, 51.
Foreman,	Perkins	

The Speaker laid before the House a letter, addressed to him by one William Roberts, of New Town, Virginia, in relation to the connection of the Eastern Branch of Elizabeth river with the North river, which flows into Currituck Sound; on which no order was taken.

Mr. Whitaker moved that the House do again resolve itself into a committee of the whole, and resume the consideration of Mr. Rayner's Resolutions. The question thereon was decided in the affirmative—yeas 63—nays 52. The yeas and nays demanded by Mr. Amis.

Those who voted in the affirmative, were,

MESSRS.

B. L. Beall,	Foreman,	McWilliams,
E. S. Bell,	Gilliam,	Paine,
Blalock,	Gorham,	Patton,
W. A. Blount,	Guthrie,	Peden,
Boger,	Gwyther,	Pemberton,
Boyden,	Harris,	Petty,
Brittain,	Hill,	Puryear,
Brummell,	Huggins,	Proctor,
Burgess,	Hyman,	K. Rayner,
J. P. Caldwell,	H. C. Jones,	Robards,
Carson,	Keener,	Rush,
Clegg,	Lane,	Siler,
Clement,	Lindsay,	Smith,
Covington,	Matthews,	D. Thomas,
Crawford,	W. J. T. Miller.	Waddell,
Doak,	E. P. Miller,	Wadsworth,
Dunlap,	Mills,	Whitaker,
Ellington,	McCleese,	J. Williams,
E. J. Erwin,	McLaughlin,	Wilson,
Faison,	McLaurin,	Winston,
Farrow,	McNeill,	Young, 63 yeas.

Those who voted in the negative were,

MESSRS.

Amis,	Hoke,	J. R. Rayner,
Baker,	Holland,	Reid.

Barksdale,	Hollingsworth,	Roebuck,
Barnes,	Howerton,	Sims,
Bedford,	Jarman,	Sloan,
J. Blount,	R. Jones,	Stafford,
Braswell,	Killian,	Stalings,
Brogden,	Larkins,	Stockard,
Bryan,	Mangum,	Sullivan,
G. W. Caldwell,	Massey,	Taylor,
Cardwell,	J. T. Miller,	Tomlinson,
Chambers,	Munday,	Trollinger,
Daniel,	Nye,	Tuton,
Davis,	Orr,	Walker,
Eaton,	Perkins,	Wilcox,
C. Erwin,	Pollock,	S. A. Williams,
Gwynn,	Rand,	W. P. Williams, 52.
Hester,		

So the House again went into committee of the whole, Mr. Hill in the Chair, on Mr. Rayner's Resolutions; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress, and asked leave to sit again. The report was concurred in and leave granted.

The Speaker laid before the House a letter, addressed to him by T. Loring, complaining of the course adopted by the principal Clerk of the House, in the execution of certain printing. The Clerk, by leave of the House, explained the facts and circumstances attending the transaction, when, on motion of Mr. Robards, *Ordered* that the letter lie on the table.

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

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#### FRIDAY, DECEMBER 21, 1838.

Mr. McNeill, from the committee appointed to superintend the election of Public Treasurer, reported that Daniel W. Courts, had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Patton introduced a resolution in favor of Samuel Chunn; which was read, and, on Mr. Patton's motion, referred to the committee on Propositions and Grievances.

Mr. Crawford introduced a petition from Richard W.

Ashton, asking compensation for taking care of the Governor's House and premises during the years 1834 and 1835. *Ordered*, on motion of Mr. Crawford, that the petition be referred to the Committee on Claims.

Mr. Robards introduced the following resolutions:

*Resolved*, That the course adopted by the principal clerk of this House, in relation to the printing of certain documents as complained of by T. Loring yesterday in his letter to the Speaker, was not detrimental to the public interest, but promotive of the despatch of business.

*Resolved*, That the explanation given by the Clerk, of the facts and circumstances about the matter, is entirely satisfactory to this House.

The resolutions were read and *adopted unanimously*.

Mr. Reid called up for consideration the bill to incorporate the Phoenix Wool Manufacturing Company, of the town of Fayetteville, when the said bill was read the second time and passed.

On motion of Mr. Amis,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of reporting a bill making it petit larceny to take the Chinese Mulberry Trees with an intent to steal, and to impose a penalty upon those purchasing the same from negroes without the authority of their masters.

The bill to incorporate the Yadkin Manufacturing Company was read the second time. The question being on striking out the last section of the bill adopted on the 30th ultimo, was determined in the affirmative—yeas 57—nays 53. The yeas and nays demanded by Mr. Nye.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Farrow,	Nye,
Bedford,	Foreman,	Patton,
E. S. Bell,	Gorham,	Paine,
Blalock,	Gwyther,	Peden,
W. A. Blount,	Harris,	Pemberton,
Boyden,	Hill,	Petty,
Brittain,	Hollingsworth,	Purveyar,
Brummell,	Huggins,	Proctor,
J. P. Caldwell,	Hyman,	Reid,
Carson,	H. C. Jones	Robards,
Clegg,	Lane,	Rush,
Clement,	Lindsay,	Smith,



Covington,	Matthews,	Stafford,
Crawford,	W. J. T. Miller,	D. Thomas,
Doak,	E. P. Miller,	Waddell,
Dunlap,	Mills,	Wadsworth,
Ellington,	McLaughlin,	W. P. Williams,
E. J. Erwin,	McWilliams,	Wilson,
Faison,	McNeill,	Young, 57.

Those who voted in the negative were,

MESSRS.

Amis,	Hester,	Roebuck,
Baker,	Hoke,	Sims,
Barksdale,	Holland,	Sloan,
Barnes,	Howerton,	Stallings,
J. Blount,	Jarman,	Stockard,
Boger,	R. Jones,	Sullivan,
Braswell,	Keener,	Taylor,
Brogden,	Killian,	Tomlinson,
Bryan,	Larkins,	Trollinger,
Burgess,	Mangum,	Tuton,
G. W. Caldwell,	Massey,	Underwood,
Cardwell,	J. T. Miller,	Walker,
Chambers,	Munday,	Whitaker,
Daniel,	McLaurin,	Wilcox,
Davis,	Orr,	J. Williams,
Eaton,	Pollock,	S. A. Williams,
C. Erwin,	Rand,	Winston, 53.
Gwynn,	J. R. Rayner,	

Mr. Cardwell moved to amend the bill by adding the following section: Be it further enacted that the private property of the individual stockholders shall be liable for all the debts, contracts and liabilities of the corporation in proportion to the stock subscribed by each individual. The question on the adoption of this amendment was determined in the affirmative—yeas 59—nays 49. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

MESSRS.

Amis,	Gwynn,	Roebuck,
Baker,	Hester,	Rush,
Barnes,	Holland,	Sims,
Bedford,	Howerton,	Sloan,
E. S. Bell,	Jarman,	Stafford,
Boger,	R. Jones,	Stallings,
Braswell,	Killian,	Stockard,

Brogden,	Larkins,	Sullivan,
Bryan,	Mangum,	Taylor,
Burgess,	Massey	Tomlinson,
G. W. Caldwell,	J. T. Miller,	Trollinger,
Cardwell,	Munday,	Tuton,
Chambers,	McLaurin,	Underwood,
Daniel,	McWilliams,	Walker,
Davis,	McNeill,	Whitaker,
Eaton,	Orr,	Wilcox,
Ellington,	Pollock,	J. Williams,
Faison,	Rand,	S. A. Williams,
Farrow,	J. R. Rayner,	Winston, 59.
Gorham,		

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Gwyther	Patton,
Blalock,	Harris,	Peden,
W. A. Blount,	Hill,	Pemberton,
Boyden,	Hollingsworth,	Perkins,
Brittain,	Huggins,	Petty,
Brummell,	Hyman,	Purveyar,
J. P. Caldwell,	H. C. Jones,	Proctor,
Carson,	Keener,	Reid,
Clegg,	Lindsay,	Robards,
Clement,	Matthews,	Siler,
Covington,	W. J. T. Miller,	Smith,
Crawford,	E. P. Miller,	D. Thomas,
Doak,	Mills,	Waddell,
Dunlap,	McLaughlin,	Wadsworth,
E. J. Erwin,	Nye,	Wilson,
Foreman,	Paine,	Young, 49.
Gilliam,		

The question, shall the said bill pass its second reading as amended? was decided in the affirmative.

Mr. Whitaker introduced a bill to amend the charter of the Petersburg Rail Road Company, passed in the year 1830, entitled an act to incorporate the Petersburg Rail Road Company, passed by the Legislature of Virginia on the 10th day of February, 1830; and Mr. Walker a bill concerning the election and qualification of constables in certain cases. These bills were read the first time and passed.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the resolution in favor of Flealden Hensley and others. The said resolution was read and a-

dopted, and ordered to be engrossed.

Mr. K. Rayner, from the same committee, reported favorably on the resolution in favor of Simon M. Smithwick; which was read the second time and passed.

The resignations of Golsen Davis, of Ashe; of R. Kendall, of Montgomery; and of V. E. Campbell, of Beaufort county, Justices of the Peace, were presented, read, and accepted.

The House, on motion of Mr. K. Rayner, resolved itself into a committee of the whole, and resumed the consideration of the resolutions heretofore offered by him, and after some time spent therein, the Speaker resumed the chair, and the chairman reported the said resolutions to the House without amendment.

Mr. Hoke moved to amend the fifth resolution by adding the following proviso: "Provided nevertheless that the said distribution should not render necessary an increase of the taxes or tariff."

The question on this motion was decided in the negative—yeas 58—nays 61. The yeas and nays demanded by Mr. Hoke.

Those who voted in the affirmative were,

MESSRS.

Amis,	Hoke,	J. R. Rayner,
Baker,	Holland,	Reid,
Barksdale,	Hollingsworth,	Roebuck,
Barnes,	Howerton,	Siler,
Bedford,	Jarman,	Sims,
J. Blount,	R. Jones,	Sloan,
Boger	Killian,	Stafford,
Braswell,	Larkins,	Stallings,
Brogden,	Mangum,	Stockard,
Bryan,	Massey,	Sullivan,
Burgess,	W. J. T. Miller,	Taylor,
G. W. Caldwell,	J. T. Miller,	Tomlinson,
Cardwell,	Munday,	Trollinger,
Chambers,	McNeill,	Tuton,
Daniel,	Nye,	Walker,
Davis,	Orr,	Whitaker,
Eaton,	Perkins,	Wilcox,
C. Erwin,	Pollock,	S. A. Williams,
Gwynn,	Rand,	W. P. Williams, 58.
Hester,		

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Gorham,	Paine,
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E. S. Bell,	Gilliam,	Patton,
Blalock,	Guthrie,	Peden,
W. A. Blount,	Gwyther,	Pemberton,
Bond,	Harris,	Petty,
Boyden,	Hill,	Puryear,
Brittain,	Huggins,	Proctor,
Brummell,	Hyman,	K. Rayner,
J. P. Caldwell,	H. C. Jones,	Robards,
Carson,	Keener,	Rush,
Clegg,	Lane,	Smith,
Clement,	Lindsay,	D. Thomas,
Covington,	Matthews,	G. Thomas,
Crawford,	E. P. Miller,	Underwood,
Doak,	Mills,	Waddell,
Dunlap,	McCleese,	Wadsworth,
Ellington,	McLaughlin,	J. Williams,
E. J. Erwin,	McLaurin,	Wilson,
Faison,	McWilliams,	Winston,
Farrow,	Oglesby,	Young, 61.
Foreman,	Paine,	

Mr. Hoke moved to insert the following between the third and fourth resolutions:

*Resolved*, That the public revenue is collected from the people for the support of government, and not for the accommodation of Banks; and the public funds ought not to be loaned out and used by Banks."

The question on this motion was decided in the negative—yeas 56—nays 63.

Those who voted in the affirmative were,

MESSRS.

Amis,	Hoke,	Reid,
Baker,	Holland,	Roebuck,
Barksdale,	Hollingsworth,	Siler,
Barnes,	Howerton,	Sims,
Bedford,	Jarman,	Sloan,
J. Blount,	R. Jones,	Stafford,
Boger,	Killian,	Stallings,
Braswell,	Larkins,	Stockard,
Brogden,	Mangum,	Sullivan,
Bryan,	Massey,	Taylor,
G. W. Caldwell,	J. T. Miller,	Tomlinson,
Cardwell,	McNeill,	Trollinger,
Chambers,	Munday,	Tuton,
Daniel,	Nye,	Walker,
Davis	Orr,	Whitaker,

Eaton,	Perkins,	Wilcox,
C. Erwin,	Pollock,	S. A. Williams,
Gwynn,	Rand,	W. P. Williams, 57.
Hester,	J. R. Rayner,	

Those who voted in the negative were,

Messrs.

B. L. Beall,	Gilliam,	Paine,
E. S. Bell,	Gorham,	Patton,
Blalock,	Guthrie,	Peden,
W. A. Blount,	Gwyther,	Pemberton,
Boyden,	Harris,	Petty,
Brittain,	Hill,	Purveyar,
Brummell,	Huggins,	Proctor,
Burgess,	Hyman,	K. Rayner,
J. P. Caldwell,	H. C. Jones,	Robards,
Carson,	Keener,	Rush,
Clegg,	Lane,	Smith,
Clement,	Lindsay,	D. Thomas,
Covington,	Matthews,	G. Thomas,
Crawford,	W. J. T. Miller,	Underwood,
Doak,	E. P. Miller,	Waddell,
Dunlap,	Mills,	Wadsworth,
Ellington,	McCleese,	J. Williams,
E. J. Erwin,	McLaughlin,	Wilson,
Faison,	McLaurin,	Winston,
Farrow,	McWilliams,	Young, 62.
Foreman,	Oglesby,	

Mr Hoke moved to add the following after the first resolution: "Provided, we do not mean hereby to condemn the patriotic efforts of our late President against the United States Bank." The question thereon was decided in the negative—yeas 56—nays 63.

Those who voted in the affirmative were,

MESSRS.

Amis,	Hoke,	Reid,
Baker,	Holland,	Roebuck,
Barksdale,	Hollingsworth,	Siler,
Barnes,	Howerton,	Sims,
Bedford,	Jarman,	Sloan,
J. Blount,	R. Jones,	Stafford,
Boger,	Killian,	Stallings,
Braswell,	Larkins,	Stockard,
Brogden,	Mangum,	Sullivan,
Bryan,	Massey,	Taylor,
G. W. Caldwell,	J. T. Miller,	Tomlinson,

Cardwell,	Munday,	Trollinger,
Chambers,	McNeill,	Tuton,
Daniel,	Nye,	Walker,
Davis;	Orr,	Whitaker,
Eaton,	Perkins,	Wilcox,
C. Erwin,	Pollock,	S. A. Williams,
Gwynn,	J. R. Rayner,	W. P. Williams, 56.
Hester,	Rand	

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Foreman,	Oglesby,
E. S. Bell,	Gilliam,	Paine,
Blalock,	Gorham,	Patton,
W. A. Blount,	Guthrie,	Peden,
Bond,	Gwyther,	Pemberton,
Boyden,	Harris,	Petty,
Brittain,	Hill,	Puryear,
Brummell,	Huggins,	Proctor,
Burgess,	Hyman,	K. Rayner,
J. P. Caldwell,	H. C. Jones	Robards,
Carson,	Keener,	Rush,
Clegg,	Lane,	Smith,
Clement,	Lindsay,	D. Thomas,
Covington,	Matthews,	G. Thomas,
Crawford,	W. J. T. Miller,	Underwood,
Doak,	E. P. Miller,	Waddell,
Dunlap,	Mills,	Wadsworth,
Ellington,	McCleese,	J. Williams,
E. J. Erwin,	McLaughlin,	Wilson,
Faison,	McLaurin,	Winston,
Farrow,	McWilliams,	Young—63.

Mr. Cardwell moved to add to the eighth resolution the following: "And our Senators are hereby instructed so to do." The question thereon was decided in the negative—yeas 54—nays 64.

Those who voted in the affirmative, were,

MESSRS.

Amis,	Hester,	Rand,
Baker,	Hoke,	J. R. Rayner,
Barksdale,	Holland,	Reid,
Barnes,	Hollingsworth,	Roebuck,
Bedford,	Howerton,	Siler,
J. Blount,	Jarman,	Sims,
Boger,	R. Jones,	Sloan,
Braswell,	Killian,	Stafford,
Brogden,	Larkins	Stallings,

Bryan,	Mangum,	Stockard,
G. W. Caldwell,	Massey,	Sullivan,
Cardwell,	J. T. Miller,	Taylor,
Chambers,	Monday,	Tomlinson,
Daniel,	McNeill,	Trollinger,
Davis,	Nye,	Tuton,
Eaton,	Orr,	Walker,
C. Erwin,	Perkins,	Wilcox,
Gwynn,	Pollock,	S. A. Williams, 54.

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Gilliam,	Patton,
E. S. Bell,	Gorham,	Peden,
Blalock,	Guthrie,	Pemberton,
W. A. Blount,	Gwyther,	Petty,
Bond,	Harris,	Puryear,
Boydén,	Hill,	Proctor,
Brittain,	Huggins,	K. Rayner,
Brummell,	Hyman,	Robards,
Burgess,	H. C. Jones,	Rush,
J. P. Caldwell,	Keener,	Smith,
Carson,	Lane,	D. Thomas,
Clegg,	Lindsay,	G. Thomas,
Clement,	Matthews,	Underwood,
Covington,	W. J. T. Miller.	Waddell,
Crawford,	E. P. Miller,	Wadsworth,
Doak,	Mills,	Whitaker,
Dunlap,	McCleese,	J. Williams,
Ellington,	McLaughlin,	Wilson,
E. J. Erwin,	McLaurin,	Winston,
Faison,	McWilliams,	Paine,
Farrow,	Oglesby,	Young, 64.
Foreman,		

Mr. Reid offered the following amendment at the end of the eighth resolution: "Provided we do not intend to take from our Senators the right of independent thought and action concerning the above measures." The question thereon was decided in the negative—yeas 56—nays 62.

Those who voted in the affirmative were,

MESSRS.

Baker,	Hoke,	J. R. Rayner,
Barksdale,	Holland,	Reid,
Barnes,	Hollingsworth,	Roebuck,
Bedford,	Howerton,	Siler,

Blacklock,	Jarman,	Sims,
J. Blount,	R. Jones	Sloan,
Boger,	Keener,	Stafford,
Braswell,	Killian,	Stallings,
Brogden,	Larkins,	Stockard,
Bryan,	Mangum,	Sullivan,
G. W. Caldwell,	Massey	Taylor,
Cardwell,	J. T. Miller,	Tomlinson,
Chambers,	Munday,	Trollinger,
Daniel,	McNeill,	Tuton,
Davis,	Nye	Walker,
Eaton,	Orr,	Whitaker,
C. Erwin,	Perkins,	Wilcox,
Gwynn,	Pollock,	S. A. Williams, 56.
Hester,	Rand,	

Those who voted in the negative were,

MESSRS.

Amis,	Foreman,	Paine
B. L. Beall,	Gilliam,	Patton,
E. S. Bell,	Gorham,	Peden,
W. A. Blount,	Guthrie,	Pemberton,
Bond,	Gwyther,	Petty,
Boyden,	Harris,	Puryear,
Brittain,	Hill,	Proctor,
Brummell,	Huggins,	K. Rayner,
Burgess,	Hyman,	Robards,
J. P. Caldwell,	H. C. Jones,	Rush,
Carson,	Lane,	Smith,
Clegg,	Lindsay,	D. Thomas,
Clement,	Matthews,	G. Thomas,
Covington,	W. J. T. Miller,	Underwood,
Crawford,	E. P. Miller,	Waddell,
Doak,	Mills,	Wadsworth,
Dunlap,	McCleese,	J. Williams,
Ellington,	McLaughlin,	Wilson,
E. J. Erwin,	McLaurin,	Winston,
Faison,	McWilliams,	Young, 62.
Farrow,	Oglesby,	

The question now being on the adoption of the Resolutions, Mr. Bedford called for a division of the question and moved that the question be taken on each Resolution separately. The motion prevailed, and the question being on the adoption of the first resolution in the following words, viz: "*Resolved*, That this General Assembly do condemn, in the most decided manner, that act of the Senate of the United States expunging the records of that body, as a palpable



violation of the plain letter of the Constitution, and as an act of party servility calculated to degrade the character of the Senate," was determined in the affirmative—yeas 63—nays 56.

Those who voted in the affirmative were,

## MESSRS.

B. L. Beall,	Foreman,	Oglesby,
E. S. Bell,	Gilliam,	Paine,
Blalock,	Gorham,	Patton,
Wm. A. Blount,	Guthrie,	Peden,
Bond,	Gwyther,	Pemberton,
Boyden,	Harris,	Petty,
Brittain,	Hill,	Puryear,
Brummell,	Huggins,	Proctor,
Burgess,	Hyman,	K. Rayner,
J. P. Caldwell,	H. C. Jones,	Robards,
Carson,	Keener,	Rush,
Clegg,	Lane,	Smith,
Clement,	Lindsay,	D. Thomas,
Covington,	Matthews,	G. Thomas,
Crawford,	W. J. F. Miller,	Underwood,
Doak,	E. P. Miller,	Waddell,
Dunlap,	Mills,	Wadsworth,
Ellington,	McCleese,	J. Williams,
E. J. Erwin,	McLaughlin	Wilson,
Faison,	McLaurin,	Winston,
Farrow,	McWilliams,	Young, 63.

Those who voted in the negative were,

## MESSRS.

Amis,	Hoke,	Reid,
Baker,	Holland,	Roebuck,
Barksdale,	Hollingsworth,	Siler,
Barnes,	Howerton,	Sims,
Bedford,	Jarman,	Sloan,
Boger,	R. Jones,	Stafford,
J. Blount,	Killian,	Stallings,
Braswell,	Larkins,	Stockard,
Brogden,	Mangum,	Sullivan,
Bryan,	Massey,	Taylor,
G. W. Caldwell,	J. T. Miller,	Tomlinson,
Cardwell,	Munday,	Trollinger,
Chambers,	McNeill,	Tuton,
Daniel,	Nye,	Walker,
Davis,	Orr,	Whitaker,
Eaton,	Perkins	Wilcox,

C. Erwin,  
Gwynn,  
Hester,

Pollock,  
Rand,  
J. R. Rayner,

S. A. Williams,  
W. P. Williams, 56.

### SECOND RESOLUTION.

*Resolved*, That Resolutions ought to be passed by the Senate of the United States condemnatory of that act, and rescinding the resolutions authorizing it to be done.

The question on the adoption of this resolution was determined in the affirmative—yeas 63—nays 56.

Those who voted in the affirmative were,

#### MESSRS.

B. L. Beall,	Foreman,	Oglesby,
E. S. Bell,	Gilliam,	Paine
Blalock,	Gorham,	Patton,
W. A. Blount,	Guthrie,	Peden,
Bond,	Gwyther,	Pemberton,
Boyden,	Harris,	Petty,
Brittain,	Hill,	Purveyar,
Burgess,	Huggins,	Proctor,
Brummell,	Hyman,	K. Rayner,
J. P. Caldwell,	H. C. Jones,	Robards,
Carson,	Keener,	Rush,
Clegg,	Lane,	Smith,
Clement,	Lindsay,	D. Thomas,
Covington,	Matthews,	G. Thomas,
Crawford,	W. J. T. Miller,	Underwood,
Doak,	E. P. Miller,	Waddell,
Dunlap,	Mills,	Wadsworth,
Ellington,	McCleese,	J. Williams,
E. J. Erwin,	McLaughlin,	Wilson,
Faison,	McLaurin,	Winston,
Farrow,	McWilliams,	Young, 63.

Those who voted in the negative were,

#### MESSRS.

Amis,	Holland,	Roebuck,
Baker,	Hollingsworth,	Siler,
Barksdale,	Howerton,	Sims,
Barnes,	Jarman,	Sloan,
J. Blount,	R. Jones	Stafford,
Boger,	Killian,	Stalings,
Braswell,	Larkins,	Stockard,
Brogden,	Mangum,	Sullivan,
Bryan,	Massey,	Taylor,
G. W. Caldwell,	J. T. Miller,	Tomlinson,
Cardwell,	Mundar	Trollinger,

Chambers,	McNeill,	Tuton,
Daniel,	Nye,	Walker,
Davis,	Orr,	Whitaker,
Eaton,	Perkins,	Wilcox,
C. Erwin,	Pollock,	S. A. Williams,
Gwynn,	Rand,	W. P. Williams,
Hester,	J. R. Rayner,	Bedford, 56.
Hoke,	Reid,	

## THIRD RESOLUTION.

*Resolved*, That the General Assembly do condemn the sub-Treasury system which this administration is endeavoring to establish as another item in that series of fatal experiments of this and the past administration, which are the main source of that derangement in the currency, and prostration of commercial credit that have been so severely felt of late in every branch of industry, and which, if suffered to become a law, will, by its tendency to augment Executive power, to unite the purse and the sword in the hands of the Executive, and to destroy the credit system by the exaction of specie in the Government dues, ultimately change the real character of our Government, and place in peril the liberties of our country.

The question on the adoption of this resolution was decided in the affirmative—yeas 63—nays 56.

Those who voted in the affirmative were,

## MESSRS.

B. L. Beall,	Gilliam,	Paine,
E. S. Bell,	Gorham,	Patton,
Blalock,	Guthrie,	Peden,
W. A. Blount,	Gwyther,	Pemberton,
Boyden,	Harris,	Petty,
Brittain,	Hill,	Puryear,
Brummell,	Huggins,	Proctor,
Burgess,	Hyman,	K. Rayner,
J. P. Caldwell,	H. C. Jones,	Robards,
Carson,	Keener,	Rush,
Clegg,	Lane,	Smith,
Clement,	Lindsay,	D. Thomas,
Covington,	Matthews,	G. Thomas,
Crawford,	W. J. T. Miller,	Underwood,
Doak,	E. P. Miller,	Waddell,
Dunlap,	Mills,	Wadsworth,
Ellington,	McCleese,	J. Williams,
E. J. Erwin,	McLaughlin,	Wilson,
Faison,	McLaurin,	Winston,
Farrow,	McWilliams,	Bond,
Foreman,	Oglesby,	Young, 63.

Those who voted in the negative were,

Messrs.

Amis,	Hoke,	Reid,
Baker,	Holland,	Roebuck,
Barksdale,	Hollingsworth,	Siler,
Barnes,	Howerton,	Sims,
Bedford,	Jarman,	Sloan,
J. Blount,	R. Jones,	Stafford,
Boger,	Killian,	Stallings,
Braswell,	Larkins,	Stockard,
Brogden,	Mangum,	Sullivan,
Bryan,	Massey,	Taylor,
G. W. Caldwell,	J. T. Miller,	Tomlinson,
Cardwell,	McNeill,	Trollinger,
Chambers,	Munday,	Tuton,
Daniel,	Nye,	Walker,
Davis,	Orr,	Whitaker,
Eaton,	Perkins,	Wilcox,
C. Erwin,	Pollock,	S. A. Williams,
Gwynn,	Rand,	W. P. Williams, 56.
Hester,	J. R. Rayner,	

On the fourth resolution, Mr. Orr called for a division of the question: and the question being on the adoption of the first branch of the resolution in the following words, viz:—  
 “Resolved that we consider the Public Lands of the United States as the common property of all the States,” was decided in the affirmative unanimously—the whole House 119 voting in the affirmative.

The question on the adoption of the second branch of the 4th resolution, viz:—“And that we therefore condemn the late act of Congress allowing settlers on the Public Lands the right of pre-emption at the minimum price as an act of gross injustice to the old States who originally ceded them, or who contributed to a common fund for their purchase,” was determined in the affirmative—yeas 71—nays 48.

Those who voted in the affirmative were,

Messrs.

Amis,	Gilliam,	Peden,
B. L. Beall,	Gorham,	Pemberton,
Bedford,	Guthrie,	Petty,
E. S. Bell,	Gwyther,	Puryear,
Blalock,	Harris,	Proctor,
W. A. Blount,	Hester,	Rand,
Bond,	Hill,	K. Rayner,
Boyden,	Huggins,	Robards,

Brittain,	Hyman,	Rush,
Brummell,	H. C. Jones,	Siler,
Burgess,	Keener,	Smith,
J. P. Caldwell,	Lane,	Stockard,
Carson,	Lindsay,	D. Thomas,
Clegg,	Matthews,	G. Thomas,
Clement,	W. J. T. Miller,	Tomlinson,
Covington,	E. P. Miller,	Trollinger,
Crawford,	Mills,	Underwood,
Doak,	McCleese,	Waddell,
Dunlap,	McLaughlin,	Wadsworth,
Ellington,	McLaurin,	J. Williams,
E. J. Erwin,	McWilliams,	Wilson,
Faison,	Oglesby,	Winston,
Farrow,	Paine,	Young, 71.
Foreman,	Patton,	

Those who voted in the negative were,

MESSRS.

Baker,	Holland,	J. R. Rayner,
Barksdale,	Hollingsworth,	Reid,
Barnes,	Howerton,	Roebuck,
J. Blount,	Jarman,	Sims,
Boger,	R. Jones,	Sloan,
Braswell,	Killian,	Stafford,
Brogden,	Larkins,	Stallings,
G. W. Caldwell,	Mangum,	Sullivan,
Cardwell,	Massey,	Taylor,
Chambers,	J. T. Miller,	Tuton,
Daniel,	Munday,	Walker,
Davis,	McNeill,	Whitaker,
Eaton,	Nye,	Wilcox,
C. Erwin,	Orr,	S. A. Williams,
Gwynn,	Perkins,	W. P. Williams, 48.
Hoke,	Pollock,	

#### FIFTH RESOLUTION.

*Resolved*, That we believe that the proper and equitable disposition of the public domain is to divide the proceeds arising from their sales among the several States of the Union, according to the ratio of their Federal population. 5

The question on the adoption of this resolution was decided in the affirmative—yeas 68—nays 52.

Those who voted in the affirmative, were,

MESSRS.

B. L. Beall,	Gilliam,	Patton,
Bedford,	Gorham,	Peden,

E. S. Bell,	Guthrie,	Pemberton,
Blalock,	Gwyther,	Petty,
W. A. Blount,	Harris,	Purveyar,
Bond,	Hill,	Proctor,
Boyden,	Huggins,	K. Rayner,
Brittain,	Hyman,	Robards,
Brummell,	H. C. Jones,	Rush,
Burgess,	Keener,	Siler,
J. P. Caldwell,	Lane,	Smith,
Carson,	Lindsay,	Stockard,
Clegg,	Matthews,	D. Thomas,
Clement,	W. J. T. Miller.	G. Thomas,
Covington,	E. P. Miller,	Trollinger,
Crawford,	Mills,	Underwood,
Doak,	McCleese,	Waddell,
Dunlap,	McLaughlin,	Wadsworth,
Ellington,	McLaurin,	J. Williams,
E. J. Erwin,	McWilliams,	Wilson,
Faison,	McNeill,	Winston,
Farrow,	Oglesby,	Young, 68.
Foreman,	Paine,	

Those who voted in the negative were,

MESSRS.

Amis,	Hester,	Rand,
Baker,	Hoke,	J. R. Rayner,
Barksdale,	Holland,	Reid,
Barnes,	Holingsworth,	Roebuck,
J. Blount,	Howerton,	Sims,
Boger,	Jarman,	Sloan,
Braswell,	R. Jones,	Stafford,
Brogden,	Killian,	Stallings,
Bryan,	Larkins,	Sullivan,
G. W. Caldwell,	Mangum,	Taylor,
Cardwell,	Massey,	Tomlinson,
Chambers,	J. T. Miller,	Tuton,
Daniel,	Monday,	Walker,
Davis,	Nye,	Whitaker,
Eaton,	Orr,	Wilcox,
C. Erwin,	Perkins,	S. A. Williams,
Gwynn,	Pollock,	W. P. Williams, 51.

SIXTH RESOLUTION.

*Resolved,* That we do most solemnly protest against the wasteful extravagance of the present administration and their profligate expenditure of the public money; which not only creates a demand for heavy taxation, in order to meet the exorbitant appropriations of the General Government, but which tends to the cor-

ruption of public morals and the degradation of the national character.

The question on the adoption of the Resolution was decided in the affirmative—yeas 64—nays 55.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Gilliam,	Oglesby,
E. S. Bell,	Gorham,	Paine,
Blalock,	Guthrie,	Patton,
W. A. Blount,	Gwyther,	Peden,
Bond,	Harris,	Pemberton,
Boyden,	Hester,	Petty,
Brittain,	Hill,	Puryear,
Brummell,	Huggins,	Proctor,
Burgess,	Hyman,	K. Rayner,
J. P. Caldwell,	H. C. Jones	Robards,
Carson,	Keener,	Rush,
Clegg,	Lane,	Smith,
Clement,	Lindsay,	D. Thomas,
Covington,	Matthews,	G. Thomas,
Crawford,	W. J. T. Miller,	Underwood,
Doak,	E. P. Miller,	Waddell,
Dunlap,	Mills,	Wadsworth,
Ellington,	McCleese,	J. Williams,
E. J. Erwin,	McLaughlin,	Wilson,
Faison,	McLaurin,	Winston,
Farrow,	McWilliams,	Young—64.
Foreman,		

Those who voted in the negative were,

MESSRS.

Amis,	Holland,	Reid,
Baker,	Hollingsworth,	Roebuck,
Barksdale,	Howerton,	Siler,
Barnes,	Jarman,	Sims,
Bedford,	R. Jones,	Sloan,
J. Blount,	Killian,	Stafford,
Boger,	Larkins,	Stallings,
Braswell,	Mangum,	Stockard
Brogden,	Massey,	Sullivan,
Bryan,	J. T. Miller,	Taylor,
G. W. Caldwell,	Munday,	Tomlinson,
Cardwell,	McNeill,	Trollinger,
Chambers,	Nye,	Tuton,
Daniel,	Orr,	Walker,
Davis,	Perkins,	Whitaker,

Eaton,  
C. Erwin,  
Gwynn,  
Hoke.

Pollock,  
Rand  
J. R. Rayner,

Wilcox,  
S. A. Williams,  
W. P. Williams, 55.

### SEVENTH RESOLUTION.

*Resolved*, That the power and patronage of the Executive Department of the Federal Government have increased to an alarming extent, and ought to be diminished.

The question on the adoption of this resolution was decided in the affirmative—yeas 66—nays 52.

Those who voted in the affirmative were,

#### MESSRS.

B. L. Beall,	Foreman,	Paine
Bedford,	Gilliam,	Patton,
E. S. Bell,	Gorham,	Peden,
Blalock,	Guthrie,	Pemberton,
W. A. Blount,	Gwyther,	Petty,
Bond,	Harris,	Puryear,
Boyden,	Hill,	Proctor,
Brittain,	Huggins,	K. Rayner,
Brummell,	Hyman,	Robards,
Burgess,	H. C. Jones,	Rush,
J. P. Caldwell,	Keener,	Siler,
Carson,	Lane,	Smith,
Clegg,	Lindsay,	D. Thomas,
Clement,	Matthews,	G. Thomas,
Covington,	W. J. T. Miller,	Underwood,
Crawford,	E. P. Miller,	Waddell,
Doak,	Mills,	Wadsworth,
Dunlap,	McCleese,	Whitaker,
Ellington,	McLaughlin,	J. Williams,
E. J. Erwin,	McLaurin,	Wilson,
Faison,	McWilliams,	Winston,
Farrow,	Oglesby,	Young, 66.

Those who voted in the negative were,

#### MESSRS.

Amis,	Holland,	J. R. Rayner,
Baker,	Hollingsworth,	Reid,
Barksdale,	Howerton,	Roebuck,
Barnes,	Jarman,	Sims,
Boger,	R. Jones	Sloan,
Braswell,	Killian,	Stafford,
Brogden,	Larkins,	Stallings,
Bryan,	Mangum,	Stockard,
G. W. Caldwell,	Massey,	Sullivan,



Cardwell,	J. T. Miller,	Taylor,
Chambers,	Munday,	Tomlinson,
Daniel,	McNeill,	Trollinger,
Davis,	Nye	Tuton,
Eaton,	Orr,	Walker,
C. Erwin,	Perkins,	Wilcox,
Gwynn,	Pollock,	S. A. Williams,
Hester,	Rand,	W. P. Williams, 52.
Hoke,		

On motion, *Ordered*, That the question be taken on the adoption of the eighth and ninth Resolutions and the Preamble jointly.

#### EIGHTH RESOLUTION.

That our Senators in Congress will represent the wishes of a majority of the people of this State by voting to carry out the foregoing Resolutions.

*Resolved*, That the Governor of this State be requested to forward a copy of these Resolutions to each of our Senators in Congress, with a request that they lay them before the Senate of the United States; and one to each of the Governors of the several States of the Union, with a request that they lay them before their respective Legislatures.

#### PREAMBLE.

Whereas, we believe that a great crisis has arrived in the political history of our country, on the issue of which we conceive the safety of our free institutions to depend: and whereas, we consider it our bounden duty, as the Representatives of the Freemen of North Carolina, to express in calm and dispassionate language our opinions on the great questions which have been for some time, and some of which still are agitating the public mind.

The question on the adoption of the eighth and ninth Resolutions and of the Preamble was decided in the affirmative—yeas 61—nays 56.

Those who voted in the affirmative were,

#### MESSRS.

B. L. Beall,	Foreman,	Oglesby,
E. S. Bell,	Gilliam,	Paine,
Blalock,	Gorham,	Patton,
W. A. Blount,	Guthrie,	Peden,
Boydea,	Gwyther	Pemberton,
Bond,	Harris,	Petty,
Brittain,	Hill,	Puryear,
Brummell,	Huggins,	Proctor,
Burgess,	Hyman,	K. Rayner,
J. P. Caldwell,	H. C. Jones,	Robards,
Carson,	Keener,	Rush,

Clegg,	Lane,	Smith,
Clement,	Lindsay,	D. Thomas,
Covington,	Matthews,	G. Thomas,
Crawford,	W. J. T. Miller,	Underwood,
Doak,	E. P. Miller,	Waddell,
Dunlap,	Mills,	Wadsworth,
Ellington,	McCleese,	J. Williams,
E. J. Erwin,	McLaughlin,	Wilson,
Faison,	McLaurin,	Winston,
Farrow,	McWilliams,	Young, 63.

Those who voted in the negative were,

MESSRS.

Amis,	Hoke,	Reid,
Baker,	Holland,	Roebuck,
Barksdale,	Hollingsworth,	Siler,
Barnes,	Howerton,	Sims,
Bedford,	Jarman,	Sloan,
J. Blount,	R. Jones.	Stafford,
Boger,	Killian,	Stallings,
Braswell,	Larkins,	Stockard,
Brogden,	Mangum,	Sullivan,
Bryan,	Massey,	Taylor,
G. W. Caldwell,	J. T. Miller,	Tomlinson,
Cardwell,	Munday,	Trollinger,
Chambers,	McNeill,	Tuton,
Daniel,	Nye,	Walker,
Davis,	Orr,	Whitaker,
Eaton,	Perkins,	Wilcox,
C. Erwin,	Pollock,	S. A. Williams,
Gwynn,	Rand,	W. P. Williams, 56.
Hester,	J. R. Rayner,	

*Ordered,* That said Resolutions be engrossed and sent to the Senate for concurrence.

Mr. K. Rayner moved that the House do now adjourn until to-morrow morning ten o'clock. The question thereon was decided in the affirmative—yeas 65—nays 36. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

MESSRS.

Barnes,	Gilliam,	McNeill,
B. L. Beall,	Gorham,	Patton,
Bedford,	Guthrie,	Peden,
E. S. Bell,	Gwyther,	Pemberton,
Blalock,	Harris,	Rand,
W. A. Blount,	Hester,	K. Rayner,

Boger,	Hill,	Reid,
Bond,	Huggins,	Rush,
Boyden,	Hyman,	Siler,
Brummell,	H. C. Jones,	Sloan,
Burgess,	Lindsay,	Smith,
J. P. Caldwell,	Lane,	Stafford,
Carson,	Mangum,	D. Thomas,
Clegg,	Massey,	Trollinger,
Covington,	Matthews,	Underwood,
Crawford,	W. J. T. Miller,	Waddell,
Dunlap,	J. T. Miller,	Wadsworth,
Eaton,	E. P. Miller,	Whitaker,
E. J. Erwin,	Mills,	W. P. Williams,
Faison,	McLaughlin,	Wilson,
Farrow,	McLaurin,	Young, 65.
Foreman,	McWilliams,	

Those who voted in the negative were,

MESSRS.

Baker,	Gwynn,	Pollock,
J. Blount,	Holland,	Purveyar,
Braswell,	Howerton,	J. R. Rayner,
Brogden,	R. Jones,	Roebuck,
Bryan,	Keener,	Robards,
Cardwell,	Killian,	Stallings,
Chambers,	Larkins,	Stockard,
Clement,	Munday,	Taylor,
Daniel,	Nye,	Walker,
Doak,	Orr,	Wilcox,
Ellington,	Petty,	J. Williams,
C. Erwin,	Paine,	S. A. Williams, 36.

So the House adjourned until to-morrow morning ten o'clock.

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SATURDAY, DECEMBER 22, 1838.

Mr. Gwynn called up for consideration the bill concerning the election and qualification of constables in certain cases. The said bill was read the second and third time, two thirds of the House concurring, passed, and ordered to be engrossed.

Received from the Senate a message, concurring in the proposition of this House that the statements of the affairs of the several Banks of the State, transmitted to the General Assembly, be printed.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to establish a Literary and Manual Labour Institution in the county of Wake, passed in 1833, and asking the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act for the relief of such persons as have been disabled by wounds, &c. and asking the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, concurring in the proposition of this House to refer the subject of the establishment of a Lunatic Asylum in this State to a Joint Select Committee of three on the part of each House, and informing that Messrs. Franklin, Hill and Albright form their branch of said Committee.

*Ordered*, That Messrs. Gilliam, Hoke and Petty form this Committee on behalf of this House.

Mr. Siler, from the Committee on Cherokee Lands, reported a bill prescribing the mode of an additional survey and sale of the Cherokee Lands in this State; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of the Roanoke Navigation Company, and asking the concurrence of this House. The said Resolution was read the first time and passed; and, on motion of Mr. Eaton, referred to the Committee on Claims.

A message from the Senate, informing that they had passed the following engrossed Resolutions, viz: Resolution concerning delinquent Sheriffs, and a Resolution imposing duties on the Public Printer and the Secretary of State, and asking the concurrence of this House. The said resolutions were read and adopted and ordered to be enrolled.

On motion of Mr. W. P. Williams,

*Resolved*, That the Committee on the Judiciary be instructed to report an amendment to the 45th section of the Revenue Laws, upon the subject of double taxes collected by Sheriffs.

Mr. Nye presented the following Resolution:

*Resolved*, That no proceedings be taken against the Sheriff of Ashe for and on account of any defect which may exist in his return of the votes for Governor taken at the late election in said county.

Said Resolution was read, and, on motion of Mr. Nye, referred to the Committee on Propositions and Grievances.

Mr. G. W. Caldwell presented a memorial from William Davidson, of Mecklenburg county, in relation to the affairs of the Catawba Navigation Company; which was referred to the Committee on Propositions and Grievances.

Mr. G. W. Caldwell presented a certificate of the County Court of Mecklenburg in favor of Martha Thompson, a State Pensioner; which was read and referred, on motion of Mr. Hill, to the Committee on Claims.

On motion of Mr. Holland,

*Resolved*, That the Committee on Military Affairs inquire into the propriety of altering the manner of appointing the Field Officers of Cavalry so as to elect them in the same manner as the officers of the other volunteer companies; and that they report by bill or otherwise.

Mr. Rand, from the Select Committee raised on the subject of selling one of the Public Lots in the eastern suburbs of the City of Raleigh, reported that it is not expedient at this time to make the sale, and asked to be discharged from the further consideration thereof.

The Report was concurred in.

On motion of Mr. Hill,

*Resolved*, That the Committee on Public Printing be instructed to inquire into the reasons which have delayed the printing of the Report of the Board of Internal Improvements, as ordered by this House; and that they report to the House on Monday next.

The bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina, was read the second time and passed—yeas 64—nays 33. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Hill,	Pemberton,
Bedford,	Howerton,	Perkins,
E. S. Bell,	Huggins,	Petty,
Blalock,	Hyman,	Purveyar,
W. A. Blount,	H. C. Jones,	K. Rayner,
Boyden,	Keener,	Reid,
Brittain,	Killian,	Rush,
Brummell,	Lane,	Siler,
Burgess,	Lindsay,	Sloan,
J. P. Caldwell,	Matthews,	Sims,
G. W. Caldwell,	W. J. T. Miller,	Smith,

Carson,	E. P. Miller,	Stallings,
Clement,	Mills,	Stockard,
Covington,	McCleese,	Sullivan,
Crawford,	McLaughlin,	D. Thomas,
Doak,	McLaurin,	G. Thomas,
Dunlap,	McNeill,	Trollinger,
E. J. Erwin,	Nye,	Wadsworth,
Farrow,	Paine,	W. P. Williams,
Gilliam,	Patton,	Wilson,
Gwyther,	Peden,	Young, 64.
Harris,		

Those who voted in the negative were,

Messrs.

Baker,	C. Erwin,	McWilliams,
Barnes,	Faison,	Orr,
J. Blount,	Foreman,	J. R. Rayner,
Boger,	Gorham,	Roebuck,
Braswell,	Guthrie,	Taylor,
Brogden,	Gwynn,	Tuton,
Cardwell,	Hester,	Walker,
Chambers,	Larkins,	Whitaker,
Daniel,	Mangum,	Wilcox,
Eaton,	Massey,	J. Williams,
Ellington,	Munday,	S. A. Williams, 33.

Mr. Mills introduced a bill to authorise the laying off and establishing a Turnpike Road from Cove Creek, in Rutherford county, to Thomas Foster's in Buncombe county; which was read the first time and passed and referred to the Committee on Internal Improvements.

On motion of Mr. Reid, the bill to incorporate the Cape Fear and Western Steam Boat Company of North Carolina was read the third time (two thirds of the House concurring) and passed and ordered to be engrossed.

Mr. G. W. Caldwell introduced a bill concerning the Charlotte Male and Female Academy; which was read the first time and passed.

On motion, leave of absence from the service of the House was granted to Mr. Eaton from Monday to Friday next—to Mr. Pollock from after to-day till Monday 31st—and to Mr. Underwood and Mr. Hollingsworth from and after Monday next.

A message from the Senate, informing that they had passed the engrossed bill concerning the election and qualification of constables in certain cases, with amendments, and

asking the concurrence of this House. The amendments were read and concurred in, and the Senate so informed.

The bill concerning bastardy was read the second time, and, on motion of Mr. Wilson, postponed indefinitely—yeas 69—nays 23. The yeas and nays demanded by Mr. Baker.

Those who voted in the affirmative were,

MESSRS.

Barnes,	Hill,	Petty,
Bedford,	Holland,	Rand,
E. S. Bell,	Howerton,	J. R. Rayner,
Blalock,	Hyman,	K. Rayner,
Boger,	R. Jones	Roebuck,
Braswell,	H. C. Jones,	Rush,
Brogden,	Killian,	Sims,
Burgess,	Larkins,	Sloan,
Brummell	Mangum,	Smith,
Cardwell,	Massey,	Stallings,
Covington,	Matthews,	Stockard,
Eaton,	W. J. T. Miller,	Sullivan,
Ellington,	J. T. Miller,	Taylor,
E. J. Erwin,	E. P. Miller,	Tuton,
C. Erwin,	Mills,	Underwood,
Faison,	Munday	Wadsworth,
Farrow,	McLaurin,	Walker,
Foreman,	McWilliams,	Whitaker,
Gorham,	McNeill,	Wilcox,
Guthrie,	Patton,	J. Williams,
Gwynn,	Peden,	S. A. Williams,
Harris,	Pemberton,	W. P. Williams,
Hester,	Perkins,	Wilson, 69.

Those who voted in the negative were,

MESSRS.

Baker,	Daniel,	McLaughlin,
B. L. Beall,	Doak,	Nye,
W. A. Blount,	Dunlap,	Orr,
Boyden,	Gwyther,	Puryear,
J. P. Caldwell,	Huggins,	Siler,
G. W. Caldwell,	Keener,	D. Thomas,
Clement,	Lane,	Young, 23.
Crawford,	Lindsay,	

The resignation of John Cox as a Justice of Peace of the county of Wayne was read and accepted.

The House then adjourned until Monday morning ten o'clock.

MONDAY, DEC 24, 1838.

Mr. J. T. Miller presented a memorial from sundry citizens of the county of New Hanover, praying the passage of a law authorising limited partnerships; which was referred, on Mr. Miller's motion, to the Committee on the Judiciary.

Mr. Lane presented a resolution in favor of John Marsh; which was read the first time and passed and referred to the Committee on Claims.

A message from the Senate, concurring in the proposition of this House that the memorial of the Internal Improvement Convention be referred to a Joint Select Committee to be composed of the Committee on Internal Improvement in each House, and that the same be printed, ten copies for each member of the General Assembly.

Messrs. Stockard, Keener, Young and Tuton are appointed the Committee on Enrolled Bills the present week.

Mr. Siler, from the Joint Select Committee on Cherokee Lands, to whom was referred the memorial of sundry citizens praying to change the location and the name of the town site in the Cherokee Territory, reported unfavorably thereon, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Baker asked and obtained leave to withdraw from the files of the House the papers accompanying the petition for the emancipation of a slave late the property of G. Cotten.

Mr. Wilson gave notice that he should, on Wednesday, move a suspension of the 31st Rule of Order for the residue of the session.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported the resolution in favor of Samuel Chunn without amendment. Said resolution was thereupon read and adopted, and ordered to be engrossed.

Mr. J. P. Caldwell, from the same Committee, reported unfavorably on the resolution relating to the expediency of distributing the Journals of the General Assembly among the Captain's Companies of Militia, and asked to be discharged from the further consideration of the subject. The Report was concurred in.

Mr. J. P. Caldwell, from the same Committee, who were instructed to inquire into the expediency of restoring to the County Courts the trial by jury where the same has been



abolished, reported unfavorably thereon, and asked to be discharged from the further consideration thereof.

Mr. K. Rayner, from the Committee on Claims, reported unfavorably on the petition of Thomas Douglass and the other heirs of Thomas Walker, and asked to be discharged from the further consideration thereof. The report was concurred in, and, on motion of Mr. C. Erwin, leave was granted the petitioner to withdraw his papers.

Mr. Winston, from the Committee on the Judiciary reported unfavorably on the resolution instructing them to inquire into the expediency of exempting by law growing crops from execution, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Winston, from the same Committee, reported unfavorably on the resolution instructing them to inquire into the expediency of providing by law the manner in which persons convicted of an infamous crime shall be restored to the rights of citizenship, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. H. C. Jones, from the Committee on Public Printing, to whom was referred the inquiry concerning the delay attending the publication of the Report of the Board of Internal Improvements, made a report thereon; which was read and concurred in.

The bill to improve a part of the State Road leading from the town of Franklin, in Macon county, across the Nantahala and Valley River Mountain to the new town site, Murphy; the Resolution in favor of James C. Turrentine, Sheriff of Orange county; and the resolution in favor of Simon M. Smithwick, were each read the third time, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill allowing compensation to the Wardens of the Poor in the county of Wayne, and asking the concurrence of this House. The said bill was read the first, second and third times, passed and ordered to be enrolled.

Mr. Bedford introduced a resolution in favor of Dove Pannell, of Rutherford county; which was read and adopted and ordered to be engrossed.

Mr. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition from sundry citizens of Edgecomb, praying the emancipation of Ely,

late the property of G. Cotten, and asked to be discharged from the further consideration thereof.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the resolution in favor of John C. Ervinghaus; which was read the second time and passed.

Mr. Mills presented a bill for the better regulation of the County Courts of Rutherford; which was read the first time and passed.

Mr. Crawford offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of enacting a law allowing Justices of the Peace in the several counties a reasonable compensation for their services.

The resolution was read and rejected.

Mr. Payne presented a bill allowing compensation to persons attending as Talis Jurors on the Courts, in each of the counties of this State; which was read the first time, and on motion of Mr. E. J. Erwin, rejected—yeas 52—nays 34.

Those who voted in the affirmative were,

MESSRS.

Baker,	Gwyther,	Orr,
B. L. Beall,	Harris,	Patton,
E. S. Bell,	Holland,	Peden,
Blalock,	Huggins,	Pemberton,
W. A. Blount,	Hyman,	Purveyar,
Boger,	Jarman,	Proctor,
Brittain,	H. C. Jones	J. R. Rayner,
J. P. Caldwell,	Lane,	Robards,
G. W. Caldwell,	Larkins,	Siler,
Cardwell,	Lindsay,	Stafford,
Carson,	Matthews,	Stallings,
Covington,	Mills,	Taylor,
Crawford,	McLaughlin,	D. Thomas,
Davis,	McLaurin,	Wadsworth,
Doak,	McWilliams,	J. Williams,
Dunlap,	McNeill,	Winston,
E. J. Erwin,	Nye,	Young—52.
Farrow,		

Those who voted in the negative were,

MESSRS.

Barnes,	Gwynn,	Rand,
Bedford,	Hester,	Rush,
Boyden,	R. Jones,	Sims,
Braswell,	Killian,	Smith,

Brogden,	Massey,	Stockard
Brummell,	W. J. T. Miller,	Tuton,
Daniel,	J. T. Miller,	Walker,
C. Erwin,	E. P. Miller,	Whitaker,
Faison,	McCleese,	Wilcox,
Foreman,	Paine,	Wilson,
Gilliam,	Petty,	W. P. Williams, 34.
Gorham,		

Mr. Hill called up for consideration the resolutions relating to the Public Domain by him submitted on the 28th ultimo. The motion prevailed. Mr. Cardwell moved to amend the resolutions by striking out the whole thereof, after the word land, in the second line of the first resolution, and to insert the series of resolutions by him submitted on the 5th inst. Mr. Gilliam demanded a division of the question, and the question being first on striking out, was decided in the negative—yeas 39—nays 56. The yeas and nays called for by Mr. Cardwell.

Those who voted in the affirmative were,

MESSRS.

Baker,	Hoke,	J. R. Rayner,
Barksdale,	Holland,	Roebuck, †
Barnes,	Howerton,	Sims,
J. Blount,	R. Jones,	Sloan,
Boger	Killian,	Stafford,
Braswell,	Larkins,	Stallings,
Brogden,	J. T. Miller,	Stockard,
Burgess,	Munday,	Taylor,
G. W. Caldwell,	McNeill,	Tuton,
Cardwell,	Nye,	Walker,
Daniel,	Orr, †	Whitaker,
C. Erwin,	Perkins,	Wilcox,
Gwynn,	Rand,	W. P. Williams, 39.

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Gilliam,	McWilliams,
Bedford,	Gorham,	Paine,
E. S. Bell, †	Guthrie,	Patton,
Blalock,	Gwyther,	Peden,
W. A. Blount,	Harris,	Pemberton,
Boyden,	Hester,	Petty,
Brittain,	Hill,	Puryear,
Brummell,	Huggins,	Proctor,
J. P. Caldwell,	Hyman,	K. Rayner,
Carson,	H. C. Jones,	Robards,

Clement,	Lane,	Rush,
Covington,	Lindsay,	Siler,
Crawford,	Matthews,	Smith,
Doak,	W. J. T. Miller,	G. Thomas,
Dunlap,	E. P. Miller,	Wadsworth,
E. J. Erwin,	Mills,	J. Williams,
Faison,	McCleese,	Wilson,
Farrow,	McLaughlin,	Young, 56.
Foreman,	McLaurin,	

Mr. K. Rayner moved to amend the said resolutions by inserting between the second and third resolutions the following, viz:

*Resolved,* That this General Assembly do condemn in the most decided manner, the bill now before Congress proposing to graduate the price of public lands as an attempt in disguise to cede them to the States in which they lie, at a mere nominal price.

The question on the adoption of this amendment, was decided in the affirmative—yeas 70—nays 23. The yeas and nays demanded by Mr. Baker.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Gwyther,	Pemberton,
Bedford,	Harris,	Perkins,
E. S. Bell,	Hester,	Petty,
Blalock,	Hill,	Puryear,
J. Blount,	Huggins,	Proctor,
W. A. Blount,	Hyman,	Rand,
Boyden,	Jarman,	K. Rayner,
Brittain,	H. C. Jones,	J. R. Rayner,
Brummell,	Lane,	Robards,
Burgess,	Larkins,	Rush,
J. P. Caldwell,	Lindsay,	Siler,
Carson,	Massey,	Sims,
Clement,	Matthews,	Sloan,
Covington,	E. P. Miller,	Smith,
Crawford,	Mills,	Stallings,
Doak,	McCleese,	Stockard,
Dunlap,	McLaughlin,	G. Thomas,
E. J. Erwin,	McLaurin,	Tuton,
Faison,	McWilliams,	Wadsworth,
Farrow,	McNeill,	J. Williams,
Foreman,	Paine,	W. P. Williams,
Gilliam,	Patton,	Wilson,
Gorham,	Peden,	Young, 70.
Guthrie,		

Those who voted in the negative were,

MESSRS.

Baker,	Daniel,	Nye,
Barksdale,	Davis,	Orr,
Barnes,	C. Erwin,	Roebuck,
Boger,	Gwynn,	Stafford,
Braswell,	Holland,	Walker,
Brogden,	Howerton,	Whitaker,
G. W. Caldwell,	R. Jones,	Wilcox, 23.
Cardwell,	Munday,	

Mr. K. Rayner moved to strike out the ——— to the clause of the third resolutions, after the words "Public Lands," and to insert the following: "And to vote against the bill now before Congress proposing to graduate the price of the same." "Resolved, That His Excellency the Governor be requested to forward a copy of these Resolutions to each of our Senators and Representatives in Congress, with a request that they lay them before their respective bodies."

The question on the adoption of this amendment was decided in the affirmative. The question on the adoption of the Resolutions as amended was decided in the affirmative—yeas 63—nays 31. The yeas and nays called for by Mr. Cardwell.

Those who voted in the affirmative, were,

MESSRS.

B. L. Beall,	Gilliam,	McNeill,
Bedford,	Gorham,	Paine,
E. S. Bell,	Guthrie,	Patton,
Blalock,	Gwyther,	Peden,
J. Blount,	Harris,	Pemberton,
Wm. A. Blount,	Hester,	Petty,
Boyden,	Hill,	Purveyar,
Brittain,	Huggins,	Proctor,
Brummell,	Hyman,	Rand,
Burgess,	H. C. Jones,	K. Rayner,
J. P. Caldwell,	Lane,	Robards,
Carson,	Lindsay,	Rush,
Clement,	Massey,	Siler,
Covington,	Matthews,	Smith,
Crawford,	W. J. T. Miller,	G. Thomas,
Doak,	E. P. Miller,	Tuton,
Dunlap,	Mills,	Wadsworth,
E. J. Erwin,	McCleese,	J. Williams,
Faison,	McLaughlin,	W. P. Williams,
Farrow,	McLaurin,	Wilson,
Foreman,	McWilliams,	Young, 63.

Those who voted in the negative were,

MESSRS.

Baker,	Holland,	Perkins
Barksdale,	Howerton,	J. R. Rayner,
Barnes,	Jarman,	Roebuck,
Braswell,	R. Jones,	Sims,
Brogden,	Killian,	Sloan,
G. W. Caldwell,	Larkins,	Stallings,
Cardwell,	J. T. Miller,	Stockard,
Daniel,	Munday,	Walker,
Davis,	Nye,	Whitaker,
C. Erwin,	Orr,	Wilcox, 31.
Gwynn,		

*Ordered*, That said Resolutions be engrossed and sent to the Senate for concurrence.

On motion, leave of absence from the service of the House this day was granted to Messrs. Waddell, Clegg, and Chambers; and for this day and to-morrow to Messrs. S. A. Williams, Trollinger and D. Thomas.

Mr. Winston offered the following Resolution:

*Resolved*, That as the printer for the State has already on hand more printing for the House than he can execute before the rise of this body; therefore, this House will not order any more printing by that gentleman during its present session.

*Ordered*, on motion of Mr. Hill, that the Resolution lie on the table.

The House then adjourned until

4 o'clock, P. M.

Mr. Hill introduced a bill to amend an act passed in 1833, entitled an act to incorporate the Wilmington and Raleigh Rail Road Company; which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Paine introduced a bill authorising the County Courts to allow compensation to persons serving as tales jurors.—The said bill was read the first time and rejected.

The engrossed bill to exempt aged and infirm persons from being compelled to serve in fire companies and upon guards in any of the incorporated towns in this State, was read the second time, and, on motion of Mr. Hill, postponed indefinitely.

The bill to incorporate the Yadkin Manufacturing Company, was read the third time, passed, and ordered to be engrossed.

The bill vesting in the United States jurisdiction over a certain tract of land in the town of Fayetteville, and the bill to incorporate the High Shoals Manufacturing Company, were each read the second time and passed.

The bill concerning Public Registers, was read the second time, amended and passed.

The engrossed bill to incorporate the Trustees of the Greensborough Female College, in the county of Guilford; and the engrossed resolution for repairing the steeple of the Presbyterian Church, were each read the second and third time, passed, and ordered to be enrolled.

The resignations of G. W. Spears, of Cabarrus, of Alexander Hampton, of Stokes, Justices of the Peace, were read and accepted.

Mr. Robards moved that the House adjourn until Wednesday morning ten o'clock. The question thereon was decided in the negative—yeas 12—nays 68.

Those who voted in the affirmative were,

ME-SRS.

W. A. Blount,	J. T. Miller,	K. Rayner,
G. W. Caldwell,	E. P. Miller,	J. R. Rayner,
Guthrie,	Paine	Robards,
Lane,	Rand,	Rush—12.

Those who voted in the negative were,

MESSRS.

Barksdale,	Faison,	McNeill,
B. L. Beall,	Farrow,	Nye,
Bedford,	Foreman,	Orr,
Blalock,	Gwyther,	Patton,
Boger,	Gwynn,	Peden,
Boyden,	Harris,	Pemberton,
Braswell,	Holland,	Roebuck,
Brittain,	Huggins,	Sloan,
Brummell,	Jarman,	Smith,
Brogden,	R. Jones,	Stafford,
Burgess,	H. C. Jones,	Stallings,
J. P. Caldwell,	Killian,	Stockard,
Cardwell,	Keener,	Taylor,
Carson,	Larkins	G. Thomas,
Clement,	Lindsay,	Tuton,
Covington,	Mangum,	Wadsworth,
Crawford,	Massey,	Walker
Daniel,	W. J. T. Miller.	Wilcox,
Davis,	Mills,	J. Williams,
Doak,	Munday,	W. P. Williams,

Dunlap,  
E. J. Erwin,  
C. Erwin,

McCleese,  
McLaughlin,  
McLaurin,

Wilson,  
Young, 68.

On motion, the House then adjourned until to-morrow morning ten o'clock.

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TUESDAY, DECEMBER 25, 1838.

Mr. Cardwell presented a petition from sundry citizens of Rockingham county, praying the passage of a law, making payment to their owners for slaves convicted and executed for capital crimes, and praying compensation to be made to Abner Webster and the heirs of John Webster, for certain slaves executed for murder in said county during the past year. *Ordered*, on motion of Mr. Farrow, that said petition be rejected.

Mr. H. C. Jones presented a petition for the emancipation of a slave named Roger, late the property of Isham P. Ellis, of Davie county. *Ordered*, on motion of Mr. Patton, that said petition be rejected.

A message from the Senate, informing that they had passed the engrossed bill to appoint commissioners for the town of Bethania, in the county of Stokes; the engrossed bill to prevent free negroes and mulattoes from trafficking in spirituous liquors; and the bill limiting the time in which titles to lands heretofore entered and paid for may be perfected; and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. J. P. Caldwell, from the Committee on the Judiciary, reported the bill to amend an act concerning quarantine, and to prevent the introduction and communication of contagious diseases, with an amendment. The amendment was agreed to, and the bill, as amended, read the second time and passed.

A message from the Senate, proposing that the Committee on Finance be instructed to inquire whether the Revenue Laws may not be so amended as to obtain a more equal valuation of the lands in the State; and also to inquire whether said laws may not be so amended as to give to the proprietors of lands a more speedy and convenient mode of redress, when dissatisfied with the assessment thereof by the commissioners. The proposition was agreed to.



Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported without amendment, the resolution in favor of the sheriff of Ashe county; when the said resolution was read and adopted, and ordered to be engrossed.

A message from the Senate, informing that Messrs. Davidson and Whitaker form their branch of the Committee on Enrolled Bills the present week.

The bill authorising the Justices of the Peace of the several counties of the State to class themselves for holding the Courts of Pleas and Quarter Sessions was read, and, on motion of Mr. E. J. Erwin, postponed indefinitely—yeas 75—nays 20. The Yeas and nays called for by Mr. Brogden.

Those who voted in the affirmative were,

MESSRS.

Baker,	Faison,	Orr,
Barnes,	Farrow,	Paine,
B. L. Beall,	Gwyther,	Patton,
Bedford,	Gwynn,	Peden,
E. S. Bell,	Harris,	Perkins,
Blalock,	Hill,	Petty,
J. Blount,	Hyman,	Puryear,
Boger,	R. Jones	Proctor,
Boyden,	H. C. Jones,	Rand,
Braswell,	Killian,	K. Rayner,
Brittain,	Lane,	Roebuck,
Brummell,	Larkins,	Rush,
Burgess,	Lindsay,	Sims,
J. P. Caldwell,	Mangum,	Sloan,
G. W. Caldwell,	Massey,	Smith,
Cardwell,	Matthews,	Stallings,
Carson,	W. J. T. Miller,	Tuton
Clement,	J. T. Miller,	Wadsworth,
Covington,	E. P. Miller,	Walker,
Daniel,	Mills,	Whitaker,
Davis,	Munday,	Wilcox,
Doak,	McCleese,	W. P. Williams,
Dunlap,	McLaughlin,	Wilson,
E. J. Erwin,	McLaurin,	Winston,
C. Erwin,	Nye,	Young, 75.

Those who voted in the negative were,

MESSRS.

W. A. Blount,	Holland,	Siler,
Brogden,	Huggins,	Stafford,
Crawford,	Keener,	Stockard,

Foreman,  
Gilliam,  
Gorham,  
Guthrie,

McNeill,  
Pemberton,  
J. R. Rayner,  
Robards,

Taylor,  
G. Thomas,  
J. Williams, 20.

On motion, leave of absence from the service of this House was granted to Mr. Howerton for this day.

Mr. Hill called up for consideration the resolution relating to the Public Printer, which, on his motion, had been laid on the table. The resolution was taken up, and, on motion of Mr. Hill, amended by striking out the whole after the word Resolved, and inserting the following:

“That the Committee on Public Printing, be instructed to confer with the Printer for the State, and adopt such measures as will expedite the printing, which now is, or may hereafter be required for the use of this House.”

Mr. Whitaker presented a bill to incorporate the Wilson Manufacturing Company; which was read the first time and passed.

The bill to Incorporate the High Shoals Manufacturing Company, was read the third time, passed, and ordered to be engrossed.

The bill concerning the Charlotte Male and Female Academy, was read the second and third time, passed, and ordered to be engrossed.

The engrossed bill to amend an act entitled an act for the relief of such persons as have been disabled by wounds, &c.; the bill to amend an act entitled an act to establish a Literary and Manual Labour Institution in the county of Wake, passed in the year 1833; and the bill to appoint commissioners to lay off a part of the Great State Road from Presley Shepherd's to Frederick Seaverts, were each read the second time and passed.

The resignations of Frederick Grist of Beaufort, and of Robert Haywood of Wake, Justice of the Peace, were presented, read and accepted.

The resolution allowing discount on Cherokee Bonds, was read the second time, and the question shall the said resolution pass the second reading? was determined in the negative—yeas 46—nays 51. The yeas and nays demanded by Mr. Whitaker.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,  
Bedford,

Guthrie,  
Harris,

McNeill,  
Paine,

E. S. Bell,	Huggins,	Patton,
Blalock,	H. C. Jones,	Peden,
Boyden,	Keener,	Pemberton,
Brittain,	Lane,	Petty,
Brummell,	Lindsay,	Purveyer,
J. P. Caldwell,	Matthews,	Proctor,
Carson,	W. J. T. Miller,	Rush,
Covington,	E. P. Miller,	Siler,
Crawford,	Mills,	Sims,
Doak,	Munday,	Smith,
Dunlap,	McCleese,	Stafford,
E. J. Erwin,	McLaughlin,	G. Thomas,
Farrow,	McLaurin,	Young, 46.
Gorham,		

Those who voted in the negative were,

MESSRS.

Baker,	Gilliam, 4	Rand,
Barksdale,	Gwyther,	K. Rayner,
Barnes,	Gwynn,	J. R. Rayner,
J. Blount,	Hill,	Robards,
W. A. Blount,	Hoke,	Roebuck,
Boger,	Holland,	Sloan,
Braswell,	Hyman,	Stallings,
Brogden,	Jarman,	Stockard,
Burgess,	R. Jones,	Taylor,
G. W. Caldwell,	Killian,	Tuton,
Cardwell,	Larkins,	Wadsworth,
Clement,	Mangum,	Walker,
Daniel,	Massey,	Whitaker,
Davis,	J. T. Miller,	Wilcox,
C. Erwin,	Nye,	J. Williams,
Faison,	Orr,	W. P. Williams,
Foreman,	Perkins,	Wilson, 51.

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

WEDNESDAY, DECEMBER 26, 1838.

Mr. Wilson asked and obtained leave to withdraw from the Files of the House, the petition presented by him relating to the Fisheries on Perquimons river.

The bill concerning Public Registers was read, and, on motion of Mr. K. Rayner, postponed indefinitely.

The bill to lay off and establish a county by the name of Cherokee, was read the third time, passed, and ordered to be engrossed.

Mr. Guthrie, from the Committee on Private Bills, reported the bill to incorporate the Buncombe Warm Spring Company, with the following amendment, viz: "Be it further enacted, that the capital stock of the company shall not exceed one hundred and fifty thousand dollars, in shares of one hundred dollars each; and that the private or individual property of the stockholders shall be liable for all the debts, contracts and liabilities of the corporation, in proportion to the amount of stock owned by them."

The first branch of this amendment was concurred in, and the second branch was disagreed to. Mr. Cardwell then moved that the bill be postponed indefinitely. The question on this motion was determined in the negative—yeas 40—nays 56. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

MESSRS.

Baker,	Gwynn,	J. R. Rayner,
Barksdale,	Holland,	Roebuck,
Barnes,	Jarman,	Sims,
Boger,	R. Jones	Sloan,
Bond,	H. C. Jones,	Stafford,
Braswell,	Larkins,	Stallings,
Brogden,	Mangum,	Stockard,
Burgess,	Massey,	Taylor,
Cardwell,	J. T. Miller,	Trollinger,
Daniel,	McNeill,	Walker,
Davis,	Orr,	Whitaker,
Ellington,	Rand,	Wilcox,
C. Erwin,	K. Rayner,	Winston, 40.
Gwyther,		

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Gorham,	Patton,
Bedford,	Guthrie,	Peden,
E. S. Bell,	Harris,	Pemberton,
Blalock,	Hill,	Perkins,
W. A. Blount,	Huggins,	Petty,
Boyden,	Hyman,	Purveyar,
Brittain,	Keener,	Proctor,
Brummell,	Lane,	Reid,
J. P. Caldwell,	Lindsay,	Robards,

Carson,	Matthews,	Rush,
Clement,	W. J. T. Miller,	Siler,
Covington,	E. P. Miller,	Smith,
Crawford,	Mills,	G. Thomas,
Doak,	Munday	Wadsworth,
Dunlap,	McCleese,	J. Williams,
E J. Erwin,	McLaurin,	W. P. Williams,
Farrow,	McLaughlin,	Wilson,
Foreman,	Nye,	Young, 56.
Gilliam,	Paine	

The said bill was thereupon read the second time as amended and passed.

Mr. Whitaker, from the Committee on Military Affairs, to whom was referred the bill to repeal the 3rd section of an act passed in the year 1832, entitled an act for the better organization of the militia of the county of Beaufort and for other purposes, reported the same with an amendment. The amendment was read and adopted, and the bill as amended, read the second time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill concerning weights and measures, adopted by a resolution of Congress as standards throughout the United States; a bill to authorise the forming of a Fire Engine Company in the town of Bethania, Stokes county; a bill to amend an act, entitled an act concerning cattle, horses, and hogs; and a bill to give effect to the Revised Statutes, and asking the concurrence of the House. The said bills were read the first time and passed.

Mr. Hill, from the Committee on Internal Improvements, reported without amendment the bill to authorise the laying off and establishing a turnpike road from Cove Creek, in Rutherford county to Thomas Foster's in Buncombe county. The said bill was read the second time, amended, on motion of Mr. Mills, and passed.

Mr. Nye presented a bill to amend and supply the defects of an act passed at the present session of the General Assembly, entitled an act to extend the time for paying in entry money; which was read the first time and passed, and on motion of Mr. Winston laid on the table.

Mr. H. C. Jones, from the Committee on Public Printing, made a detailed report on the subject accompanied by a bill to authorise the appointment of a Public Printer; which was read the first time and passed.

The engrossed bill to amend an act entitled an act to es-

establish a Literary and Manual Labour Institution, in the county of Wake, passed in 1833, was read the third time, passed and ordered to be enrolled.

The bill concerning infant children, whose parents shall be divorced, was read the second time and passed.

Mr. J. P. Caldwell moved that the House do reconsider the vote given yesterday, postponing indefinitely the bill authorising the Justices of the Peace of the several counties to class themselves for holding the County Courts. The motion prevailed, and the said bill was laid on the table.

Mr. W. P. Williams introduced a bill to compensate owners of slaves executed for capital offences; which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Crawford introduced the following resolution:

*Resolved*, That the Committee on the Judiciary, be instructed to inquire into the expediency of enacting a law, compelling an individual who slays his adversary in a duel, to pay the debts of the deceased, and to support his family for the term of five years; and that they report by bill or otherwise.

The said resolution was read and rejected.

The bill to amend an act entitled an act concerning mills and millers; and the bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Stokes and Guilford, were each read the second time and passed.

Mr. Hill, from the Committee on Internal Improvements, reported the following resolutions:

1st. *Resolved*, That it is expedient for the State to guarantee a loan to be effected by the Raleigh and Gaston Rail Road Company, upon such security as will indemnify the State from any loss from such guarantee,

2nd. *Resolved*, That the Committee on Internal Improvements be instructed to report a bill authorizing a subscription on the part of the State, to four fifths of the capital stock of the Fayetteville and Yadkin Rail Road Company: *Provided* that the capital stock of said company shall not exceed two millions of dollars; and *provided further*, that the remainder of the stock be subscribed for and secured by individuals.

3rd. *Resolved*, That the Board of Internal Improvement, be instructed to pay over immediately the 4th instalment of the State's subscription to the capital stock of the Wilmington and Raleigh Rail Road Company.

4th. *Resolved*, That the Committee on Internal Improvements, be instructed to report a bill authorising a subscription on the part

of the State to three fifths of the capital stock of the Roanoke Inlet Company: *Provided* that the balance of said stock is taken and secured by individual subscribers; *and provided further*, that the whole amount of said capital stock shall not exceed \$1,250,000.

5th, *Resolved*, That the Committee on Internal Improvement, be instructed to introduce a bill authorising the survey of a route for a McAdamized Turnpike Road, from Raleigh to Greensborough, via. Hillsborough.

6th. *Resolved*, That it is expedient for the State to authorise a loan for \$2,600 000, to carry into effect the above objects, and that the Committee on Internal Improvements be instructed to report a bill for this purpose.

The foregoing resolutions were read, and made the order of the day for to-morrow.

A message from the Senate, proposing that the two Houses vote this day for a Col. Commandant and Major of Cavalry, attached to the 10th Brigade of the Militia, and informing that Thomas N. Herndon is nominated for the first and Andrew Motz for the second office. The proposition was agreed to, and Mr. Holland and E. S. Bell were appointed a committee to superintend the voting for a Colonel, and Messrs. McLaughlin and J. Blount a committee for the election of the Major.

A message from the Senate, informing that Messrs. Moyer and Williams of Person, form their committee to superintend the election of the first, and Messrs. Williams of Beaufort, and Allison, the second named officer. The House proceeded to vote for

### THOMAS N. HERNDON,

Messrs.

Speaker,	Faison,	McNeill,
Baker,	Farrow,	Nye,
Barksdale,	Foreman,	Orr,
Barnes,	Gilliam,	Patton,
B. L. Beall,	Gorham,	Pemberton,
Bedford,	Gwyther,	Petty,
E. S. Bell,	Gwynn,	Puryear,
Blalock,	Harris,	Rand,
J. Blount,	Hoke,	K. Rayner,
W. A. Blount,	Holland,	J. R. Rayner,
Boger,	Huggins,	Reid,
Bond,	Hyman,	Robards,
Boyden,	Jarman,	Roebuck,
Braswell,	R. Jones.	Rush,
Brittain,	H. C. Jones,	Siler.

Brogden,	Keener,	Sims,
Brummell,	Killian,	Sloan,
Burgess,	Larkins,	Smith,
J. P. Caldwell,	Lindsay,	Stafford,
Cardwell,	Mangum,	Stockard,
Carson,	Massey,	Taylor,
Clement,	Matthews,	Tomlinson,
Covington,	W. J. T. Miller,	G. Thomas,
Daniel,	J. T. Miller,	Wadsworth,
Davis,	E. P. Miller,	J. Williams,
Doak,	Mills,	Walker,
Ellington,	Munday,	Wilson,
E. J. Erwin,	McLaughlin,	Perkins,
C. Erwin,	McLaurin,	Young, 87.

The House voted as follows, for  
ANDREW MOTZ,

MESSRS.

Speaker,	Foreman,	Peden,
Baker,	Gilliam,	Pemberton,
Barnes,	Gwyther,	Perkins,
B. L. Beall,	Gwynn,	Petty,
Bedford,	Harris,	Purveyar,
E. S. Bell,	Hill,	Proctor,
Blalock,	Holland,	Rand,
J. Blount,	Huggins,	J. R. Rayner,
W. A. Blount,	Hyman,	Reid,
Boger,	Jarman,	Robards,
Bond,	R. Jones,	Roebuck,
Boyden,	H. C. Jones	Rush,
Braswell,	Keener,	Siler,
Brogden,	Lane,	Sims,
Brummell,	Lindsay,	Smith,
Burgess,	Mangum,	Stallings,
J. P. Caldwell,	Massey,	Stockard,
Cardwell,	W. J. T. Miller,	Taylor,
Carson,	J. T. Miller,	G. Thomas,
Clement,	E. P. Miller,	Trollinger,
Covington,	Mills,	Wadsworth,
Crawford,	Munday,	Walker,
Daniel,	McCleese,	Whitaker,
Davis,	McLaughlin,	Wilcox,
Doak,	McLaurin,	J. Williams,
Dunlap,	McWilliams,	W. P. Williams,
Ellington,	McNeill,	Wilson,
E. J. Erwin,	Nye,	Matthews,
C. Erwin,	Orr,	Young, 91.
Faison,	Patton,	
Farrow,		



Mr. Holland, from the Committee appointed to superintend the election of a Colonel of Cavalry, reported that Thomas N. Herndon had received a majority of the whole number of votes, and that he was duly elected; and Mr. McLaughlin reported that Andrew Motz was duly elected Major of Cavalry. These reports were concurred in.

The engrossed bill to amend the militia laws was read the second time, and, on motion of Mr. Patton, postponed indefinitely—yeas 64—nays 35. The yeas and nays demanded by Mr. H. C. Jones.

Those who voted in the affirmative were,

## MESSRS.

Barksdale,	Gorham,	Patton,
Barnes,	Gwyther	Pemberton,
B. L. Beall,	Gwynn,	Puryear,
Bedford,	Hoke,	Rand,
J. Blount,	Hyman,	Reid,
W. A. Blount,	Jarman,	Robards,
Boger,	R. Jones,	Sims,
Bond,	H. C. Jones,	Siler,
Boyden,	Keener,	Sloan,
Braswell,	Larkins,	Smith,
Brittain,	Lindsay,	Stallings,
Brogden,	Mangum,	Taylor,
Brummell,	Massey,	Tomlinson,
G. W. Caldwell,	Matthews,	Tuton,
Clement,	Mills,	Wadsworth,
Daniel,	McLaughlin,	Walker,
Davis	McLaurin,	Wilcox,
Ellington,	McNeill,	J. Williams,
E. J. Erwin,	Nye,	W. P. Williams,
C. Erwin,	Orr,	Wilson,
Foreman,	Paine,	Young, 64.
Gilliam,		

Those who voted in the negative were,

## MESSRS.

Baker,	Harris,	Petty,
E. S. Bell,	Holland,	Proctor,
Blalock,	Huggins,	K. Rayner,
Burgess,	Lane,	J. R. Rayner,
J. P. Caldwell,	J. T. Miller,	Roebuck,
Carson,	E. P. Miller,	Rush,
Chambers,	Monday,	Stafford,
Covington,	McCleese,	Stockard,
Crawford,	McWilliams,	Trollinger,

Doak,  
Faison,  
Guthrie,

Peden,  
Perkins,  
Cardwell,

Whitaker,  
Winston, 35.

The House then adjourned until to-morrow morning ten o'clock.

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THURSDAY, DEC. 27, 1838.

Mr. Siler, from the Joint Select Committee on Cherokee Lands, reported a bill authorising the Governor to appoint an agent in the county of Macon; which was read the first time and passed.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported without amendment the engrossed bill to compel owners of bridges to construct draws. Said bill was thereupon read the second and third time, two thirds of the House concurring, passed, and ordered to be enrolled.

Mr. Hill, from the Committee on Internal Improvements, reported a bill to prevent the malicious obstruction of Rail Roads; which was read the first time and passed.

Mr. Hill, from the same Committee, reported the following Resolution:

*Resolved*, That it is expedient to construct a Rail Road from the town of Beaufort, to pass through Trenton, in Jones county, and connect with the Wilmington and Raleigh Rail Road at or near Waynesborough. That the capital stock of said company shall consist of \$500,000; and that upon two fifths of said amount being subscribed for and secured to be paid by individuals, then the State shall subscribe for the remaining three fifths of said capital stock."

The said resolution was read and made the order of the day for this day.

A message from the Senate, informing that they had passed the engrossed bill concerning the Revenue Laws, and asking the concurrence of this House. The said bill was read the first time and passed.

The bill to authorise the appointment of a Public Printer was taken up and considered, and on motion of Mr. Amis, laid on the table.

Mr. Petty introduced a bill to give Justices of the Peace certain powers relating to minor offences; which was read the first time and rejected.

On motion of Mr. Hill, the House now resolved itself into a committee of the whole, Mr. Reid in the chair, and took up for consideration the resolutions relating to public works of Internal Improvement, reported from the Committee on Internal Improvement, and after some time spent therein, the Speaker resumed the chair, and the chairman reported progress and asked leave to sit again. The report was concurred in, and leave granted as prayed for.

The engrossed bill to amend an act, entitled an act concerning cattle, horses, and hogs, was read the second time, and on motion of Mr. E. P. Miller, postponed indefinitely.

On motion of Mr. Hill,

*Resolved*, That the Committee on the Judiciary be instructed to report a bill so to amend the revenue laws as to render operative the assessment of 1836, until further legislative provision is made for re-assessment.

The engrossed bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases, was read the third time, amended, and passed. *Ordered*, That the concurrence of the Senate be asked in the amendments.

The bill to amend the charter of the Petersburg Rail Road Company, passed in the year 1830, entitled an act to incorporate the Petersburg Rail Road Company, passed by the Legislature of Virginia, on the 10th day of February, 1830, was read, and on motion of Mr. Faison, postponed indefinitely.

Received from His Excellency, Gov. Dudley, by his Private Secretary, a communication transmitting a Report from the President and Directors of the Fayetteville and Western Rail Road Company. The communication was read and referred, together with the report and other documents accompanying, to the Committee of the Whole, to whom are referred certain resolutions relating to Internal Improvement.

Received from His Excellency the Governor, by his Private Secretary, a communication transmitting the Annual Report of the Treasurer of the Board of Trustees of the University, and informing that there are at present eight vacancies in that Board. *Ordered*, That said communication be transmitted to the Senate with a proposition that the Treasurer's Report be printed; and with a further proposition that the two Houses on Monday next proceed to fill the vacancies in the Board of Trustees.

On motion of Mr. Hill,

*Resolved*, That the committee on printing be instructed to adopt such measures as will procure for the use of the House the Report of the Board of Internal Improvement at the earliest possible period.

The House then adjourned until

3 o'clock, P. M.

The bill prescribing the mode of an additional survey and sale of the Cherokee Lands in this State, was read the second time and passed.

The bill for the better regulation of the County Courts of Rutherford, was read the second and third time, passed and ordered to be engrossed.

The bill limiting the time in which titles to lands heretofore entered and paid for may be perfected, was read the second time and passed.

The engrossed bill to prevent free negroes and mulattoes from trafficking in spiritous liquors, was read, and, on motion of Mr. Hill, postponed until the 15th day of January next.

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

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FRIDAY, DECEMBER 28, 1838.

Mr. Gilliam introduced a bill to amend the charter of the Bank of Cape Fear; and Mr. Hyman a bill to authorise the construction of a bridge across Trent river. These bills were read the first time and passed.

Mr. Huggins presented a bill to amend the 16th section of an act concerning the militia, so far as relates to the county of Jones; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution for the adjournment of the two Houses of the Legislature, sine die, on Monday the 7th day of January next.

Mr. J. P. Caldwell, moved that the said resolution be postponed till Wednesday next. The question thereon was decided in the negative—yeas 31—nays 67. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

MESSRS.

E. S. Bell,	Lane,	Pemberton,
Boyden,	Matthews,	Petty,
Brittain,	Mills,	Purveyar,
J. P. Caldwell,	McLaughlin,	Rand,
Clegg,	McLaurin,	Reid,
Clement,	McWilliams,	Robards,
Covington,	McNeill,	Rush,
E. J. Erwin,	Nye,	Waddell,
Gilliam,	Patton,	Wadsworth,
Hill,	Peden,	Winston, 31.
Hyman,		

Those who voted in the negative were,

MESSRS.

Amis,	Dunlap,	Munday,
Baker,	Eaton,	McCleese,
Barksdale,	Ellington,	Orr,
Barnes,	C. Erwin,	Proctor,
Bedford,	Faison,	J. R. Rayner,
Blalock,	Farrow,	Roebuck,
J. Blount,	Gorham,	Sims,
W. A. Blount,	Gwyther,	Smith,
Boger	Gwynn,	Stafford,
Bond,	Harris,	Stallings,
Braswell,	Hester,	Sullivan,
Brogden,	Hoke,	Taylor,
Brummell,	Holland,	G. Thomas,
Bryan,	Howerton,	Tomlinson,
Burgess,	Huggins,	Tuton,
G. W. Caldwell,	Jarman,	Underwood,
Cardwell,	R. Jones,	Walker,
Carson,	Killian,	Wilcox,
Chambers,	Massey,	J. Williams,
Crawford,	W. J. T. Miller,	S. A. Williams,
Daniel,	E. P. Miller,	Wilson,
Davis,	J. T. Miller,	W. P. Williams, 67.
Doak,		

Mr. Hill moved that said resolution lie on the table.—  
The question thereon was decided in the negative—yeas 39  
—nays 62. The yeas and nays demanded by Mr. Sullivan.

Those who voted in the affirmative were,

MESSRS.

E. S. Bell,	E. J. Erwin,	Peden,
Blalock,	Gilliam,	Pemberton,

W. A. Blount,	Hill,	Petty,
Boyden,	Lane,	Purveyar,
Brittain,	Matthews,	Rand,
Brummell,	E. P. Miller,	Reid,
J. P. Caldwell,	Mills,	Robards,
Carson,	McLaughlin,	Rush,
Clegg,	McLaurin,	Siler,
Clement,	McWilliams,	Waddell,
Covington,	Nye,	Wadsworth,
Doak,	Paine,	Whitaker,
Dunlap,	Patton,	Winston, 39.

Those who voted in the negative were,

MESSRS.

Amis,	C. Erwin,	Orr,
Baker,	Faison,	Proctor, 4
Barksdale,	Farrow,	J. R. Rayner,
Barnes,	Gorham,	Roebuck,
B. L. Beall,	Gwyther,	Sims,
Bedford,	Gwynn,	Stafford,
J. Blount,	Harris,	Stallings,
Boger,	Hoke,	Sullivan,
Bond,	Holland,	Taylor,
Braswell,	Howerton,	G. Thomas,
Brogden,	Huggins,	Tomlinson,
Bryan,	Jarman,	Trollinger,
Burgess,	R. Jones,	Tuton,
G. W. Caldwell,	Killian,	Underwood,
Cardwell,	Mangum,	Walker,
Chambers,	Massey,	Wilcox,
Crawford,	W. J. T. Miller,	J. Williams,
Daniel,	J. T. Miller,	S. A. Williams,
Davis,	Munday,	W. P. Williams,
Eaton,	McCleese,	Wilson, 62.
Ellington,	McNeill,	

The question recurring on the adoption of the resolution, was decided in the affirmative—yeas 65—nays 40. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

MESSRS.

Amis,	Farrow,	McNeill,
Baker,	Gwyther,	Orr,
Barksdale,	Gwynn,	Perkins
Barnes,	Hester,	J. R. Rayner,
Bedford,	Hoke,	Roebuck, 1
Blalock,	Holland,	Sims,

J. Blount,	Howerton,	Stafford,
Boger,	Huggins,	Stallings,
Braswell,	Hyman,	Sullivan,
Brogden,	Jarman,	Taylor,
Burgess,	R. Jones,	G. Thomas,
G. W. Caldwell,	Killian,	Tomlinson,
Cardwell,	Lindsay,	Trollinger,
Carson,	Mangum,	Underwood,
Chambers,	Massey,	Wadsworth,
Daniel,	Matthews,	Walker,
Davis,	W. J. T. Miller,	Wilcox,
Doak,	J. T. Miller,	J. Williams,
Eaton,	E. P. Miller,	S. A. Williams,
Ellington,	Mills,	W. P. Williams
C. Erwin,	Munday,	Wilson, 65.
Faison,	McCleese,	

Those who voted in the negative were,

MESSRS.

E. S. Bell,	Gorham,	Pemberton,
Wm. A. Blount,	Guthrie,	Petty,
Bond,	Harris,	Purveyar,
Boyden,	Hill,	Rand,
Brittain,	Keener,	K. Rayner,
Brummell,	Lane,	Reid,
J. P. Caldwell,	McLaughlin	Robards,
Clegg,	McLaurin,	Rush,
Clement,	McWilliams,	Siler,
Covington,	Nye,	Waddell,
Crawford,	Paine,	Whitaker,
Dunlap,	Patton,	Winston,
E. J. Erwin,	Peden,	Young, 40.
Gilliam,		

Mr. Guthrie introduced a bill concerning bridges, and Mr. Wadsworth a bill to incorporate the Female Sewing Society of the Presbyterian Church, in the town of Newbern. These bills were read the first time and passed.

The bill to amend and supply the defects of an act passed at the present General Assembly, entitled an act to extend the time for paying entry money, was read the second time and passed.

Mr. Winston introduced a resolution in favor of Willis D. Dowd; which was read the first, second and third times, passed and ordered to be engrossed.

On motion, Mr. Foreman obtained leave of absence from the service of the House from this day until Wednesday next.

The engrossed bill to authorise the forming of a Fire Engine Company in the town of Bethania, Stokes county, was read, and on motion of Mr. Boyden, referred to the Committee on the Judiciary.

Mr. Hill introduced a bill to cut a canal from Lockwood's Folly River, in the county of Brunswick, to the Cape Fear; which was read the first time and passed.

The House then adjourned until

3 o'clock, P. M.

Mr. Nye presented a resolution to build a bridge across the South Fork of New River, in Ashe county; which was read the first time and passed.

The bill to incorporate the Phoenix Wool Manufacturing Company of the town of Fayetteville was read the third time, amended and passed, and ordered to be engrossed.

The bill vesting in the United States jurisdiction over a certain tract of land in the town of Fayetteville, and the resolution in favor of John C. Eringhaus, were each read the third time, passed, and ordered to be engrossed.

Mr. Wilson asked and obtained leave of absence from the service of the House from and after Sunday the 30th inst. for the residue of the session.

The bill to amend the charter of the Bank of Cape Fear was read the second and third times, two thirds of the House concurring, passed, and ordered to be engrossed.

The bill to amend an act, entitled an act concerning mills and millers, was read, and on motion of Mr. Wilson, laid on the table.

The engrossed bill to incorporate the Lexington Manufacturing Company, was read the second time. Mr. Amis moved to amend the bill by adding the following section: "Be it further enacted, That the said corporation shall be subject to the repeal, alteration or amendment of subsequent Legislatures." The question thereon was determined in the negative—yeas 15—nays 82. The yeas and nays called for by Mr. Amis.

Those who voted in the affirmative, were,

Messrs.

Amis,  
Barksdale,  
Barnes,  
Brogden,  
Bryan,

Daniel,  
Davis,  
Eaton,  
Stallings,  
Sullivan,

Taylor,  
Tomlinson,  
Tuton,  
Wilcox.  
S. A. Williams, 15.



Those who voted in the negative were,

MESSRS.

B L. Beall,	Gorham,	Nye,
Bedford,	Gwyther,	Orr,
E. S. Bell,	Gwynn,	Peden,
Blalock,	Harris,	Petty,
J. Blount,	Hester,	Purveyar,
W. A. Blount,	Hill,	Rand,
Boger,	Hoke,	J. R. Rayner,
Bond,	Holland,	Reid,
Boyden,	Howerton,	Robards,
Braswell,	Huggins,	Roebuck,
Brummell,	Hyman,	Rush,
Burgess,	R. Jones,	Siler,
J. P. Caldwell,	H. C. Jones,	Sims,
G. W. Caldwell,	Killian,	Smith,
Cardwell,	Lane,	Stafford,
Carson,	Lindsay,	Stockard,
Chambers,	Mangum,	D. Thomas,
Clegg,	Massey,	G. Thomas,
Clement,	Matthews,	Trollinger,
Covington,	W. J. T. Miller.	Underwood,
Crawford,	J. T. Miller,	Waddell,
Doak,	E. P. Miller,	Wadsworth,
Dunlap,	Munday,	Walker
Ellington,	McCleese,	J. Williams,
C. Erwin,	McLaurin,	Wilson,
Faison,	McWilliams,	Jarman,
Farrow,	McNeill,	Young, 82.
Gilliam,		

The said bill thereupon passed the second reading. On motion, two thirds of the House concurring, the said bill was read the third time, passed, and ordered to be enrolled.

The engrossed bill to amend an act, entitled an act for the relief of such persons as have been disabled by wounds, &c. was read the third time, passed, and ordered to be enrolled.

The bill to appoint Commissioners to lay off a part of the great State Road from Presly Shepherd's to Frederick Seavert's was read the third time, passed, and ordered to be engrossed.

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

SATURDAY, DECEMBER 29, 1838.

The bill authorising the Justices of the Peace in certain counties to class themselves for holding the County Courts, was read the second time, amended on motion of Mr. McWilliams, and passed.

On motion of Mr. Hill, *Ordered*, That a message be sent to the Senate, proposing to raise a Joint Select Committee of two on the part of each House to make suitable arrangements for the qualification of the Governor elect.

A message from the Senate, concurring in this proposition, and informing that Messrs. Shepard and Edwards form said Committee on their part. *Ordered*, that Messrs. Waddell and W. P. Williams form said Committee on behalf of the Commons.

Mr. Lane introduced a bill to incorporate the trustees of the Randolph Female Academy in Randolph county, and Mr. Siler a bill to incorporate the Hiwassee Turnpike Company. These bills were read the first time and passed.

Mr. Siler introduced two petitions from A. R. S. Hunter, of Macon county, praying to be allowed to build a bridge across the Hiwassee River, and to aid him in the construction of iron works on said river. Said petitions were referred to the Committee of Propositions and Grievances.

Mr. Siler presented a petition from sundry citizens of Macon county, praying that the Cherokee Indians remaining in that county be removed beyond the Mississippi. Said petition was referred to the Committee on Propositions and Grievances.

On motion, Messrs. Burgess and Sloan obtained leave of absence from the service of the House from and after to-morrow until the end of the session.

A message from the Senate, proposing that the Secretary of State be directed to have the report of the Committee on Education and the Literary Fund printed and appended to the acts passed at this session of the Legislature, and proposing also that said report be printed, ten copies for each member of the General Assembly. The proposition was agreed to.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill making the measurement of ton timber and saw mill timber uniform throughout the State; a bill to amend the 27th section of an act, entitled an act concerning Courts of Justice, Practice,

Pleas and Process; and a bill to amend an act entitled an act concerning Courts of Justice, Practice, Pleas and Process, so as to alter the time for holding the County Courts of Person and for other purposes; and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Cape Fear and Western Steam Boat Company, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

Mr. E. S. Bell presented a bill to divide the first wreck district in Carteret county into two districts and to appoint an additional commissioner of wrecks; which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

The engrossed bill limiting the time in which titles to lands heretofore entered and paid for may be perfected, was read the third time, amended and passed. *Ordered*, That the concurrence of the Senate be asked in the amendment.

The bill concerning the militia of the County of Beaufort, and the bill to amend and supply the deficiencies of an act passed at the present General Assembly, entitled an act to extend the time for paying in entry money, were each read the third time, passed and ordered to be engrossed.

A message was sent to the Senate, informing them of the readiness of this House to receive the Senate in General Convention for the purpose of witnessing the qualification of the Governor elect, according to previous arrangements; when Edward B. Dudley, attended by the Joint Select Committee heretofore appointed, waited upon the General Assembly, both branches being convened in the Commons Hall, and took and subscribed the oaths prescribed by law for the qualification of the Governor of the State: The oaths of office being administered by Hon. R. M. Saunders, one of the Judges of the Superior Courts.

The General Convention having adjourned, the House of Commons were again called to order by the Speaker, and proceeded to business.

On motion, the House again resolved itself into a Committee of the Whole, Mr. J. P. Caldwell in the chair, and renewed the consideration of the resolutions relating to Internal Improvements; when after some time spent therein, the Speaker resumed the chair, and the Chairman reported

progress and asked leave to sit again. The report was concurred in, and leave granted.

Mr. Blalock moved that the House adjourn until Monday morning ten o'clock. The question thereon was decided in the negative—yeas 51—nays 53. The yeas and nays demanded by Mr. Patton.

Those who voted in the affirmative were,

ME-SRS.

E. S. Bell,	Guthrie,	Nye,
Blalock,	Gwyther,	Paine
W. A. Blount,	Hester,	Peden,
Brittain,	Hill,	Pemberton,
Brummell	Hoke,	Petty,
Bryan,	Howerton,	Proctor,
J. P. Caldwell,	Huggins,	Rand,
Chambers,	Hyman,	K. Rayner,
Clegg,	H. C. Jones,	Reid,
Clement,	Lane,	Robards,
Covington,	Mangum,	Rush,
Dunlap,	Massey,	Stalings,
Eaton,	J. T. Miller,	Trollinger,
Ellington,	Munday	Wadsworth,
E. J. Erwin,	McLaughlin,	W. P. Williams,
Gilliam,	McWilliams,	Winston,
Gorham,	McNeill,	Young, 51.

Those who voted in the negative were,

MESSRS.

Amis,	Farrow,	Roebuck,
Baker,	Gwynn,	Siler,
Barksdale,	Harris,	Smith,
Barnes,	Holland,	Stafford,
Bedford,	Jarman,	Stockard,
J. Blount,	R. Jones,	Sullivan,
Boger,	Killian,	Taylor,
Bond,	Lindsay,	D. Thomas,
Boyden,	Matthews,	G. Thomas,
Braswell,	W. J. T. Miller,	Tuton,
Brogden,	E. P. Miller,	Underwood,
Cardwell,	Mills,	Waddell,
Carson,	McCleese,	Walker,
Daniel,	McLaurin,	Whitaker,
Davis,	Orr,	Wilcox
Doak,	Patton,	S. A. Williams,
C. Erwin,	Puryear,	J. Williams, 53
Faison,	J. R. Rayner,	

Mr. Hill presented a memorial from William H. Hayward, Jr., touching his compensation as commissioner in negotiating a loan on behalf of the State, together with a resolution to carry out the prayer of the memorialist. The said resolution was read the first time and passed.

The bill authorising the Governor to appoint an agent in the county of Macon, was read, and, on motion of Mr. Winston, laid on the table.

Mr. K. Rayner, from the Committee on Claims, reported unfavorably on the resolution in favor of George Hoover of Randolph; when said resolution was read and indefinitely postponed.

Mr. K. Rayner, from the same committee, reported unfavorably on the resolution in favor of John Marsh; when said resolution was read and indefinitely postponed.

Mr. Guthrie moved that the House adjourn until Monday Morning 10 o'clock. The question thereon, was determined in the affirmative—yeas 54—nays 36. The yeas and nays demanded by Mr. Patton.

Those who voted in the affirmative were,

MESSRS.

Amis,	Eaton,	McNeill,
Hill,	Ellington,	Paine,
Barnes,	E. J. Erwin,	Patton,
Bedford,	Faison,	Pemberton,
E. S. Bell,	Gilliam,	Petty,
Blalock,	Gorham,	Reid,
W. A. Blount,	Guthrie,	Sims,
Bond,	Gwyther,	Smith,
Boyden,	Hester,	Stallings,
Brittain,	Howerton,	Trollinger,
Brummell,	Hyman,	Underwood,
Burgess,	H. C. Jones,	Waddell,
J. P. Caldwell,	Lane,	Wadsworth,
Carson,	Lindsay,	Whitaker,
Clegg,	Massey,	W. P. Williams,
Clement,	J. T. Miller,	Winston,
Covington,	Munday,	McLaurin,
Daniel,	McLaughlin,	Young, 54.

Those who voted in the negative were,

MESSRS.

Baker,	Harris,	Robards,
J. Blount,	Holland,	Roebuck,
Boger,	Jarman,	Rush,
Braswell,	R. Jones	Siler,

Brogden,	Killian,	Stockard,
Bryan,	Matthews,	Taylor,
Cardwell,	E. P. Miller,	D. Thomas,
Chambers,	Mills,	Tuton,
Davis,	Orr,	Walker,
Doak,	Patton,	Wilcox,
C. Erwin,	Puryear,	J. Williams,
Gwynn,	J. B. Rayner,	S. A. Williams, 36.

And so the House adjourned until Monday morning ten o'clock.

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MONDAY, DEC 31, 1838.

Messrs. Mills, D. Thomas, Eaton and Faison compose the Committee on Enrolled Bills the present week.

Mr. Perkins introduced a bill concerning the ranging of hogs, horses, or cattle in Currituck county in certain cases; which was read the first time and passed.

On motion, *Ordered*, That the Senate be informed that the following persons are nominated for the appointment of Trustees of the University, viz: John C. Williams, David C. Freeman, Charles Chalmers, Spier Whitaker, William Eaton, James T. Morehead, Geo. F. Davidson, L. D. Wilson, M. Q. Waddell, Wm. B. Shepard, Cad. Jones, sr. Robert B. Gilliam, Weston R. Gales, Benj. Sumner, and Michael Hoke.

Mr. Cardwell introduced a bill imposing additional duties upon the Lieut. Colonels and Majors of the Militia of this State; and Mr. Huggins a bill to amend the act of Assembly of 1831, entitled an act to prevent obstructions to the passage of fish up Trent river and for other purposes.— These bills were read the first time and passed.

On motion of Mr. Brummell,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law to prevent injuries to stock which break into a field or other enclosure, in cases where the person or persons offending have not the means of affording pecuniary compensation, under the existing law; and that they report by bill or otherwise.

Mr. Winston introduced a bill to prevent obstructing the passage of fish up the Pedee and Main Yadkin Rivers; which was read the first time and passed.

Mr. Winston presented a resolution to pay for furniture

procured for the use of the General Assembly the present session; which was read the first time and passed, and referred to the Committee on Claims.

A message from the Senate, informing that they had passed the following engrossed resolutions, viz: Resolution concerning the Secretary of State; Resolution concerning the books, papers and other furniture of the General Assembly; Resolution in favor of William Leach, of Randolph; and asking the concurrence of this House. The said resolutions were read and adopted and ordered to be enrolled.

The bill to authorise the laying off and establishing a turnpike road from Cove Creek, in Rutherford county, to Thos. Forster's in Buncombe county, was read the third time, passed, and ordered to be engrossed.

Mr. Paine introduced a bill authorising the County Court of Chowan to lay a tax on the taxable property of the town of Edenton, for the benefit of the Edenton Academy. Said bill was read, and on motion of Mr. Patton, rejected.

A message from the Senate, disagreeing to the proposition of this House to vote at twelve o'clock to-day for Trustees of the University, and proposing that the two Houses go into said election on to-morrow afternoon at 4 o'clock.— The proposition was agreed to.

A message from the Senate, informing that they had passed the engrossed bill to amend the Inspection Laws, and asking the concurrence of this House. The said bill was read the first time and passed.

On motion of Mr. Winston, leave was granted to withdraw from the files of the House the exhibits accompanying the resolution in favor of George Hoover.

Mr. H. C. Jones called up for consideration the bill to authorise the appointment of a Public Printer. On motion of Mr. Gilliam, *Ordered*, That said bill be re-committed to the Committee on Printing, with instructions to report a bill limiting the price to be paid for printing, folding, and stitching the Acts and Resolutions of the General Assembly to four dollars for each octavo page. 2. For printing the Journals, &c. to one dollar and fifty cents per octavo page. 3. And for all other printing ordered by the two Houses, to one dollar and fifty cents per printed octavo page.

The House again resolved itself into a committee of the whole, Mr. J. P. Caldwell in the Chair, and resumed the consideration of the Resolutions relating to Internal Improvements; when after some time spent therein, the Speak-

er resumed the chair, and the chairman reported the said resolutions to the House with an amendment, proposed by the Speaker, in the following words:

*Resolved*, That a Turnpike Road ought to be constructed from Raleigh by way of Hillsborough to Greensborough, in the county of Guilford, at the public expense, provided the cost shall not exceed eighty thousand dollars.

Mr. McWilliams moved to amend the Resolution by adding the following:

*Resolved*, That the Literary Fund be not touched to effect the objects contemplated by said resolutions.

The question thereon was decided in the affirmative.

Mr. Hoke moved to strike out the 6th Resolution in the following words:

That it is expedient for the State to authorise a loan of \$2,600, - 000 to carry into effect the above objects, and that the Committee on Internal Improvement be instructed to report a bill for this purpose.

The motion prevailed.

Mr. K. Rayner moved to amend the second resolution by striking out the words "four fifths" and inserting three fifths. Mr. Amis called for a division of the question; and the question being first taken on striking out the words "four fifths," was determined in the affirmative—yeas 81—nays 27. The yeas and nays demanded by Mr. K. Rayner.

Those who voted in the affirmative were,

MESSRS.

Amis,	Gorham,	Perkins,
Baker,	Guthrie,	Proctor,
Barksdale,	Gwyther,	Rand,
Barnes,	Gwynn,	K. Rayner,
E. S. Bell,	Harris,	J. R. Rayner,
J. Blount,	Hester,	Robards,
Boger,	Holland,	Roebuck,
Bond,	Howerton,	Sims,
Braswell,	Huggins,	Smith,
Brittain,	Hyman,	Stallings,
Brogden, <sup>1</sup>	Jarman,	Stockard,
Bryan,	R. Jones.	Sullivan,
G. W. Caldwell,	Killian,	Taylor,
Cardwell,	Lindsay,	D. Thomas,
Carson,	Mangum,	G. Thomas,
Chambers,	Massey,	Tomlinson,
Clegg,	Matthews,	Trollinger,



Covington,	W. J. T. Miller,	Tuton,
Daniel,	J. T. Miller,	Underwood,
Davis,	E. P. Miller,	Waddell,
Doak,	McCleese,	Wadsworth,
Eaton,	McLaughlin,	Walker,
Ellington,	McWilliams,	Whitaker,
C. Erwin,	McNeill,	Wilcox,
Faison,	Orr,	J. Williams,
Farrow,	Paine,	S. A. Williams,
Gilliam,	Patton,	W. P. Williams, 81.

Those who voted in the negative were,

MESSRS.

Bedford,	Hill,	Pemberton,
Blalock,	Hoke,	Petty,
W. A. Blount,	H. C. Jones,	Puryear,
Boyer,	Lane,	Reid,
Brummell,	Mills,	Rush,
J. P. Caldwell,	Munday,	Stafford,
Clement,	McLaurin,	Winston,
Crawford,	Nye,	Young, 26.
E. J. Erwin,	Peden,	

So the House agreed to strike out the word "four-fifths." The question then recurring on the second branch of Mr. Rayner's motion, viz: to insert "three fifths," was decided in the negative—yeas 25—nays 82.

Those who voted in the affirmative were,

MESSRS.

Barksdale,	Doak,	Killian,
E. S. Bell,	Dunlap,	Lindsay,
J. Blount,	C. Erwin,	McLaurin,
W. A. Blount,	Farrow,	K. Rayner,
Boger,	Hill,	D. Thomas,
Brummell,	Holland,	G. Thomas,
Clegg,	Huggins,	Tuton,
Crawford,	Hyman,	Wadsworth, 25.

Those who voted in the negative were,

MESSRS.

Amis,	Harris,	Puryear,
Baker,	Hester,	Proctor,
Bedford,	Hoke,	Rand,
Blalock,	Hollingsworth,	J. R. Rayner,
Bond,	Jarman,	Reid,
Boyden,	R. Jones,	Robards,
Braswell,	H. C. Jones,	Roebuck,
Brittain,	Lane,	Rush,

Brogden,	Mangum,	Sims,
Bryan,	Massey	Smith,
J. P. Caldwell,	Matthews,	Stafford,
G. W. Caldwell,	W. J. T. Miller,	Stallings,
Cardwell,	J. T. Miller,	Stockard,
Carson,	E. P. Miller,	Sullivan,
Chambers,	Mills,	Taylor,
Clement,	Munday,	Tomlinson,
Covington,	McCleese,	Trollinger,
Daniel,	McLaughlin,	Underwood,
Davis,	McWilliams,	Waddell,
Eaton,	McNeill,	Whitaker,
Ellington,	Nye,	Wilcox,
E. J. Erwin,	Paine	J. Williams,
Faison,	Patton,	S. A. Williams,
Gilliam,	Peden,	W. P. Williams,
Gorham,	Pemberton,	Winston,
Guthrie,	Perkins,	Howerton,
Gwyther,	Petty,	Young, 82.
Gwynn,		

Mr. Reid moved to fill the blank with the words "three-fourths." The question thereon was decided in the negative—yeas 53—nays 56.

Those who voted in the affirmative were,

MESSRS.

Bedford,	Hoke,	Paine,
Blalock,	Holland,	Patton,
W. A. Blount,	Hollingsworth,	Peden,
Boger,	H. C. Jones,	Pemberton,
Boyden,	Killian,	Petty,
Brummell,	Lane,	Puryear,
J. P. Caldwell,	Lindsay,	Proctor,
G. W. Caldwell,	Matthews,	Reid,
Carson,	W. J. T. Miller,	Rush,
Clement,	J. T. Miller,	Smith,
Covington,	E. P. Miller,	Stafford,
Crawford,	Mills,	Sullivan,
Doak,	Munday,	D. Thomas,
Dunlap,	McLaughlin	G. Thomas,
E. J. Erwin,	McLaurin,	Waddell,
Farrow,	McNeill,	Winston,
Harris,	Nye,	Young, 53.
Hill,	Orr,	

Those who voted in the negative were,

MESSRS.

Baker,	Gilliam,	J. R. Rayner,
Barksdale,	Gorham,	Robards,

Barnes,	Guthrie,	Roebuck,
E. S. Bell,	Gwyther	Sims,
J. Blount,	Gwynn,	Stallings,
Bond,	Hester,	Stockard,
Braswell,	Howerton,	Taylor,
Brittain,	Huggins,	Tomlinson,
Brogden,	Hyman,	Trollinger,
Bryan,	Jarman,	Tuton,
Cardwell,	R. Jones,	Underwood,
Chambers,	Larkins,	Wadsworth,
Clegg,	Mangum,	Walker,
Daniel,	Massey,	Whitaker,
Davis,	McCleese,	Wilcox,
Eaton,	McWilliams,	J. Williams,
Ellington,	Perkins,	S. A. Williams,
C. Erwin,	Rand,	W. P. Williams, 56.
Faison,	K. Rayner,	

Whereupon, on motion of Mr. E. J. Erwin, the said Resolutions were laid on the table.

*Ordered,* That the Senate be informed that the name of Wm. D. Crawford is added to the list of those nominated for Trustees of the University.

Mr. Winston introduced a bill concerning the public revenue, and Mr. Lane a bill to incorporate the President and Directors of the Randolph Manufacturing Company. These bills were read the first time and passed.

The engrossed bill to appoint Commissioners for the town of Bethania, in the county of Stokes, was read the second and third time, passed, and ordered to be enrolled.

The bill to authorise the construction of a bridge across Trent river, was read the second and third time, passed, and ordered to be engrossed.

On motion of Mr. Clement,

*Resolved,* That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law in relation to public roads as to make it the duty of the several County Courts to lay off their respective counties into Road Districts, and that the hands residing in one District may not be liable to work on more than one road.

Mr. K. Rayner, from the Committee on Claims, reported unfavorably on the resolution in favor of George and John Elliott, when the said resolution was read and postponed indefinitely.

Mr. K. Rayner, from the same Committee, reported favorably on the pension certificate of Martha Thompson, of

Mecklenburg county; when the same was read and ordered to be countersigned by the Speaker of this House.

The House then adjourned until to-morrow morning ten o'clock.

TUESDAY, JANUARY 1, 1839.

Mr. Farrow introduced the following Resolution:

Whereas, doubts have arisen as regards the title of the State to a part of the reclaimed lands on the margin of the Mattamuskeet Lake:

Therefore Resolved, That the President and Directors of the Literary Fund be, and they are hereby directed to take such steps as they may judge best for the investigation of such titles. And the said Board is hereby directed to examine and do such other and further work as can be profitably performed on said Lake.

The said Resolution was read and adopted, and ordered to be engrossed.

The bill concerning the ranging of hogs, horses, or cattle in Currituck county in certain cases, was read the second and third time, passed, and ordered to be engrossed.

Mr. Nye presented the following Resolutions:

*Resolved*, That \$30,000 be, and the same, or so much of it as may be sufficient to finish the two Legislative Halls in the new State House be, and the same is appropriated to that use and no other.

2. *Be it further Resolved*, \$30,300 be appropriated to discharge the debts made with the Bank of the State and the Bank of Cape Fear and interest on the same.

3. *Be it further Resolved*, That all other works on said building be suspended for the present.

Mr. W. A. Blount moved that said resolutions be rejected. Mr. Hill called for a division of the question, and the first question being to reject the first resolution, was decided in the affirmative—yeas 84—nays 26. The yeas and nays demanded by Mr. Nye.

Those who voted in the affirmative, were,

MESSRS.

Amis,  
Barksdale,  
Bedford,  
E. S. Bell,  
J. Blount,

Gwynn,  
Hester,  
Hill,  
Holland,  
Hollingsworth,

Perkins,  
Purveyar,  
Proctor,  
Rand,  
K. Rayner,

Wm. A. Blount,	Howerton,	J. R. Rayner,
Boger,	Huggins,	Reid,
Bond,	Hyman,	Robards,
Braswell,	Jarman,	Roebuck,
Brittain,	R. Jones,	Rush,
Brummell,	H. C. Jones,	Sims,
G. W. Caldwell,	Keener,	Stafford,
Cardwell,	Killian,	Stallings,
Carson,	Larkins,	Stockard,
Chambers,	Mangum,	D. Thomas,
Clegg,	Massey,	G. Thomas,
Clement,	Matthews,	Tuton,
Crawford,	W. J. T. Miller,	Underwood,
Dunlap,	J. T. Miller,	Waddell,
Eaton,	E. P. Miller,	Wadsworth,
Ellington,	Mills,	Walker,
E. J. Erwin,	Munday,	Whitaker,
C. Erwin,	McCleese,	Wilcox,
Faison,	McLaughlin,	S. A. Williams,
Gilliam,	McLaurin,	W. P. Williams,
Gorham,	McWilliams,	Winston,
Gu hrie,	McNeill,	Lindsay,
Gwyther,	Paine,	Young, 84.

The question to reject the second resolution was decided in the negative—yeas 4—nays 100.

Those who voted in the affirmative were,

MESSRS.

Barksdale,	Peden,	Winston, 4,
Farrow,		

Those who voted in the negative were,

MESSRS.

Baker,	Gorham,	Oglesby,
Barnes,	Guthrie,	Orr,
Bedford,	Gwyther,	Paine,
E. S. Bell,	Hester,	Patton,
Blalock,	Hill,	Perkins
J. Blount,	Hoke,	Petty,
W. A. Blount,	Holland,	Puryear,
Boger	Hollingsworth,	Proctor,
Bond,	Howerton,	Rand,
Boyden,	Huggins,	J. R. Rayner,
Braswell,	Hyman,	Reid,
Brittain,	Jarman,	Robards,
Brogden,	R. Jones,	Roebuck,
Brummell,	H. C. Jones,	Rush,

Bryan,	Keener,	Siler,
J. P. Caldwell,	Killian,	Smith,
G. W. Caldwell,	Lane,	Stallings,
Cardwell,	Larkins,	Stockard,
Carson,	Lindsay,	Taylor,
Chambers,	Mangum,	D. Thomas,
Clegg,	Massey,	G. Thomas,
Clement,	Matthews,	Taton,
Covington,	W. J. T. Miller,	Underwood,
Crawford,	E. P. Miller,	Waddell,
Daniel,	J. T. Miller,	Wadsworth,
Davis,	Mills,	Whitaker,
Doak,	Munday,	Walker,
Dunlap,	McCleese,	Wilcox,
Eaton,	McLaughlin,	J. Williams,
Ellington,	McLaurin,	S. A. Williams,
E. J. Erwin,	McWilliams,	W. P. Williams,
C. Erwin,	McNelil,	Gwynn,
Faison,	Nye,	Young, 100.
Gilliam,		

The question to reject the third resolution was decided in the affirmative. So the first and third resolutions were rejected—the second read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill for the relief of the Raleigh and Gaston Rail Road Company, and a bill to prevent the stealing of Mulberry Trees, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they do not concur in the amendments made by this House to the engrossed bill to amend an act concerning quarantine and to prevent the introduction and communication of contagious diseases. On motion, *Ordered*, That this House do insist on said amendments.

Mr. Guthrie, from the Committee on Private Bills, reported a bill relating to cleaning out Rock Fish Creek, in the county of Dumplin and for other purposes; which was read the first time and passed.

A message from the Senate, informing that Messrs. Kerr and Spruill from their branch of the Committee on Enrolled Bills the present week.

A message from the Senate, concurring in the proposition of this House that the communication of His Excellency the Governor, transmitting the Report of the Treasurer of the University, and the said report be printed, one copy for each member of the General Assembly.

The bill to regulate drill musters in the 87th regiment of militia in Davidson county, was read the third time, passed, and ordered to be engrossed.

Mr. H. C. Jones, from the Committee on Printing, to whom was re-committed the bill to authorise the appointment of a Public Printer, reported the same with an amendment, entitled a bill to amend an act, entitled an act concerning the Public Printing of the State. The amendment was concurred in, and the bill as amended read the second and third time, passed, and ordered to be engrossed.

Mr. Trollinger introduced a bill to establish a Court of Pleas and Quarter Sessions in the county of Orange, founded on a petition from sundry citizens of said county; which was read the first time and passed.

Mr. Hill presented a bill for the establishment of Common Schools; which was read the first time and passed.

The bill authorising the Governor to appoint an agent in the county of Macon, was read the third time, passed, and ordered to be engrossed.

Mr. Waddell, from the Committee on Claims, reported unfavorably on the petition of R. W. Ashton, for compensation for taking care of the Governor's House, in the years 1834, 1835, and asked that the Committee be discharged from the further consideration of the subject. The report was concurred in.

Mr. Whitaker, from the Committee on Military Affairs, to whom was referred the resolution instructing them to inquire into the expediency of altering the mode of electing officers of cavalry, reported that it is not fit to change the existing law upon the subject, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. J. P. Caldwell reported without amendment the bill to divide the first wreck district in Carteret county into two districts and to appoint an additional commissioner of wrecks; and the said bill was read the second time and passed.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, also reported unfavorably on the petition of sundry citizens of Macon county, praying that the State would cause the Cherokee Indians to be removed beyond the Mississippi, and asked to be discharged from the further consideration of the subject.

Mr. J. P. Caldwell, from the same Committee, reported

unfavorably on the petition of A. R. S. Hunter, praying a grant of public lands for the erection of iron works, and asked to be discharged from the further consideration of the subject. These reports were concurred in.

The resignation of Gardner Shepard, as a Justice of the Peace of the county of Onslow, was read and accepted.

Mr. K. Rayner, from the Committee on Claims, to whom was referred the communication of His Excellency the Governor in relation to certain house expenditures therein specified, reported a resolution to reimburse expenses of the Governor; which was read the first time and passed, and on motion of Mr. Winston, laid on the table.

The House then adjourned until

3 O'CLOCK, P. M.

Mr. Smith presented a bill providing for the appointment of a County Trustee and Treasurer of Public Buildings in the County of Columbus; also, a bill making compensation to jurors in said county. These bills were read the first time and passed.

The engrossed bill making the measurement of ton timber and saw mill timber uniform in this State, was read, and on motion of Mr. Winston, postponed indefinitely.

Mr. Hill presented the petition of Joseph H. Watters, of Brunswick county, praying to have corrected certain errors in a grant therein specified; which was referred, on motion of Mr. Hill, to the Committee on Claims.

The engrossed bill concerning weights and measures, adopted by a resolution of Congress as standards throughout the United States; the engrossed bill to give effect to the Revised Statutes, as the same have been published by the Commissioners appointed for that purpose; and the engrossed bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas, and Process, so as to alter the time for holding the County Courts of Person county, were each read the second time and passed.

A message was received from the Senate, informing that Wm. W. Cherry, Wm. R. Holt and Charles E. Johnston are added to the nomination already made for Trustees of the University, and informing also that Messrs. Spruill and Arrington form their committee to superintend the election. *Ordered*, on motion, that this House do now proceed to ballot for eight Trustees of the University according to the Acts of Assembly incorporating the Board, and not to vote



viva voce: Messrs. Reid and J. P. Caldwell being appointed to superintend the balloting.

The bill to prevent the malicious obstruction of Rail Roads, and the bill to establish the Salisbury Female Academy and incorporate the Trustees thereof, were each read the second and third time, passed, and ordered to be engrossed.

The resolution in favor of Finance Committee of Ashe county, was read, and on motion of Mr. Stallings, postponed indefinitely.

The bill concerning bridges, was read, and on motion of Mr. Winston, laid on the table.

The bill to incorporate the Female Sewing Society of the Presbyterian Church in the town of Newbern, was read, and on motion of Mr. Wadsworth, laid on the table.

Mr. Peden presented a petition from sundry citizens of the counties of Wilkes and Ashe, asking an appropriation for the completion of a road from the Deep Gap, in the Blue Ridge, to Stephen Thomas's, on the South Fork of New River, together with a resolution appropriating \$200 for that object. The resolution was read the first time and passed, and referred, on motion of Mr. Guthrie, to the Committee on Internal Improvements.

The bill to incorporate the Weldon Manufacturing Company; and the bill to amend the 16th section of an act concerning the militia so far as relates to the county of Jones, were each read the second time and passed.

The House then adjourned until to-morrow morning ten o'clock.

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WEDNESDAY, JANUARY 2, 1839.

Mr. Reid, from the balloting committee for eight Trustees of the University, reported that James T. Morehead, Michael Hoke, George F. Davidson, Louis D. Wilson, Robert B. Gilliam, Charles Chalmers, Wm. B. Shepard, and William Eaton, Jr. had each received a majority of the whole number of votes and were duly elected. The report was concurred in.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the engrossed bill to amend an act, entitled an act concerning idiots and lunatics; when the same

was read, and on motion of Mr. Winston, postponed indefinitely.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition of Wm. Davidson, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. K. Rayner, from the Committee on Claims, reported a resolution in favor of Joseph H. Watters; which was read and adopted, and ordered to be engrossed.

Mr. Brummell introduced a bill to incorporate the Washington Mining Company; which was read the first time and passed.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the resolution to pay for certain furniture procured for the use of the General Assembly. Said resolution was read the second and third time, passed, and ordered to be engrossed.

The bill authorizing the Justices of Peace in certain counties to class themselves for holding the Courts of Pleas and Quarter Sessions, was read the third time. Mr. E. J. Erwin moved to postpone the bill to the 15th of January instant. The question thereon was decided in the negative—yeas 47—nays 58. The yeas and nays called for by Mr. Crawford.

Those who voted in the affirmative were,

MESSRS.

Amis,	Gwynn,	McNeill,
Bedford,	Harris,	Orr,
Boger,	Hoke,	Paine,
Bond,	Hollingsworth,	Patton,
Boyden,	Howerton,	Peden,
Brittain,	Huggins,	Reid,
Bryan,	Jarman,	Rush,
G. W. Caldwell,	H. C. Jones,	Stallings,
Cardwell,	Lindsay,	Sullivan,
Carson,	Mangum,	D. Thomas,
Covington,	Matthews,	Tomlinson,
Daniel,	E. P. Miller,	Wilcox,
Eaton,	Mills,	S. A. Williams,
E. J. Erwin,	Munday,	Winston,
Faison,	McLaughlin,	Young, 47.
Guthrie,	McLaurin,	

Those who voted in the negative were,

MESSRS.

Baker,	Gilliam,	Puryear,
Barksdale,	Gorham,	Proctor,
Barnes,	Gwyther,	Rand,
B. L. Beall,	Hester,	K. Rayner,
E. S. Bell,	Hill,	J. R. Rayner,
Blalock,	Holland,	Roebuck,
J. Blount,	Hyman,	Siler,
Braswell,	R. Jones,	Sims,
Brogden,	Killian,	Smith,
Brummell,	Lane,	Stafford,
J. P. Caldwell,	Larkins,	Stockard,
Chambers,	Massey,	Taylor,
Clegg,	W. J. T. Miller,	Trollinger,
Clement,	J. T. Miller,	Tuton,
Crawford,	McWilliams,	Underwood,
Davis,	Nye,	Waddell,
Doak,	Oglesby,	Wadsworth,
Dunlap,	Pemberton,	Walker,
Ellington,	Petty,	J. Williams, 58.
C. Erwin,		

The question, shall the said bill pass the third reading? was determined in the affirmative. *Ordered*, That said bill be engrossed.

The engrossed bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Stokes and Guilford, was read the third time, passed and ordered to be enrolled.

Mr. Winstou, from the Committee on the Judiciary, reported without amendment the engrossed bill to authorise the forming of a Fire Engine Company in the town of Bethania, Stokes county; when the said bill was read the second and third times, passed and ordered to be enrolled.

Mr. H. C. Jones introduced a bill to incorporate the Yadkin and Columbia Rail Road Company. Mr. Crawford a bill to incorporate the town of Mocksville, in Davie county. Mr. Crawford a bill to alter the time of holding the County Courts of Rowan; and Mr. Paine a bill to add the proceeds of the sales of the Cherokee Lands to the Literary Fund. These bills were read the first time and passed.

On motion, leave of absence from the service of the House for the residue of the session was granted to Messrs. Hoke and Davis from and after Friday, and to Mr. Barksdale from and after Saturday next.

On motion of Mr. Hill,

*Resolved*, That the Committee on Printing make inquiry of the Public Printer, T. Loring, at what time the Report of the Board of Internal Improvements, heretofore ordered to be printed, will be ready to be delivered; and that they report immediately to this House the result of their inquiry.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill to compensate owners of slaves executed for capital offences; when said bill was, on motion of Mr. W. P. Williams, laid on the table.

Mr. Winston, from the same Committee, reported unfavorably on the resolution instructing them to report a bill changing the 45th section of the Revenue Laws, relating to double taxes to be collected by sheriffs, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Winston, from the same Committee, who were instructed to report a bill amending the Revenue Laws, relating to the assessment of 1836, reported that it is not expedient at this time to legislate as proposed, and asked to be discharged from the further consideration of the subject.— The report was concurred in.

Mr. Winston, from the same Committee, to whom it was referred to inquire into the expediency of passing a law to prevent injuries to stock in certain cases, reported against any legislation on this subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Winston, from the same Committee, to whom was referred a Resolution instructing them to inquire into the expediency of making it petit larceny to steal Mulberry Trees, reported that it is not expedient to visit with infamous punishment the trespass mentioned in the resolution, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Siler, from the Committee on Propositions and Grievances, reported a bill to authorise A. R. S. Ruffin to move the bridge built by him across Hiwassee River; when the said bill was read the first time and passed.

Received from His Exc'y Gov. Dudley a communication, transmitting sundry resignations of Justices of the Peace received at the Executive Office the present session. The communication was read and ordered to be sent to the Senate.

Mr. Paine introduced the following Resolution:

*Resolved*, That the Committee on Internal Improvement be instructed to report a bill providing for the subscription on the part of the State of three fifths of the capital stock of the Roanoke Inlet Company, provided individuals take the remaining two fifths, and the capital stock of said company does not exceed (\$1,250,000) one million two hundred and fifty thousand dollars.

Mr. Mills moved that said resolution be indefinitely postponed. The question thereon was determined in the affirmative—yeas 81—nays 28. The yeas and nays demanded by Mr. Paine.

Those who voted in the affirmative were,

MESSRS.

Amis,	Faison,	Orr,
Baker,	Gilliam,	Patton,
Barksdale,	Gorham,	Peden,
Barnes,	Gwynn,	Petty,
B. L. Beall,	Harris,	Puryear,
Bedford,	Hester,	Rand,
J. Blount,	Hoke,	Roebuck,
W. A. Blount,	Holland,	Siler,
Boger,	Hollingsworth,	Sims,
Braswell,	Howerton,	Smith,
Brittain,	Jarman	Stafford,
Brogden,	R. Jones.	Stallings,
Bryan,	Larkins,	Stockard,
J. P. Caldwell,	Lindsay,	Sullivan,
G. W. Caldwell,	Mangum,	Taylor,
Cardwell,	Massey,	D. Thomas,
Carson,	Mattheews,	G. Thomas,
Chambers,	W. J. T. Miller,	Tomlinson,
Clegg,	J. T. Miller,	Trollingier,
Covington,	E. P. Miller,	Tuton,
Daniel,	Mills,	Underwood,
Davis,	Munday,	Walker,
Doak,	McLaughlin,	Wilcox,
Dunlap,	McLaurin,	J. Williams,
Eaton,	McWilliams,	S. A. Williams,
Ellington,	Nye,	W. P. Williams,
C. Erwin,	Oglesby,	Young, 81.

Those who voted in the negative were,

MESSRS.

E. S. Bell,	Gwyther,	Pemberton,
Blalock,	Hill,	Proctor,
Bond,	Huggins,	K. Rayner,
Boyden,	Hyman,	J. R. Rayner,
Brummell,	H. C. Jones,	Reid,

Clement,	Killian,	Robards,
Crawford,	Lane,	Rush,
E. J. Erwin,	McCleese,	Waddell,
Farrow,	Paine,	Wadsworth, 28.
Guthrie,		

Mr. Paine introduced the following Resolution:

*Resolved*, That the Committee on Internal Improvements be instructed to report a bill providing for the employment of a skilful Engineer to make a survey of the waters of the Albemarle, Croatan and Roanoke Sounds, in the vicinity of Nagshead, with the view of making an inlet to the ocean at that place.

The said resolution was read and rejected.

The resolution to reimburse the Governor of the State in certain expenditures, for furniture was read the second time and amended; and the question, shall the said resolution pass the second reading? was decided in the affirmative—yeas 66—nays 30. The yeas and nays demanded by Mr. Stockard.

Those who voted in the affirmative were,

MESSERS.

Amis,	Gorham,	Paine,
Barksdale,	Gwynn,	Patton,
B. L. Beall,	Harris,	Peden,
Bedford,	Hill,	Pemberton,
E. S. Bell,	Hollingsworth,	Petty,
Blalock,	Huggins,	Purveyar,
W. A. Blount,	Hyman,	Rand,
Boger,	H. C. Jones,	K. Rayner,
Boyden,	Killian,	Reid,
Brittain,	Lindsay,	Robards,
Brummell,	Mangum,	Rush,
J. P. Caldwell,	Massey,	Siler,
Carson,	Matthews,	Smith,
Clegg,	W. J. T. Miller,	Stallings,
Covington,	E. P. Miller,	D. Thomas,
Crawford,	Mills,	G. Thomas,
Daniel,	McCleese,	Waddell,
Doak,	McLaughlin,	Wadsworth,
Dunlap,	McLaurin,	Wilcox,
Eaton,	McWilliams,	J. Williams,
E. J. Erwin,	McNeill,	Winston,
Gilliam,	Oglesby,	Young, 66.

Those who voted in the negative were,

MESSERS.

Baker,	C. Erwin,	Sims,
Barnes,	Hester,	Stafford,

Braswell,	Holland,	Stockard,
Brogden,	Howerten,	Sullivan,
Bryan,	Jarman,	Taylor,
G. W. Caldwell,	R. Jones,	Tomlinson,
Cardwell,	Larkins,	Trollinger,
Chambers,	Nye,	Underwood,
Davis,	Orr,	Walker,
Ellington,	Reebuck,	S. A. Williams, 30.

On motion, the said resolution was read the third time. Mr. Amis moved to amend the resolution by striking out the words seven hundred and forty-eight dollars, and to insert three hundred and forty-eight dollars. Mr. Patton called for a division of the question, and the question being on striking out as proposed, was determined in the negative—yeas 44—nays 53. The yeas and nays demanded by Mr. Tomlinson.

Those who voted in the affirmative were,

MESSRS.

Amis,	Faison,	Roebuck,
Baker,	Gwynn,	Sims,
Barnes,	Hester,	Stafford,
J. Blount,	Holland,	Stallings,
Boger,	Hollingsworth,	Stockard,
Braswell,	Howerten,	Sullivan,
Brogden, <sup>1</sup>	Jarman,	Taylor,
Bryan,	R. Jones	D. Thomas,
G. W. Caldwell,	Larkins,	Tomlinson,
Cardwell,	Mangum,	Trollinger,
Clement,	Massey,	Tuton,
Daniel,	Munday <sup>2</sup>	Walker,
Davis,	Nye	Wilcox,
Ellington,	Orr,	S. A. Williams, 44.
C. Erwin,	J. R. Rayner,	

Those who voted in the negative were,

MESSRS.

Barksdale,	Gorham,	Patton,
B. L. Beall,	Guthrie,	Peden,
Bedford,	Hill,	Pemberton,
Blalock,	Huggins,	Puryear,
W. A. Blount,	Hyman,	Rand,
Bond,	H. C. Jones,	K. Rayner,
Boyden,	Lane,	Reid,
Brittain,	Lindsay,	Robards,
Brummell,	Matthews,	Rush,

J. P. Caldwell,	W. J. T. Miller.	Siler,
Carson,	J. T. Miller,	Smith,
Clegg,	E. P. Miller,	G. Thomas,
Covington,	Mills,	Waddell,
Crawford,	McLaughlin,	Wadsworth,
Doak,	McLaurin,	J. Williams,
Dunlap,	McWilliams,	Winston,
Eaton,	McNeill,	Young, 53.
Gilliam,	Paine,	

The question, shall the said resolution pass the third reading? was decided in the affirmative—yeas 66—nays 34. The yeas and nays demanded by Mr. Brogden.

Those who voted in the affirmative were,

MESSRS.

Barksdale,	Gwyther,	Patton,
B. L. Beall,	Gwynn,	Peden,
Bedford,	Harris,	Pemberton,
Blalock,	Hill,	Petty,
W. A. Blount,	Huggins,	Purveyar,
Bond,	Hyman,	Proctor,
Boyden,	H. C. Jones,	Rand,
Brittain,	Lane,	K. Rayner,
Brummell,	Lindsay,	Reid,
J. P. Caldwell,	Mangum,	Robards,
Carson,	Massey,	Rush,
Clegg,	Matthews,	Siler,
Covington,	W. J. T. Miller,	Smith,
Crawford,	J. T. Miller,	D. Thomas,
Daniel,	E. P. Miller,	G. Thomas,
Doak,	Mills,	Waddell,
Dunlap,	Munday,	Wadsworth,
Eaton,	McLaughlin,	Wilcox,
Faison,	McLaurin,	J. Williams,
Gilliam,	McWilliams,	W. P. Williams,
Gorham,	McNeill,	Winston,
Guthrie,	Paine	Young, 66.

Those who voted in the negative were,

MESSRS.

Amis,	Davis,	Roebuck,
Baker,	Ellington,	Stafford,
Barnes,	C. Erwin,	Sims,
J. Blount,	Hester,	Stockard,
Boger,	Holland,	Sullivan,
Braswell,	Hollingsworth,	Taylor,
Brogden,	Howerton,	Tomlinson,



Brummell,	Jarman,	Trollinger,
Bryan,	R. Jones,	Tuton,
G. W. Caldwell,	Larkins,	Walker
Cardwell,	Nye,	S. A. Williams, 34.
Chambers,	Orr,	

*Ordered*, That said resolution be engrossed.

The House then adjourned until

3 o'clock, P. M.

Mr. Boyden called up for consideration the resolution introduced by him on the 5th ultimo, in the following words:

*Resolved*, As the opinion of this House, that the creditors of deceased persons, in case of a deficiency of assets, ought to receive a pro rata payment, without any regard to the dignity of their claims.

The Resolution being taken up, Mr. Reid moved that it be postponed indefinitely. The question thereon was decided in the negative—yeas 28—nays 70. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

MESSRS.

Amis,	C. Erwin,	McNeill,
J. Blount,	Faison,	Orr,
Boger,	Farrow,	Paine,
Bond,	Gilliam,	Patton,
Brittain,	Hill,	K. Rayner,
J. P. Caldwell,	Holland,	Raid,
G. W. Caldwell,	Howerton,	Rush,
Cardwell,	E. P. Miller,	Sullivan,
Carson,	McCleese,	Tuton, 28:
Eaton,		

Those who voted in the negative were,

MESSRS.

Baker,	Gwyther,	Pemberton,
Barksdale,	Harris,	Petty,
Barnes,	Hester,	Purveyar,
B. L. Beall,	Hollingsworth,	Proctor,
Bedford,	Huggins,	J. R. Rayner,
E. S. Bell,	Hyman,	Roebuck,
Blalock,	R. Jones,	Siler,
W. A. Blount,	H. C. Jones,	Smith,
Boyden,	Jarman,	Stafford,
Braswell,	Killian,	Stallings,
Brogden,	Lane,	Stockard,
Brummell,	Larkins,	Taylor,
Bryan,	Lindsay,	D. Thomas,

Chambers,	Mangum,	Tomlinson,
Clement,	Massey,	Trollinger,
Covington,	Matthews,	Underwood,
Crawford,	W. J. T. Miller,	Waddell,
Daniel,	J. T. Miller,	Wadsworth,
Davis,	Mills,	Walker,
Doak,	Munday,	Wilcox,
Dunlap,	McLaughlin,	J. Williams,
Ellington,	McLaurin,	S. A. Williams,
Gorham,	McWilliams,	Young, 70.
Guthrie,		

Mr. Tomlinson moved that said Resolution lie on the table. The question thereon was decided in the affirmative—yeas 55—nays 41.

Those who voted in the affirmative, were,

MESSRS.

Amis,	Gilliam,	K. Rayner,
Baker,	Gwynn,	Rush,
Bedford,	Hill,	Siler,
Bond,	Howerton,	Stafford
Braswell,	Hyman,	Stallings,
Brogden,	R. Jones,	D. Thomas,
Bryan,	Keener,	G. Thomas,
J. P. Caldwell,	Massey,	Tomlinson,
G. W. Caldwell,	E. P. Miller,	Trollinger,
Cardwell,	Mills,	Tuton,
Carson,	McCleese,	Underwood,
Chambers,	McLaurin,	Waddell,
Clegg,	McNeill,	Wadsworth,
Daniel,	Orr,	Walker,
Eaton,	Paine,	Wilcox,
E. J. Erwin,	Patton,	J. Williams,
Faison,	Pemberton,	W. P. Williams,
Farrow,	Rand,	Winston, 55.
Foreman,		

Those who voted in the negative were,

MESSRS.

Barnes,	Guthrie,	McLaughlin,
E. S. Bell,	Gwyther	McWilliams,
Blalock,	Harris,	Peden,
W. A. Blount,	Hester,	Petty,
Boger,	Hoke,	Puryear,
Boyden,	Holland,	Proctor,
Clement,	Huggins,	J. R. Rayner,
Covington,	H. C. Jones,	Sims,

Crawford,	Killian,	Smith,
Doak,	Lane,	Stockard,
Dunlap,	Lindsay,	Taylor,
Ellington,	W. J. T. Miller,	S. A. Williams,
C. Erwin,	J. T. Miller,	Young, 41.
Gorham,	Munday,	

The House then adjourned until to-morrow morning ten o'clock.

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THURSDAY, JAN. 3, 1839.

The bill to alter the time of holding the County Courts of Rowan county, was read the second and third times, passed, and ordered to be engrossed.

On motion, leave of absence from the service of the House for the residue of the session was granted to Mr. Baker after Friday, to Mr. Jarman after Saturday, and to Mr. J. Blount after Sunday next.

Mr. W. P. Williams, from the Committee on Finance, reported that the exhibit furnished by the Bank of the State of North Carolina of its affairs and condition accords with the requirements of the charter. *Ordered*, That the Committee of Finance be discharged from the consideration of further business for the remainder of the session.

Mr. H. C. Jones, from the Committee on Public Printing, reported that in pursuance of the resolution of the House adopted yesterday, the inquiry had been made of the Public Printer; and he was instructed to say that the House might expect the Report of the Board of Internal Improvements to-morrow morning.

Mr. Hill called up for consideration the bill for the establishment of Common Schools. Mr. Stallings moved to amend the bill by adding the following section:

Be it further enacted, That any county in the State, refusing to lay a tax in pursuance of the provisions of this act, shall be entitled to a share of the Literary Fund in proportion to the number of School Districts in said county, to be applied exclusively to Common Schools.

The question on the adoption of this amendment was decided in the affirmative—yeas 62—nays 45.

Those who voted in the affirmative were,

MESSRS.

Amis,	C. Erwin,	Peden,
Baker,	Farrow,	Petty,

Barnes,	Guthrie,	Puryear,
B. L. Beall,	Gwyther,	Rand,
E. S. Bell,	Gwynn,	J. R. Rayner,
J. Blount,	Hester,	Roebuck,
W. A. Blount,	Hoke,	Sims,
Boger,	Holland,	Stallings,
Bond,	Howerton,	Stockard,
Braswell,	R. Jones,	Sullivan,
Brogden,	Keener,	Taylor,
Brummell,	Killian,	G. Thomas,
Bryan,	Larkins,	Tomlinson,
J. P. Caldwell,	Mangum,	Trollingier,
G. W. Caldwell,	Massey,	Tuton,
Cardwell,	J. T. Miller,	Underwood,
Carson,	Munday,	Walker,
Chambers,	McNeill,	Wilcox,
Daniel,	Nye,	J. Williams,
Davis,	Orr,	W. P. Williams, 62,
Ellington,	Paine,	

Those who voted in the negative were,

MESSRS.

Bedford,	Gorham,	Oglesby,
Blalock,	Harris,	Patton,
Boyden,	Hill,	Pemberton,
Brittain,	Huggins,	K. Rayner,
Clegg,	Hyman,	Reid,
Clement,	H. C. Jones,	Robards,
Covington,	Lane,	Rush,
Crawford,	Lindsay,	Smith,
Doak,	Matthews,	Stafford,
Dunlap,	W. J. T. Miller,	D. Thomas,
Eaton,	E. P. Miller,	Waddell,
E. J. Erwin,	Mills,	Wadsworth,
Faison,	McLaughlin,	S. A. Williams,
Foreman,	McLaurin,	Winston,
Gilliam,	McWilliams,	Young, 45.

Mr. Hill offered the following amendments:

Be it further enacted, That it shall be the duty of the Literary Board to appoint an officer, with a competent salary, to be denominated "the Superintendent of Public Instruction," whose duty it shall be to visit and examine every section of the State; aid the Committees of the several counties in forming the School Districts—modelling the school houses, and in procuring competent teachers. It shall further be the duty of said Superintendent to select the series of text books and see that they are invariably used in every school—devise forms of reports to be required

annually from every instructor, and to prepare a systematic digest of the same to be submitted to the General Assembly.

Be it further enacted, That it shall be the duty of the Superintendent of Public Instruction to obtain general statistical information, as well as such as is more immediately connected with the establishment of Common Schools, and report the same to the General Assembly at its next session.

Pending the question on these amendments, on motion of Mr. J. P. Caldwell, *Ordered*, That said bill lie on the table, and that the bill, together with the proposed amendments, be printed.

The engrossed bill for the relief of the Raleigh and Gaston Rail Road Company, was read the second time. Mr. Taylor moved that the said bill be postponed indefinitely. The question thereon was determined in the negative—yeas 41—nays 62. The yeas and nays demanded by Mr. Taylor.

Those who voted in the affirmative were,

MESSRS.

Amis,	Ellington,	Smith,
Baker,	Foreman,	Stallings,
Barnes,	Gwynn,	Stockard,
J. Blount,	Jarman,	Sullivan,
Wm. A. Blount,	Lane,	Taylor,
Roger,	Larkins,	G. Thomas,
Braswell,	J. T. Miller,	Tomlinson,
Brogden,	E. P. Miller,	Tuton,
Bryan,	McCleese,	Underwood,
G. W. Caldwell,	Nye,	Walker,
Cardwell,	Orr,	Wilcox,
Daniel,	Peden,	J. Williams,
Davis,	Rush,	S. A. Williams, 41.
Eaton,	Sims,	

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Guthrie,	Oglesby,
Bedford,	Gwyther,	Paine
E. S. Bell,	Harris,	Patton,
Blalock,	Hester,	Petty,
Bond,	Hill,	Puryear,
Boyden,	Hoke,	Proctor,
Brittain,	Holland,	Rand,
Brummell,	Howerton,	K. Rayner,
J. P. Caldwell,	Huggins,	J. R. Rayner,
Chambers,	Hyman,	Robards,
Clegg,	R. Jones,	Reid,

Clement,	H. C. Jones,	Siler,
Covington,	Keener,	Stafford,
Crawford,	Killian,	D. Thomas,
Doak,	Lindsay,	Trollinger,
Dunlap,	Mangum,	Waddell,
E. J. Erwin,	W. J. T. Miller,	Wadsworth,
C. Erwin,	Munday,	W. P. Williams,
Faison,	McLaughlin,	Winston,
Gilliam,	McLaurin,	Young, 62.
Gorham,	McNeill,	

Mr. Boyden moved to strike out the fourteenth section of the bill in the following words, viz:

Be it further enacted, That the private property of the Stockholders in said Company shall be liable to the amount of stock owned by each in addition to the property of said company, for the payment of principal and interest of the loan authorised to be made by this act; and before this act goes into operation, there shall be a general meeting of the stockholders, who shall agree to accept the loan on the terms proposed in this act.

And to insert in lieu thereof the following, viz:

Be it further enacted, That in case the real and personal estate of the said Raleigh and Gaston Rail Road Company so mortgaged for the benefit and indemnity of the State of North Carolina, and to be sold if necessary, as by this act directed, should prove insufficient to pay off and satisfy the full amount of the bonds aforesaid, including the principal and interest thereon, then each and every stockholder of said company shall be held liable to pay towards making up such deficiency the full amount of the shares respectively held and owned by him or her therein at the time when said deficiency shall be ascertained, or such ratable proportion thereof as may be requisite to pay such stockholder's deficiency, and no more.

Mr. Paine called for a division of the question, and the question being first on striking out the said fourteenth section, was decided in the negative—yeas 43—nays 53.

Those who voted in the affirmative were,

Messrs.

E. S. Bell,	Guthrie,	Patton,
Blalock,	Harris,	Purveyar,
J. Blount,	Hill,	Proctor,
Boyden,	Hoke,	Rand,
Brittain,	Holland,	K. Rayner,
Brummell,	Huggins,	Reid,
J. P. Caldwell,	H. C. Jones,	Robards,
Clegg,	Keener,	Rush,
Clement,	Lindsay,	D. Thomas,

Covington,	Munday,	Tuton
Crawford,	McLaughlin	Underwood,
Doak,	McNeill,	Waddell,
E. J. Erwin,	Oglesby,	Winston,
Foreman,	Paine,	Young, 43.
Gilliam,		

Those who voted in the negative were,

MESSRS.

Amis,	Gorham,	Petty,
Baker,	Gwyther,	J. R. Rayner,
Barnes,	Gwynn,	Sims,
Bedford,	Hester,	Smith,
W. A. Blount,	Howerton,	Stafford,
Boger	Hyman,	Stallings,
Bond,	R. Jones	Stockard,
Braswell,	Larkins,	Sullivan,
Brogden,	Mangum,	Taylor,
Bryan,	Massey,	G. Thomas,
G. W. Caldwell,	Matthews,	Tomlinson,
Cardwell,	W. J. T. Miller,	Trollinger,
Chambers,	J. T. Miller,	Wadsworth,
Daniel,	McCleese,	Walker,
Eaton,	McLaurin,	Wilcox,
Ellington,	Nye,	J. Williams,
C. Erwin,	Orr,	S. A. Williams, 53.
Faison,	Peden,	

The House then adjourned until

3 o'clock, P. M.

The House resumed the consideration of the unfinished business on the last adjournment. Mr. Hoke moved to amend the said bill by striking out the said fourteenth section, and inserting the amendment proposed this morning by Mr. Boyden, with the following proviso superadded, viz: "Provided, That the General Assembly may, at any time, appoint a Committee to examine into the situation of the said Company, and that whenever it shall appear that the said Company are insolvent and unable to pay the amount borrowed under the authority of this act, the General Assembly may direct the mortgage to be foreclosed according to the provisions herein before prescribed." The question thereon was decided in the affirmative—yeas 61—nays 45.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Gwyther,	Pemberton,
Bedford,	Harris,	Petty,

J. Blount,	Hester,	Puryear,
W. A. Blount,	Hill,	Rand,
Bond,	Hoke,	K. Rayner,
Boyden,	Holland,	Reid,
Brittain,	Hollingsworth,	Robards,
Brummell	Huggins,	Roebuck,
J. P. Caldwell,	H. C. Jones,	Rush,
Carson,	Keener,	Siler,
Clegg,	Lane,	Stockard,
Clement,	Lindsay,	D. Thomas,
Covington,	W. J. T. Miller,	G. Thomas,
Crawford,	Mills,	Trollinger,
Doak,	Munday,	Tuton,
Dunlap,	McCleese,	Underwood,
E. J. Erwin,	McLaughlin,	Waddell,
C. Erwin,	McWilliams,	Wadsworth,
Farrow,	McNeill,	Winston,
Gilliam,	Patton,	Young, 61.
Guthrie,		

Those who voted in the negative were,

MESSRS.

Amis,	Faison,	Nye,
Baker,	Foreman,	Orr,
Barnes,	Gorham,	Peden,
E. S. Bell,	Gwynn,	J. R. Rayner,
Blalock,	Howerton,	Sims,
Boger,	Hyman,	Smith,
Braswell,	Jarman,	Stafford,
Brogden,	R. Jones,	Stallings,
Bryan,	Killian,	Sullivan,
G. W. Caldwell,	Larkins,	Taylor,
Cardwell,	Mangum,	Tomlinson,
Chambers,	Massey,	Walker,
Daniel,	J. T. Miller,	Wilcox,
Eaton,	E. P. Miller,	J. Williams,
Ellington,	McLaurin,	S. A. Williams, 45.

So the House agreed to strike out and insert as proposed by Mr. Hoke. The question then recurring on the passage of the said bill the second reading as amended, was determined in the negative—yeas 52—nays 54. The yeas and nays called for by Mr. Brogden.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Guthrie,	Patton,
Bedford,	Gwyther,	Pemberton,
E. S. Bell,	Harris,	Puryear,



Blalock,	Hester,	Proctor,
Bond,	Hill,	Rand,
Boyden,	Hoke,	K. Rayner,
Brittain,	R. Jones,	J. R. Rayner,
Brummell,	Keener,	Reid,
J. P. Caldwell,	Killian,	Robards,
Carson,	Lindsay,	Rush;
Chambers,	W. J. T. Miller,	Siler,
Clegg,	Mills,	D. Thomas;
Clement,	Munday,	Trollinger;
Crawford,	McLaughlin,	Waddell,
Doak,	McLaurin,	Winston,
Dunlap,	McWilliams,	H. C. Jones,
E. J. Erwin,	McNeill,	Young, 52.
Gilliam,		

These who voted in the negative were,

MESSRS.

Amis,	Gorham,	Petty,
Baker,	Gwynn,	Roebuck,
Barnes,	Holland,	Sims,
J. Blount,	Hollingsworth,	Smith,
W. A. Blount,	Howerton,	Stafford,
Boger,	Huggins,	Stallings,
Braswell,	Hyman,	Stockard,
Brogden,	Jarman,	Sullivan,
Bryan,	Lane,	Taylor,
G. W. Caldwell,	Larkins,	G. Thomas,
Cardwell,	Mangum,	Tomlinson,
Covington,	Massey,	Tuton,
Daniel,	J. T. Miller,	Underwood,
Eaton,	E. P. Miller,	Wadsworth,
Ellington,	McCleese,	Walker,
C. Erwin,	Nye,	Wilcox,
Faison,	Orr,	J. Williams,
Foreman,	Peden,	S. A. Williams, 54.

The bill to incorporate the Buneombe Warm Spring Company, was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Washington Mining Company; the bill to amend the Inspection Laws; and the bill to amend an act, entitled an act to establish the Clemmonsville Academy, were each read the second and third times, passed, and ordered to be engrossed.

Mr. Hyman presented a bill to improve the navigation of Neuse River. Mr. Siler a bill supplemental to the act erecting the county of Cherokee, and a bill to appoint Commis-

sioners to alter and amend a part of the State Road in Cherokee county. These bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution concerning specie change, and asking the concurrence of this House. The Resolution was read and adopted, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill making an appropriation for carrying on and completing the Capitol of the State and for other purposes; and a bill to incorporate the Raleigh Guards and Henderson Light Infantry Company, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of John McGehee, and asking the concurrence of this House. The resolution was read and adopted, and ordered to be enrolled.

A message from the Senate, informing that they had rejected the engrossed bill to authorise Jesse T. and George S. Walton to construct a mill dam across the Catawba river; and a bill concerning last wills and testaments; and that they had passed a resolution rescinding the joint order to print the map accompanying the Report of the Board of Internal Improvements, and asking the concurrence of the House therein. The resolution was agreed to.

The resignations of David M. Dews and of Wm. Leigh, of Nash, Justices of the Peace, received from the Senate, were read and accepted.

The Speaker laid before the House a communication addressed to the General Assembly by the Hon. Bedford Brown and Hon. Robert Strange, Senators from this State in the Congress of the United States, relating to certain resolutions offered by Mr. K. Rayner, and adopted by the General Assembly at its present session.

The said communication was read, and on motion of Mr. K. Rayner, laid on the table.

The House then adjourned until to-morrow morning ten o'clock.

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FRIDAY, JAN. 4, 1839.

Received a message from the Senate, proposing to appoint a Committee of Conference on the disagreeing votes of

the two Houses on the amendments to the bill entitled a bill to amend an act concerning quarantine, &c. The proposition was agreed to, and Messrs. J. P. Caldwell, R. Jones, and Winston appointed the Committee on behalf of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to incorporate the Fayetteville and Western Rail Road Company, and asking the concurrence of this House. The said bill was read the first time and passed. The said bill was read the second time. Mr. Bryan moved that said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 42—nays 66. The yeas and nays demanded by Mr. Bryan.

Those who voted in the affirmative were,

## MESSRS.

Amis,	Gorham,	Roebuck,
Baker,	Gwyther,	Sims,
Barnes,	Gwynn,	Stallings,
Braswell,	Hester,	Stockard,
Brogden,	Howerton,	Taylor,
Bryan,	Huggins,	Tomlinson,
Cardwell,	Hyman,	Trollinger,
Chambers,	Jarman,	Underwood,
Daniel,	R. Jones	Wadsworth,
Eaton,	Massey,	Walker,
Ellington,	McCleese,	Wilcox,
Faison,	McWilliams,	J. Williams,
Foreman,	Rand,	S. A. Williams,
Gilliam,	J. R. Rayner,	W. P. Williams, 42.

Those who voted in the negative were,

## MESSRS.

Barksdale,	C. Erwin,	Nye,
B. L. Beall,	Farrow,	Orr,
Bedford,	Harris,	Oglesby,
E. S. Bell,	Hill,	Paine,
Blalock,	Hoke,	Patton,
J. Blount,	Holland,	Peden,
W. A. Blount,	Hollingsworth,	Pemberton,
Boger,	H. C. Jones,	Petty,
Bond,	Keener,	Puryear,
Boyden,	Killian,	Proctor,
Brittain,	Lane,	Reid,
Brummell,	Larkins,	Robards,
J. P. Caldwell,	Lindsay,	Rush,

G. W. Caldwell,	Matthews,	Smith,
Carson,	W. J. T. Miller.	Stafford,
Clegg,	J. T. Miller,	Sullivan.
Clement,	E. P. Miller,	D. Thomas,
Covington,	Mills,	G. Thomas,
Crawford,	Munday,	Tuton.
Doak,	McLaughlin,	Waddell,
Dunlap,	McLaurin,	Winston,
E. J. Erwin,	McNeill,	Young, 66.

Mr. Cardwell moved to strike out the last section of the bill in the following words, viz: "Be it further enacted, that the Board of Internal Improvement be required to procure a survey by some Engineer of high distinction and report upon the practicability and probable cost of opening a communication between Albemarle Sound and the ocean at Nagshead." The question thereon was decided in the negative—yeas 36—nays 70. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative were,

MESSRS.

Amis,	Faison,	Stockard,
Baker,	Farrow,	Taylor,
Barnes,	Gorham,	G. Thomas,
W. A. Blount,	Gwynn,	Tomlinson,
Braswell,	Hester,	Trollinger,
Brogden,	Howerton,	Underwood,
Bryan,	Huggins,	Wadsworth,
Cardwell,	Hyman,	Walker,
Chambers,	Jarman,	Wilcox,
Daniel,	R. Jones,	J. Williams,
Eaton,	McWilliams,	S. A. Williams,
Ellington,	Sims,	W. P. Williams, 36.

Those who voted in the negative were,

MESSRS.

Barksdale,	Gwyther,	Oglesby,
B. L. Beall,	Harris,	Orr,
Bedford,	Hill,	Paine,
E. S. Bell,	Hoke,	Patton,
Blalock,	Holland,	Peden,
J. Blount,	Hollingsworth,	Pemberton,
Bond,	H. C. Jones,	Petty,
Boger,	Keener,	Puryear,
Boyden,	Killian,	Proctor,
Brittain,	Lane,	Rand,
Brummell,	Larkins,	J. R. Rayner,

J. P. Caldwell,	Lindsay,	K. Rayner,
G. W. Caldwell,	Matthews,	Reid,
Carson,	W. J. T. Miller,	Robards,
Clegg,	J. T. Miller,	Rush,
Clement,	E. P. Miller,	Smith,
Covington,	Mills,	Stafford,
Crawford,	Munday	Stallings,
Doak,	McCleese,	D. Thomas,
Dunlap,	McLaughlin,	Tuton,
E. J. Erwin,	McLaurin,	Waddell,
C. Erwin,	McNeill,	Winston,
Foreman,	Nye,	Young, 70.
Gilliam,		

The question recurring on the passage of the bill the second reading, was decided in the affirmative—yeas 66—nays 41.

Those who voted in the affirmative were,

MESSRS.

Barksdale,	C. Erwin,	McNeill,
B. L. Beall,	Farrow,	Nye,
Bedford,	Guthrie,	Oglesby,
E. S. Bell,	Harris,	Orr,
Blalock,	Hill,	Paine,
J. Blount,	Hoke,	Patton,
W. A. Blount,	Holland,	Peden,
Boger,	Hollingsworth,	Pemberton,
Bond,	H. C. Jones,	Petty,
Boyden,	Keener,	Puryear,
Brittain,	Killian,	Proctor,
Brummell,	Lane,	K. Rayner,
J. P. Caldwell,	Larkins,	Reid,
G. W. Caldwell,	Lindsay,	Rush,
Carson,	Matthews,	Smith,
Clegg,	W. J. T. Miller,	Stafford,
Clement,	J. T. Miller,	D. Thomas,
Covington,	E. P. Miller,	G. Thomas,
Crawford,	Mills,	Tuton,
Doak,	Munday,	Waddell,
Dunlap,	McLaughlin,	Winston,
E. J. Erwin,	McLaurin,	Young, 66.

Those who voted in the negative were,

MESSRS.

Amis,	Gorham,	Stallings,
Baker,	Gwyther,	Stockard,
Barnes,	Gwynn,	Sullivan,
Braswell,	Hester,	Taylor,

Brogden,	Howerton,	Tomlinson,
Bryan,	Huggins,	Trollinger,
Cardwell,	Hyman,	Underwood,
Chambers,	Jarman,	Wadsworth,
Daniel,	R. Jones,	Walker,
Eaton,	McWilliams,	Wilcox,
Ellington,	McCleese,	J. Williams,
Faison,	J. R. Rayner,	S. A. Williams,
Foreman,	Robards,	W. P. Williams, 41.
Gilliam,	Sims,	

Mr. Nye moved that the said bill be now read the third time. The question thereon was decided in the affirmative—yeas 77—nays 33—two thirds of the House concurring.

Those who voted in the affirmative were,

MESSRS.

Barksdale,	Hester,	Orr,
B. L. Beall,	Hill,	Paine,
Bedford,	Hoke,	Patton,
Blalock,	Holland,	Peden,
J. Blount,	Hollingsworth,	Pemberton,
W. A. Blount,	Jarman,	Petty,
Boger,	H. C. Jones,	Puryear,
Boyden,	Keener,	Proctor,
Brittain,	Killian,	Rand,
Brummell,	Lane,	K. Rayner,
J. P. Caldwell,	Larkins,	J. R. Rayner,
G. W. Caldwell,	Lindsay,	Raid,
Carson,	Mangum,	Robards,
Clegg,	Massey,	Roebuck,
Clement,	Matthews,	Rush,
Covington,	W. J. T. Miller,	Smith,
Crawford,	J. T. Miller,	Stafford,
Doak,	E. P. Miller,	Sullivan,
Dunlap,	Mills,	D. Thomas,
E. J. Erwin,	Munday,	G. Thomas,
C. Erwin,	McCleese,	Tuton,
Farrow,	McLaughlin,	Underwood,
Foreman,	McLaurin,	Waddell,
Gilliam,	McNeill,	Winston,
Gwyther,	Nye,	Young, 77.
Harris,	Oglesby,	

Those who voted in the negative were,

MESSRS.

Amis,	Eaton,	Stallings,
Baker,	Ellington,	Stockard,
Barnes,	Faison,	Taylor,

E. S. Bell,	Gorham,	Tomlinson,
Bond,	Gwynn,	Trollinger,
Braswell,	Howerton,	Wadsworth,
Brogden,	Huggins,	Walker,
Bryan,	Hyman,	Wilcox,
Cardwell,	R. Jones,	J. Williams,
Chambers,	McWilliams,	S. A. Williams,
Daniel,	Sims,	W. P. Williams, 33.

Whereupon the said bill was read the third time. Mr. Gwyther moved to amend by striking out the words "three fifths" wherever they occur in the bill, and to insert "one half." Mr. Ellington called for a division of the question, and the first question being on striking out the words "three fifths," was determined in the negative—yeas 45—nays 64.

Those who voted in the affirmative were,

## MESSRS.

Amis, —	Gorham,	J. R. Rayner, —
Baker, —	Gwyther,	Robards,
Barnes, —	Gwynn, —	Roebuck, —
Bond, —	Hester, —	Sims, —
Braswell, —	Howerton, —	Stallings, —
Brogden, —	Huggins,	Stockard, —
Bryan, —	Hyman,	Taylor, —
Cardwell, —	Jarman, —	Tomlinson, —
Chambers, —	R. Jones, —	Trollinger, —
Daniel, —	Mangum, —	Underwood,
Eaton, —	Massey, —	Wadsworth,
Ellington,	McCleese,	Walker, —
Faison,	McWilliams,	Wilcox, —
Foreman,	Rand, —	J. Williams,
Gilliam,	K. Rayner,	S. A. Williams, 45.

Those who voted in the negative were,

## MESSRS.

Barksdale, —	Farrow,	Oglesby,
B. L. Beall,	Harris,	Orr, —
Bedford, —	Hill,	Paine,
E. S. Bell,	Hoke, —	Patton,
Blalock,	Holland, —	Peden,
J. Blount, —	Hollingsworth, —	Pemberton, —
W. A. Blount,	H. C. Jones,	Petty,
Boger, —	Keener,	Purveyar,
Boyden,	Killian, —	Proctor,
Brittain,	Lane,	Reid, —
Brummell,	Lindsay,	Rush,
J. P. Caldwell,	Matthews,	Smith,

21 D  
43 W

G. W. Caldwell,	W. J. T. Miller,	Stafford, —
Carson,	E. P. Miller,	Sullivan, —
Clegg,	J. T. Miller, —	D. Thomas,
Clement,	Mills,	G. Thomas,
Covington,	Munday, —	Tuton, —
Crawford,	McLaughlin,	Waddell,
Doak,	McLaurin,	W. P. Williams, —
Dunlap,	McNeill, —	Winston,
E. J. Erwin,	Nye, —	Young, 64.
C. Erwin, —		

So the House refused to strike out the words "three-fifths." Mr. Farrow moved to amend the bill by striking out the last section relating to a survey of Nagshead. The question thereon was determined in the negative—yeas 40—nays 69.

Those who voted in the affirmative, were,

MESSRS.

Amis,	Foreman,	Sims,
Baker,	Gorham,	Stockard,
Barnes,	Gwynn,	Sullivan,
W. A. Blount,	Hester,	Taylor,
Braswell,	Howerton,	G. Thomas,
Brogden,	Huggins,	Tomlinson,
Bryan,	Hyman,	Trollinger,
Cardwell,	Jarman,	Wadsworth,
Chambers,	R. Jones,	Walker,
Daniel,	Mangum,	Wilcox,
Eaton,	Massey,	J. Williams,
Ellington,	McCleese,	S. A. Williams,
Faison,	McWilliams,	W. P. Williams, 40.
Farrow,		

Those who voted in the negative were,

MESSRS.

Barksdale,	Gwyther	Orr,
B. L. Beall,	Harris,	Paine,
Bedford,	Hill,	Patton,
E. S. Bell,	Hoke,	Peden,
Blalock,	Holland,	Pemberton,
J. Blount,	Hollingsworth,	Petty,
Boger,	H. C. Jones,	Puryear,
Bond,	Keener,	Proctor,
Boyden,	Killian,	Rand,
Brittain,	Lane,	K. Rayner,
Brummell,	Larkins,	J. R. Rayner,
J. P. Caldwell,	Lindsay,	Reid,



G. W. Caldwell,	Matthews,	Robards,
Carson,	W. J. T. Miller,	Roebuck,
Clegg,	J. T. Miller,	Rush,
Clement,	E. P. Miller,	Smith,
Covington,	Mills,	Stafford
Crawford,	Munday,	Stallings,
Doak,	McLaughlin,	D. Thomas,
Dunlap,	McLaurin,	Tuton,
E. J. Erwin,	McNeill,	Waddell,
C. Erwin,	Nye,	Winston,
Gilliam,	Oglesby,	Young, 69.

Mr. Cardwell moved to amend the bill by adding the following section: "And be it further enacted, That the Treasurer of the State subscribe three-fifths of the stock necessary for the construction of a Rail Road from Henderson Depot, in the county of Granville, to some point on the Yadkin River near Salisbury; provided, that the other two-fifths be subscribed and paid by individuals, provided, the whole amount shall not exceed "one million of dollars." The question on the adoption of this amendment was decided in the negative—yeas 15—nays 89.

Those who voted in the affirmative were,

MESSRS.

Braswell,	Hester,	Stockard,
Cardwell,	Jarman,	D. Thomas,
Chambers,	Lindsay,	Tomlinson,
Covington,	Matthews,	Trollinger,
Gilliam,	Robards,	Walker, 17.
Gwynn,	Sims]	

Those who voted in the negative were,

MESSRS.

Baker,	Foreman,	Oglesby,
Barksdale,	Gorham,	Orr,
Barnes,	Gwyther,	Paine
B. L. Beall,	Harris,	Patton,
Bedford,	Hill,	Peden,
E. S. Bell,	Hoke,	Pemberton,
Blalock,	Holland,	Petty,
J. Blount,	Hollingsworth,	Puryear,
Wm. A. Blount,	Howerton,	Proctor,
Boger,	Huggins,	Rand,
Bond,	Hyman,	K. Rayner,
Boyden,	R. Jones,	J. R. Rayner,
Brittain,	H. C. Jones,	Reid,
Brogden,	Keener,	Roebuck,

Brummell,	Killian,	Rush,
Bryan,	Lane,	Smith,
J. P. Caldwell,	Larkins,	Stallings,
G. W. Caldwell,	Mangum,	Sullivan,
Carson,	Massey,	Taylor,
Clegg,	W. J. T. Miller,	G. Thomas,
Clement,	J. T. Miller,	Tuton,
Crawford,	E. P. Miller,	Underwood,
Daniel,	Mills,	Waddell,
Doak,	Munday,	Wadsworth,
Dunlap,	McCleese,	Wilcox,
Eaton,	McLaughlin,	S. A. Williams,
Ellington,	McLaurin,	W. P. Williams,
E. J. Erwin,	McWilliams,	Winston,
Faison,	McNeill,	Young, 89.
Farrow,	Nye,	

Mr. Ellington moved that the bill be indefinitely postponed. The question thereon was determined in the negative—yeas 42—nays 68.

Those who voted in the affirmative were,

MESSRS.

Amis,	Foreman,	Roebuck,
Baker,	Gilliam,	Sims,
Barnes,	Gorham,	Stallings,
Bond,	Gwyther,	Stockard,
Braswell,	Gwynn,	Taylor,
Brogden,	Hester,	Tomlinson,
Bryan,	Howerton,	Trollinger,
Cardwell,	Jarman,	Underwood,
Chambers,	R. Jones,	Walker,
Daniel,	Mangum,	Whitaker,
Eaton,	Massey,	Wilcox,
Ellington,	McCleese,	J. Williams,
Faison,	McWilliams,	W. P. Williams,
Farrow,	Rand,	S. A. Williams, 42.

Those who voted in the negative were,

MESSRS.

Barksdale,	Harris,	Oglesby,
B. L. Beall,	Hill,	Orr,
Bedford,	Hoke,	Paine,
E. S. Bell,	Holland,	Patton,
Blalock,	Hollingsworth,	Peden,
J. Blount,	Huggins,	Pemberton,
W. A. Blount,	Hyman,	Petty,
Boger,	H. C. Jones,	Puryear,
Boydén,	Keener,	Proctor,

Brittain,	Killian,	J. R. Rayner,
Brummell,	Lane,	Reid,
J. P. Caldwell,	Larkins,	Robards,
G. W. Caldwell,	Lindsay,	Rush,
Carson,	Matthews,	Smith,
Clegg,	W. J. T. Miller,	Stafford,
Clement,	J. T. Miller,	D. Thomas,
Covington,	E. P. Miller,	G. Thomas,
Crawford,	Mills,	Tuton,
Doak,	Munday,	Waddell,
Dunlap,	McLaughlin,	Wadsworth,
E. J. Erwin,	McLaurin,]	Winston,
C. Erwin,	McNeill,	Young, 68.
Guthrie,	Nye,	

Mr. E. S. Bell moved to amend the bill by adding the following:

*Be it further enacted,* That whenever it shall appear to the Board of Internal Improvement of this State by a certificate under the seal of the North Carolina Central Rail Road Company, signed by the Treasurer and countersigned by the President, that two fifths part of \$600,000 of the stock of said Central Rail Road Company have been subscribed for and taken, and that at least one fourth of said stock has been actually paid up into the hands of said Treasurer of said Company; the said Board of Internal Improvement shall be, and they are hereby authorised and required to subscribe on behalf of the State for stock of said Company to the amount of three-fifths of \$600,000, the capital stock of said company; and said subscription shall be paid in the following manner, to wit: The one fourth part as soon as said Company shall commence work, and one fourth part thereof every six months thereafter, until the whole subscription on behalf of the State shall be paid; provided, the Treasurer and President of said Company shall, before they receive the aforesaid instalments, satisfactorily assure the said Board of Internal Improvements by the certificates under the seal of said Company, that an equal proportion of the private subscription has been paid in in equal proportions to the stock subscribed by the State.

*Be it further enacted,* That in payment of the foregoing instalments the said Board are hereby authorised and empowered to draw on the State Treasury for any money not appropriated, except the Literary Fund.

*Be it further enacted,* That in case there should be no unappropriated monies at the time in the Treasury, then and

in that case the Board of Internal Improvements shall, and they are hereby authorised and empowered to borrow on credit of the State not exceeding three hundred and sixty thousand dollars, to carry out and pay the foregoing instalment.

*Be it further enacted,* That if, in the event it should be necessary to borrow the money aforesaid, the Treasurer of the State shall issue the necessary certificates, binding and pledging the State for the payment of said sum; which said certificates shall be under the control and negotiated by the said Board of Internal Improvement.

*Be it further enacted,* That the State shall have her number of Directors in said Company in proportion to the stock subscribed, which said Directors shall be appointed by the Governor, by and with the advice and consent of his Council, and be removed in like manner.

*And be it further enacted,* That said Rail Road Company shall have the privilege to construct the said Central Rail Road from or near the waters of Beaufort Harbor, the most convenient and practicable route to intersect with the Wilmington and Raleigh Rail Road, as the President and Directors of said Central Rail Road shall determine."

The question on the adoption of this amendment was determined in the negative—yeas 23—nays 85.

Those who voted in the affirmative were,

MESSRS.

E. S. Bell,	Huggins,	J. R. Rayner,
Bond,	Hyman,	Roebuck,
Braswell,	Jarman,	Sims,
Bryan,	Killian,	Wadsworth,
J. P. Caldwell,	Manum,	Walker,
Gorham,	McClense,	J. Williams,
Gwyther,	McWilliams,	Young, 23.
Gwynn,	Rand,	

Those who voted in the negative were,

MESSRS.

Amis,	Faison,	Paine,
Baker,	Farrow,	Patton,
Barksdale,	Foreman,	Peden,
Barnes,	Gilliam,	Pemberton,
B. L. Beall,	Guthrie,	Petty,
Bedford,	Harris,	Puryear,
Blalock,	Hester,	Proctor,
J. Blount,	Hoke,	K. Rayner,
W. A. Blount,	Holland,	Reid,

Boger	Hollingsworth,	Rush,
Boyden,	Howerton,	Smith,
Brittain,	H. C. Jones,	Stafford,
Brogden,	Keener,	Stallings,
Brummell,	Lane,	Stockard,
G. W. Caldwell,	Larkins,	Sullivan,
Cardwell,	Lindsay,	Taylor,
Carson,	Matthews,	D. Thomas,
Chambers,	W. J. T. Miller,	G. Thomas,
Clegg,	J. T. Miller,	Tomlinson,
Clement,	E. P. Miller,	Trollinger,
Covington,	Mills,	Tuton
Crawford,	Munday,	Underwood,
Daniel,	McLaughlin	Waddell,
Doak,	McLaurin,	Whitaker,
Dunlap,	McNeill,	Wilcox,
Eaton,	Nye,	W. P. Williams,
Ellington,	Oglesby,	S. A. Williams,
E. J. Erwin,	Orr,	Winston, 85.
C. Erwin,		

The question now being, shall the said bill pass the third reading? was determined in the affirmative—yeas 64—nays 48.

Those who voted in the affirmative were,

MESSRS.

Barksdale, —	Guthrie, ✓	Nye —
B. L. Beall, ✓	Harris, ✓	Oglesby, ✓
Bedford, —	Hill, ✓	Orr, —
E. S. Bell, ✓	Hoke, —	Paine, ✓
Blalock, ✓	Holland, —	Patton, ✓
J. Blount, —	Hollingsworth, —	Peden, ✓
W. A. Blount, ✓	H. C. Jones, ✓	Pemberton, —
Boger, —	Keener, ✓	Petty, ✓
Boyden, ✓	Killian, —	Purveyar, ✓
Brittain, ✓	Lane, ✓	Proctor, ✓
Brummell, ✓	Larkins, —	K. Rayner, ✓
J. P. Caldwell, ✓	Lindsay, ✓	Reid, —
G. W. Caldwell, —	Matthews, ✓	Rush, ✓
Carson, ✓	W. J. T. Miller, ✓	Smith, ✓
Clegg, ✓	J. T. Miller, —	Stafford, —
Clement, ✓	E. P. Miller, ✓	D. Thomas, ✓
Covington, ✓	Mills, ✓	G. Thomas, ✓
Crawford, ✓	Munday, —	Tuton, —
Doak, ✓	McLaughlin, ✓	Waddell, ✓
Dunlap, ✓	McLaurin, ✓	Winston, ✓
E. J. Erwin, ✓	McNeill, —	Young, 64. ✓
C. Erwin, —		

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 — = 20 D

Those who voted in the negative were,

MESSRS.

Amis,	Gorham, ✓	Roebuck,
Baker,	Gwyther, ✓	Sims,
Barnes,	Gwynn,	Stallings,
Bond, ✓	Hester,	Stockard,
Braswell,	Howerton,	Sullivan,
Brogden,	Huggins, ✓	Taylor,
Bryan,	Hyman, ✓	Tomlinson,
Cardwell,	Jarman,	Trollinger,
Chambers,	R. Jones	Underwood, ✓
Daniel,	Mangum,	Wadsworth, ✓
Eaton,	Massey,	Walker,
Ellington, ✓	McCleese, ✓	Whitaker,
Faison, ✓	McWilliams, ✓	Wilcox,
Farrow, ✓	Rand,	J. Williams, ✓
Foreman,	J. R. Rayner,	W. P. Williams,
Gilliam, ✓	Robards, ✓	S. A. Williams, 48.

*Ordered,* That said bill be enrolled.

On motion, leave of absence from the service of the House was granted to Mr. W. P. Williams after this day, to Mr. E. J. Erwin after to-morrow, to Messrs. McLaughlin, Trollinger and Barnes after Sunday, and to Messrs. Tuton, Hollingsworth and Tomlinson after Monday next for the residue of the session.

Mr. Peden moved that the House do re-consider their vote of yesterday, whereby was rejected the engrossed bill for the relief of the Raleigh and Gaston Rail Road Company. The House agreed to reconsider, and the question being on the passage of the bill as amended the second reading, was decided in the affirmative—yeas 53—nays 49.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Hester,	Patton,
Bedford,	Hill,	Peden,
Blalock,	Hoke,	Pemberton,
Boydén,	Howerton,	Purveyar,
Brummell,	H. C. Jones,	Proctor,
J. P. Caldwell,	Keener,	Rand,
Carson,	Lindsay,	K. Rayner,
Chambers,	Mangum,	Reid,
Clegg,	Massey,	Robards,
Clement,	Matthews,	Rush,
Covington,	Mills,	Stafford,
Crawford,	Munday,	D. Thomas,
Doak,	McLaughlin,	Trollinger,

Dunlap,	McLaurin,	Waddell,
E. J. Erwin,	McNeill,	W. P. Williams,
Gilliam,	Nye,	Winston,
Guthrie,	Oglesby,	Young, 53.
Harris,	Orr,	

Those who voted in the negative were,

MESSRS.

Amis,	Faison,	Roebuck;
Baker,	Farrow,	Sims,
Barksdale,	Foreman,	Stallings,
Barnes,	Gorham,	Stockard,
J. Blount,	Gwyther,	Sullivan,
W. A. Blount,	Gwynn,	Taylor,
Boger,	Holland,	G. Thomas,
Bond,	Huggins,	Tomlinson,
Braswell,	Hyman,	Tuton,
Brogden,	Jarman,	Underwood,
Bryan,	R. Jones,	Wadsworth,
G. W. Caldwell,	Killian,	Walker,
Cardwell,	Larkins,	Whitaker,
Daniel,	J. T. Miller,	Wilcox,
Eaton,	McCleese,	J. Williams,
Ellington,	J. R. Rayner,	S. A. Williams, 49.
C. Erwin,		

On motion, two thirds of the House concurring, the said bill was again read the third time, and the question, shall the said bill pass the third reading? was determined in the affirmative—yeas 54—nays 52.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall, ✓	Harris, ✓	Patton, ✓
Bedford,	Hester,	Peden, ✓
E. S. Bell, ✓	Hill, ✓	Pemberton, ✓
Blalock, ✓	Hoke,	Petty, ✓
Boyden, ✓	Howerton,	Puryear, ✓
Brittain, ✓	H. C. Jones, ✓	Proctor, ✓
Brummell, ✓	Keener, ✓	Rand,
J. P. Caldwell,	Lindsay,	K. Rayner, ✓
Carson, ✓	Mangum,	Reid,
Chambers,	Massey,	Robards, ✓
Clegg, ✓	Matthews, ✓	Rush, ✓
Covington, ✓	Mills, ✓	Stafford,
Crawford, ✓	McLaughlin, ✓	D. Thomas, ✓
Doak, ✓	McLaurin, ✓	Trollinger,
Dunlap, ✓	McNeill,	Waddell, ✓
E. J. Erwin, ✓	Nye,	W. P. Williams,
Gilliam, ✓	Oglesby, ✓	Winston, ✓
Guthrie, ] ✓	Orr,	Young, 54. ✓

Those who voted in the negative were,

## MESSRS.

Amis, —	Foreman,	J. R. Rayner, —
Baker, —	Gorham,	Roebuck, —
Barksdale, —	Gwyther,	Sims, —
J. Blount, —	Gwynn, —	Stallings, —
W. A. Blount,	Holland, —	Stockard, —
Boger, —	Hollingsworth, —	Sullivan, —
Bond,	Huggius,	Taylor, —
Braswell, —	Hyman,	G. Thomas,
Brogden, —	Jarman, —	Tomlinson, —
Bryan,	R. Jones, —	Underwood,
G. W. Caldwell,	Killian, —	Wadsworth,
Cardwell,	Larkins, —	Walker, —
Daniel, —	W. J. T. Miller,	Whitaker, —
Eaton, —	J. T. Miller, —	Wilcox, —
Ellington,	E. P. Miller,	J. Williams,
C. Erwin, —	Munday, —	Barnes, —
Faison,	McCleese,	S. A. Williams, —
Farrow,		

*Ordered,* That the concurrence of the Senate be asked in the amendment.

In pursuance of notice heretofore given, Mr. Crawford moved that the 31st Rule of Order be rescinded for the balance of the session. The motion prevailed.

The House then adjourned until

3 o'clock, P. M.

Mr. W. A. Blount introduced a bill to amend the act of the General Assembly of 1836, entitled an act to incorporate the North Carolina Central Rail Road Company. Mr. Stallings moved that said bill be rejected. The question thereon was decided in the negative—yeas 49—nays 50.

Those who voted in the affirmative, were,

## MESSRS.

Amis,	Gilliam,	Sims,
Baker,	Gwynn,	Stallings,
Barnes,	Hester,	Stockard,
J. Blount,	Hollingsworth,	Sullivan,
Boger,	Howerton,	Taylor,
Bond,	Jarman,	D. Thomas,
Braswell,	Larkins,	G. Thomas,
Brogden,	Mangum,	Tomlinson,
Bryan,	Massey,	Trollinger,
G. W. Caldwell,	J. T. Miller,	Tuton,
Cardwell,	E. P. Miller,	Underwood,



Chambers,	McCleese,	Walker,
Daniel,	McNeill,	Whitaker,
Eaton,	Orr,	Wilcox,
Ellington,	J. R. Rayner,	J. Williams,
Farrow,	Rush,	S. A. Williams, 49.
Foreman,		

Those who voted in the negative were,

## MESSRS.

B. L. Beall,	C. Erwin,	McLaurin,
Bedford,	Gorham,	McWilliams,
E. S. Bell,	Guthrie,	Nye,
Blalock,	Gwyther,	Paine,
W. A. Blount,	Harris,	Patton,
Boyden,	Hill,	Peden,
Brittain,	Hoke,	Pemberton,
Brummell,	Holland,	Petty,
J. P. Caldwell,	Huggins,	Purveyar,
Carson,	Hyman,	Proctor,
Clegg,	R. Jones,	K. Rayner,
Clement,	Killian,	Reid,
Covington,	Lindsay,	Waddell,
Crawford,	Matthews,	Wadsworth,
Doak,	Mills,	Winston,
Dunlap,	Munday,	Young, 50.
E. J. Erwin,	McLaughlin,	

Whereupon, the said bill was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution relating to the Wilmington and Raleigh Rail Road, and asking the concurrence of this House. The said resolution was read the first and second times, amended, on motion of Mr. Robards, and passed. On motion, two thirds of the House concurring, the said resolution was again read the third time, and the question, shall the said bill pass the third reading, was determined in the affirmative—yeas 60—nays 47.

Those who voted in the affirmative were,

## MESSRS.

B. L. Beall,	Holland, —	Oglesby,
Bedford, —	Hellingsworth, —	Paine,
E. S. Bell,	Huggins,	Patton,
Blalock,	Hyman,	Peden,
Bond, —	Jarman, —	Pemberton, —
Boyden,	H. C. Jones,	Petty,
Brittain,	Keener,	Purveyar,

Brummell,	Killian, —	K. Rayner,
J. P. Caldwell.	Lane,	Reid, —
Carson,	Larkins, —	Robards,
Clegg,	Lindsay,	Rush,
Covington,	Matthews,	Siler, —
Crawford,	W. J. T. Miller,	Smith,
Doak,	J. T. Miller, —	Stafford, —
Dunlap,	E. P. Miller,	Sullivan, —
E. J. Erwin,	Mills,	G. Thomas,
C. Erwin, —	McLaughlin,	Underwood,
Guthrie,	McLaurin,	Waddell,
Hill,	McNeill, —	Wadsworth,
Hoke, —	Nye, —	Winston, 60.

Those who voted in the negative were,

MESSRS.

Amis, —	Farrow,	Proctor,
Baker, —	Foreman,	Rand, —
Barnes, —	Gilliam,	J. R. Rayner, —
J. Blount, —	Gorham,	Roebuck, —
W. A. Blount,	Gwyther,	Sims, —
Boger, —	Gwynn, —	Stallings, —
Braswell, —	Harris,	Stockard, —
Brogden,	Hester, —	Taylor, —
G. W. Caldwell,	Howerton, —	D. Thomas,
Cardwell, —	R. Jones, —	Tomlinson, —
Chambers, —	Mangum, —	Trollinger, —
Clement,	Massey, —	Walker, —
Daniel, —	Munday, —	Wilcox, —
Eaton, —	McCleese,	J. Williams, —
Ellington,	McWilliams, —	S. A. Williams, 47.
Faison,	Orr, —	

*Ordered,* That the concurrence of the Senate be asked in the amendment.

Mr. Hill, from the Committee on Internal Improvements, reported a resolution in favor of the Finance Committee of Ashe county. The said resolution was read, and on motion of Mr. Wilcox, indefinitely postponed. On motion of Mr. Peden, *Ordered,* That he have leave to withdraw from the files of the House the petition and documents accompanying.

Mr. K. Rayner, from the Committee on Claims, reported without amendment the engrossed resolution in favor of the Roanoke Navigation Company; when the same was read, and on motion of Mr. Eaton, laid on the table.

The bill for amending the several acts heretofore passed in relation to the burning the Court House and records of Hertford county; and the bill relating to clearing out Rock-

fish creek, in the county of Duplin, were each read the second and third times, passed, and ordered to be engrossed.

Mr. W. A. Blount introduced a resolution appropriating one thousand dollars for the construction of a canal connecting Goose Creek, in Beaufort county, with Jones's Bay. Said resolution was read the first time and rejected.

Mr. Winston, from the Committee on the Judiciary, to whom was referred the report of the Commissioners on the Revised Statutes, reported sundry bills to supply omissions and correct errors in said work, of which the following; viz: A bill prohibiting marriages between free persons of color and white persons; a bill to amend the fifth section of one of the Revised Statutes, passed at the session of 1836, entitled an act concerning the action of replevin; a bill to amend and explain the 86th section of an act passed in 1836, entitled an act concerning crimes and punishments; a bill to amend an act passed at the session of 1836, entitled an act authorising attachments to issue for the recovery of debts, and directing the proceedings therein; a bill concerning the appointment of Clerks of the Superior Courts; and a bill concerning sales by sheriffs or coroners under executions, were each read the first time and passed. And the following bills reported by Mr. Winston, from the same Committee, at the same time, viz: A bill to prevent free persons from gambling with slaves; a bill concerning stills; and a bill concerning the crime of perjury and the forms of indictment therefor, were each read three times, passed, and ordered to be engrossed.

A message from the Senate, proposing to vote immediately for Colonel and Lieutenant Colonel of Cavalry attached to the third brigade of militia, and informing that Charles Henry, of New Hanover, is nominated for Colonel, and Christopher D. Hill, of Duplin, for Lieut. Colonel. The proposition was agreed to.

The House then adjourned until to-morrow morning ten o'clock.

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SATURDAY, JAN. 5, 1839.

Mr. Lindsay introduced a resolution for a Turnpike Road from Raleigh by Hillsborough to Greensborough; which was read, and on Mr. Lindsay's motion, laid on the table.

A message from the Senate, informing that Messrs. Speed, Montgomery, and Bunting form on the part of the Senate the Committee of Conference on the disagreement of the two Houses on the amendments to the bill concerning quarantine.

Mr. Paine introduced the following Resolutions:

*Resolved*, That our Senators and Representatives in Congress be requested to use their exertions in procuring from the General Government an appropriation for opening an inlet at or near Nagshead, on the coast of North Carolina.

*Resolved*, That the Governor of the State be requested to forward as early as convenient copies of the foregoing Resolution to each of our Senators and Representatives in Congress.

The said Resolutions were read and adopted, and ordered to be engrossed.

Mr. Gilliam, from the Select Committee on the subject, reported a resolution relating to a Lunatic Asylum; which was read and adopted, and ordered to be engrossed.

Mr. Nye presented a petition from citizens of the county of Ashe, praying a donation of land for the erection of a School House thereon. The petition was read and referred to the Committee on Claims.

A message from the Senate, informing that they do not concur in the amendments made by the House of Commons to the engrossed bill, entitled a bill limiting the time in which titles to lands heretofore entered and paid for may be perfected. On motion of Mr. Cardwell, *Ordered*, That this House do recede from their said amendments.

Received from the Senate a message, informing that they had passed the following engrossed bills and Resolutions, viz: A bill to amend an act, entitled an act to incorporate the Fayetteville and Yadkin Rail Road; a bill to divide the counties into School Districts and for other purposes; a bill to amend an act passed at the present session, relating to the registering of grants, deeds, &c.; a bill to incorporate the North Carolina Mutual Insurance Company; and a resolution making compensation to the Comptroller; and a resolution in favor of Wm. H. Haywood, Jr. and asking the concurrence of this House. The said bills and resolutions were read the first time and passed.

Received from the Senate a message, informing that they had adopted the following resolution, viz:

*Resolved*, That the Resolutions passed by this General Assembly and transmitted to our Senators in Congress, are sufficiently plain and intelligible to be comprehended by any one desirous of

understanding them; that we believe the communication of our Senators anticipating the reception of said resolutions and making inquiry as to their meaning, is not in good faith; and that it would be inconsistent with the self-respect of this General Assembly to make any reply to it.

And asking the concurrence of this House.

The said Resolution was read, and the question on the adoption of the same was decided in the affirmative—yeas 59—nays 44.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Gilliam,	Paine,
E. S. Bell,	Gorham,	Patton,
Blalock,	Guthrie,	Peden,
W. A. Blount,	Gwyther,	Pemberton,
Bond,	Harris,	Petty,
Boyden,	Hill,	Puryear,
Brittain,	Huggins,	Proctor,
Brummell,	Hyman,	K. Rayner,
J. P. Caldwell,	H. C. Jones,	Robards,
Carson,	Keener,	Rush,
Clegg,	Lane,	Smith,
Clement,	Lindsay,	D. Thomas,
Covington,	Matthews,	G. Thomas,
Crawford,	W. J. T. Miller,	Underwood,
Doak,	E. P. Miller,	Waddell,
Dunlap,	Mills,	Wadsworth,
Ellington,	McCleese,	J. Williams,
Faison,	McLaurin,	Winston,
Farrow,	McWilliams,	Young, 59.
Foreman,	Oglesby,	

Those who voted in the negative were,

MESSRS.

Amis,	Hester,	Raid,
Baker,	Holland,	Roebuck,
Barnes,	Howerton,	Sims,
Bedford,	R. Jones,	Stafford,
Boger,	Killian,	Stallings,
Braswell,	Larkins,	Stockard,
Brogden,	Mangum,	Sullivan,
Bryan,	Massey,	Taylor,
G. W. Caldwell,	J. T. Miller,	Tomlinson,
Cardwell,	Munday,	Trollinger,
Chambers,	McNeill,	Walker,
Daniel,	Nye,	Whitaker,
Eaton,	Orr,	Wilcox,
C. Erwin,	Rand,	S. A. Williams, 44.
Gwynn,	J. R. Rayner,	

Mr. Cardwell moved that the communication of the Senators above referred to, be entered at length on the Journal of this House. The question on this motion was determined in the negative—yeas 46—nays 56.

Those who voted in the affirmative were,

## MESSRS.

Amis,	Gwynn,	J. R. Rayner,
Baker,	Hester,	Reid,
Barnes,	Holland,	Roebuck,
Bedford,	Howerton,	Sims,
Boger,	R. Jones	Stafford,
Braswell,	Killian,	Stallings,
Brogden,	Larkins,	Stockard,
Bryan,	Mangum,	Sullivan,
G. W. Caldwell,	Massey,	Taylor,
Cardwell,	J. T. Miller,	Tomlinson,
Chambers,	Munday,	Trollinger,
Crawford,	McNeill,	Walker,
Daniel,	Nye,	Whitaker,
Eaton,	Orr,	Wilcox,
C. Erwin,	Rand,	S. A. Williams, 46.
Faison,		

Those who voted in the negative were,

## MESSRS.

B. L. Beall,	Gorham,	Paine,
E. S. Bell,	Guthrie,	Patton,
Blalock,	Harris,	Peden,
W. A. Blount,	Hill,	Pemberton,
Bond,	Huggins,	Petty,
Boyden,	Hyman,	Proctor,
Brittain,	H. C. Jones,	K. Rayner,
Brummell,	Keener,	Robards,
J. P. Caldwell,	Lane,	Rush,
Carson,	Lindsay,	Smith,
Clegg,	Matthews,	D. Thomas,
Clement,	W. J. T. Miller,	G. Thomas,
Covington,	E. P. Miller,	Underwood,
Doak,	Mills,	Waddell,
Dunlap,	McCleese,	Wadsworth,
Ellington,	McLaughlin,	J. Williams,
Farrow,	McLaurin,	Winston,
Foreman,	McWilliams,	Young, 56.
Gilliam,	Oglesby,	

A message from the Senate, informing that they had passed the engrossed resolution relating to the Wilmington and Raleigh Rail Road, and asking the concurrence of this

House. The said resolution was read three times, passed, and ordered to be enrolled.

A message from the Senate, informing that they concur in the amendments made by the House of Commons to the engrossed bill for the relief of the Raleigh and Gaston Rail Road. *Ordered*, That said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz: A bill to appoint a patrol in Cumberland county; a bill authorising the making a Turnpike Road in Haywood county; and a resolution in favor of the Door Keepers, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

Mr. Reid presented the following Resolution:

*Resolved*, That a message be sent to the Senate, proposing that the joint resolution to adjourn sine die, on Monday the 7th inst, be rescinded, and that the two Houses adjourn sine die on Wednesday the 9th inst.

Mr. Cardwell moved that said Resolution lie on the table. The question on this motion was decided in the negative—yeas 44—nays 56.

Those who voted in the affirmative were,

MESSRS.

Amis,	Farrow,	J. R. Rayner,
Baker,	Foreman,	Roebuck,
Barnes,	Gwynn,	Sims,
W. A. Blount,	Harris,	Stallings,
Braswell,	Hester,	Stockard,
Brogden,	Holland,	Taylor,
Bryan,	Howerton,	Tomlinson,
G. W. Caldwell,	R. Jones,	Trollinger,
Cardwell,	Killian,	Underwood,
Chambers,	Larkins,	Walker,
Daniel,	J. T. Miller,	Whitaker,
Eaton,	E. P. Miller,	Wilcox,
Ellington,	McCleese,	J. Williams,
C. Erwin,	McWilliams,	S. A. Williams, 44.
Faison,	Orr,	

Those who voted in the negative were,

MESSRS.

B. L. Beall,	Gwyther,	Peden,
Bedford,	Hill,	Pemberton,
E. S. Bell,	Huggins,	Petty,
Blalock,	Hyman,	Puryear,
Boger,	H. C. Jones,	Proctor,
Bond,	Keener,	Rand,

Boyden,	Lane,	K. Rayner,
Brittain,	Lindsay,	Reid,
Brummell	Mangum,	Robards,
J. P. Caldwell,	Massey,	Rush,
Carson,	Matthews,	Siler,
Clegg,	Mills,	Smith,
Covington,	Munday,	D. Thomas,
Crawford,	McLaurin,	G. Thomas,
Doak,	McNeill,	Waddell,
Dunlap,	Nye,	Wadsworth,
Gilliam,	Oglesby,	Winston,
Gorham,	Paine,	Young, 56.
Guthrie,	Patton,	

On motion of Mr. Amis, said Resolution was amended by striking out Wednesday and inserting Tuesday. Mr. Winston moved further to amend said resolution by adding the following: "Resolved, That no new bills or resolutions shall be introduced after this day." The motion prevailed, and as thus amended, the resolution was adopted and ordered to be sent to the Senate for concurrence.

The resignation of George Albright, a Justice of the Peace of the county of Guilford, was read and accepted.

The House took up for consideration the bill for the establishment of Common Schools, and resolved itself into a Committee of the Whole, Mr. J. P. Caldwell in the Chair, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the said bill with sundry amendments. The amendments were concurred in, and the bill as amended, read the second time and passed.

The engrossed bill to divide the counties into School Districts and for other purposes, was taken up and amended by striking out the whole thereof after the enacting clause and inserting the various sections of the bill, entitled a bill for the establishment of Common Schools; when the said bill was read the second time and passed.

The House then adjourned until

3 o'clock, P. M.

Mr. Gilliam introduced the following Resolution:

*Resolved* That the Secretary of State be directed to have printed a Report on Elementary Public Instruction in Europe, by G. E. Stowe, ten copies for the use of each member of the General Assembly; and that the same be distributed with the Acts and Journals of this session.

The said resolution was read and adopted, and ordered to be engrossed.



The engrossed resolution in favor of William H. Haywood, jr. was read the second and third time, passed, and ordered to be enrolled.

The bill for the establishment of Common Schools, was read the third time and passed. *Ordered*, That the concurrence of the Senate be asked in said amendment.

Mr. K. Rayner from the Committee on Claims, reported unfavorably on the memorial of the Commissioners of the town of Wilmington, asking to be reimbursed in certain expenditures made during the last war, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. K. Rayner, from the same Committee, reported a resolution in favor of William Harbinson, of Lincoln county; when the same was read the first, second and third times, passed, and ordered to be engrossed.

The bill concerning infant children whose parents shall be divorced, was read the third time, passed, and ordered to be engrossed.

Mr. B. L. Beall introduced a bill concerning company musters in the lower regiment of Davidson county; which was read the first time and passed.

The engrossed bill making an appropriation for carrying on and completing the Capitol of the State and for other purposes, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to give effect to the Revised Statutes, as the same have been published by the Commissioner appointed for that purpose; and the engrossed bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas, and Process, so as to alter the time of holding the County Courts of Person county and for other purposes, were each read the third time, passed, and ordered to be enrolled.

The bill prescribing the mode of an additional survey and sale of the Cherokee Lands in this State, was read the third time, passed, and ordered to be engrossed.

The bill concerning the public revenue of this State, was read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to authorise the laying off and establishing a Turnpike Road from Cove Creek, in Rutherford county, to Thomas Foster's, in Buncombe county, with

sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

The bill providing for the appointment of a County Trustee and Treasurer of Public Buildings in the County of Columbus, was read the second and third time, passed, and ordered to be engrossed.

On motion, leave of absence from the service of the House, from and after to-day, was granted to Messrs. Faison and Gwyther; to Messrs. G. W. Caldwell and Bryan after to-morrow; & to Messrs. McWilliams, Munday, Killian, Carson, Farrow, W. J. T. Miller, E. P. Miller, Mills, Bedford, and Puryear after Monday next, for the remainder of the session.

The bill to incorporate the Highwassee Turnpike Company, was read the second and third times, passed, and ordered to be engrossed.

Mr. Nye presented a petition from sundry citizens of Ashe county, praying a division of the militia of said county into two regiments. *Ordered*, That the petition lie on the table.

The engrossed bill to amend the revenue laws of this State, was read the second and third times, passed, and ordered to be enrolled.

The bill making compensation to the jurors of the county of Columbus, was read the second and third times, passed, and ordered to be engrossed.

The bill supplemental to the act erecting the county of Cherokee, was read the second and third times, passed, and ordered to be engrossed.

The House then adjourned until Monday morning six o'clock.

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MONDAY, JAN. 7, 1839.

Messrs. Waddell, Braswell, Wadsworth, and Paine were appointed a Committee on Enrolled Bills the present week on behalf of this House.

A message from the Senate, informing that they had passed the following engrossed bill and resolutions, to wit: A bill supplemental to an act passed at the present General Assembly, entitled an act to amend an act, entitled an act incorporating the Fayetteville and Western Rail Road Company; a resolution relating to the subject of Penitentiaries; and a resolution requiring the Board of Internal Improvements to cause a survey for a Rail Road to be made from

Salem, or the Cross Roads, in Stokes county, to the Fayetteville and Western Rail Road, and asking the concurrence of this House. The said bills and last named resolution were each read the first time and passed, and the first named resolution read and adopted, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to establish Clemmonsville Academy, in the county of Davidson and to appoint Trustees thereof, with an amendment; and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Buncombe Warm Spring Company, with an amendment; and asking the concurrence of this House. The said amendment was read and concurred in.

A message from the Senate, informing that Messrs. Moore, Montgomery, Moye, and Williams, of Person, form their branch of the Committee on Enrolled Bills the present week.

A message from the Senate, informing that they had passed the engrossed resolution requiring the Board of Internal Improvement to cause a survey of a Rail Road to be made from Greensborough to the Fayetteville and Western Rail Road; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills: A bill relating to the public road in Buncombe county; a bill authorising sheriffs and coroners to make deeds in certain cases; a bill to prevent frauds in voting at elections; a bill to amend the 58th section of the Revised Statutes, entitled Insolvent Debtors; and a bill to amend an act of the Revised Statutes, chapter 12, entitled bastard children; and asking the concurrence of this House. The said bills were read the first time and passed.

The bill to cut a canal from Lockwood's, Folly River, in the county of Brunswick, to the Cape Fear, was read the second time, and on motion of Mr. Cardwell, postponed indefinitely.

The engrossed bill supplemental to an act passed at the present session, entitled an act to amend an act, entitled an act incorporating the Fayetteville and Western Rail Road Company, was read the second time. Mr. Gilliam moved that the bill be amended by striking out the fourth section. The question thereon was determined in the negative. Mr.

Cardwell offered the following amendment: "Be it further enacted, That if the whole stock shall not be subscribed and secured on the part of individual stockholders, and the work be commenced within two years, then the act granting the charter shall be null and void." The question on this amendment was decided in the negative—yeas 37—nays 43.

Those who voted in the affirmative were,

MESSRS.

Amis,	Gorham,	McWilliams,
Barnes,	Guthrie,	Proctor,
B. L. Beall,	Gwynn,	K. Rayner,
W. A. Blount,	Hester,	Roebuck,
Braswell,	Howerton,	Stallings,
Brogden,	Huggins,	Stockard,
Cardwell,	Hyman,	Taylor,
Chambers,	Larkins,	D. Thomas,
Clegg,	Lindsay,	Wadsworth,
Doak,	Mangum,	Walker,
Eaton,	Massey,	Wilcox,
Foreman,	McCleese,	J. Williams, 37.
Gilliam,		

Those who voted in the negative were,

MESSRS.

Blalock,	Holland,	Patton,
Boger	H. C. Jones,	Peden,
Boyden,	Keener,	Pemberton,
Brittain,	Lane,	Petty,
Brummell,	Matthews,	Puryear,
J. P. Caldwell,	J. T. Miller,	Reid,
Carson,	E. P. Miller,	Robards,
Clement,	Mills,	Rush,
Covington,	McLaurin,	Smith,
Crawford,	McNeill,	Stafford,
Dunlap,	Nye,	G. Thomas,
C. Erwin,	Oglesby,	Waddell,
Farrow,	Orr,	Winston,
Harris,	Paine,	Young, 43.
Hill,		

Mr. Winston offered the following amendment:

Be it further enacted, That unless two-fifths of the capital stock of the said corporation shall be taken by individuals within four years and the road begun to be constructed within that time, the State's subscription to said road shall be null and void.

This amendment prevailed; and the question, shall the said bill pass the second reading? was determined in the af-

firmative. The said bill was thereupon read the third time and passed. *Ordered*, That the concurrence of the Senate be asked in the amendment.

The House then adjourned until ten o'clock this day.

10 O'CLOCK, A. M.

On motion of Mr. Lane,

*Resolved*, That a message be sent to the Senate, proposing that the joint resolution to adjourn this day be rescinded, and proposing that both Houses adjourn to-morrow—on which day no business shall be done other than the ratification of enrolled bills.

On motion, Messrs. Underwood and Petty obtained leave of absence after this day for the remainder of the session.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Weldon Rail Road Company, and asking the concurrence of this House. The said bill was read the first, second, and third times, two thirds of the House concurring, passed, and ordered to be enrolled.

The bill to explain and amend the 86th section of an act passed at the session of 1836, one of the Revised Statutes, entitled an act concerning crimes and punishments, was read the third time, passed, and ordered to be engrossed.

The bill to divide the first wreck district in Carteret county into two districts and to appoint an additional commissioner of wrecks; the bill to amend the 16th section of an act, (Revised Statutes,) concerning the militia so far as relates to the county of Jones; and the bill to incorporate the Weldon Manufacturing Company, were severally read the third time, passed, and ordered to be engrossed.

The engrossed bill concerning weights and measures, adopted by a resolution of Congress as standards throughout the United States; and the engrossed resolution in favor of the Door Keepers, were each read the second and third times, passed, and ordered to be enrolled.

The bill to incorporate the Trustees of the Randolph Female Academy, in Randolph county, was read the second and third times, passed, and ordered to be engrossed.

The bill to amend the act of Assembly of 1831, entitled an act to prevent obstructions to the passage of fish up Trent River and for other purposes; and the bill imposing additional duties upon the Lieutenant Colonels and Majors of the militia of this State, were each read the second time, and on motion of Mr. Paine, indefinitely postponed.

The bill to prevent obstructions to the passage of fish up

the Pedee and Main Yadkin Rivers, was read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they do not concur in the amendments made by the House of Commons to the Senate's "bill to divide the counties into school districts and for other purposes." On motion, *Ordered*, That the Senate be informed that the House do insist on their said amendments, and ask a Committee of Conference on the disagreement of the two Houses thereon.

The engrossed bill authorising the Chairman of the County Courts to accept of the resignation of certain officers therein named, was read, and on motion of Mr. Winston, indefinitely postponed.

A message from the Senate, concurring in the proposition of this House that a Committee of Conference be appointed on the disagreement of the two Houses in the amendments to the Senate's bill to divide the counties into School Districts, and informing that Messrs. Cherry, Shepard, and Moore form said Committee on their part. *Ordered*, That Messrs. Boyden, Hill, and Gilliam form said Committee on behalf of the Commons.

The bill to incorporate the President and Directors of the Randolph Manufacturing Company, was read the second and third time, passed, and ordered to be engrossed.

A message from the Senate, informing that they have passed the engrossed "Resolutions on Public Instruction," with sundry amendments, and asking the concurrence of this House. The amendments were read and concurred in, with an additional amendment superadded, in which the concurrence of the Senate is asked.

The bill to incorporate the Yadkin and Columbia Rail Road Company; and the resolution making appropriations for the Capitol, were each read and laid on the table.

A message from the Senate, concurring in the amendment to the engrossed bill, entitled a bill supplemental to an act passed at the present session, entitled an act to amend an act, entitled an act to incorporate the Fayetteville and Western Rail Road. *Ordered*, That said bill be enrolled.

The bill to incorporate the town of Mocksville, in Davie county; and the bill to authorise A. R. S. Hunter to move the bridge by him built across Highwassee River, were each read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to amend the 27th section of an act,

entitled an act concerning Courts of Justice, Practice, Pleas and Process, was read the second and third times, passed, and ordered to be enrolled.

The bill to appoint Commissioners to alter and amend a part of the State Road in Cherokee county, was read the second and third times, passed, and ordered to be engrossed.

The bill prohibiting marriages between free persons of color and white persons was read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, concurring in the amendments made by this House to the engrossed Resolution on Public Instruction.

A message from the Senate, concurring in the proposition of this House, that this General Assembly adjourn sine die on to-morrow.

On motion of Mr. H. C. Jones,

*Ordered*, That a message be sent to the Senate, proposing that the Principal Clerks of the two Houses be authorised to employ three additional Engrossing Clerks for the residue of the session.

The bill to amend an act, entitled an act concerning the action of replevin, was read the second and third times, amended and passed and ordered to be engrossed.

The bill to amend an act passed at the session of 1836, entitled an act authorising attachments to issue for the recovery of debts, and directing the proceedings therein, was read the second and third times, passed, and ordered to be engrossed.

The bill concerning the appointment of Clerks of the Superior Courts was read the second and third times, passed, and ordered to be engrossed.

Mr. Winston, from the Committee of Conference on the disagreeing votes of the two Houses on the engrossed bill to prevent the spreading of the small pox, reported that the Committee were not able to agree upon the subject matter referred. Whereupon, *Ordered*, That this House do adhere to their said amendments to said bill.

The bill concerning sales by sheriffs or coroners under executions, was read, and on motion of Mr. Winston, indefinitely postponed.

The engrossed bill authorising sheriffs and coroners to make deeds in certain cases, was read the second and third times, passed, and ordered to be enrolled.

The engrossed resolutions making compensation to the

Comptroller and Treasurer were read the second time. Mr. Crawford moved to amend the first resolution relating to the Comptroller, by striking out the words six hundred and fifty dollars, and inserting three hundred dollars. Mr. Holland called for a division of the question; and the first question being on striking out, was decided in the affirmative—yeas 37—nays 31.

Those who voted in the affirmative were,

MESSRS.

Barnes,	Hester,	Rand,
B. L. Beall,	Holland,	J. R. Rayner,
Braswell,	R. Jones	Roebuck,
Brogden,	Mangum,	Stafford,
Cardwell,	Massey,	Stallings,
Chambers,	Matthews,	Stockard,
Clement,	Nye	Taylor,
Crawford,	Oglesby,	G. Thomas,
Daniel,	Orr,	Tomlinson,
Eaton,	Patton,	Walker,
Ellington,	Peden,	J. Williams,
C. Erwin,	Wilcox,	S. A. Williams, 37.
Gwynn,		

Those who voted in the negative were,

MESSRS.

Blalock,	Guthrie,	K. Rayner,
W. A. Blount,	Huggins,	Reid,
Boger,	Hyman,	Robards,
Bond,	H. C. Jones,	Rush,
Brittain,	Keener,	Siler,
Brummell,	Lane,	D. Thomas,
J. P. Caldwell,	J. T. Miller,	Waddell,
Clegg,	McLaurin,	Wadsworth,
Covington,	McNeill,	Winston,
Doak,	Paine,	Young, 31.
Foreman,		

The question on the second branch of the motion, viz: on inserting the words three hundred dollars, was decided in the negative. Mr. J. P. Caldwell moved to fill the blank with the words four hundred dollars. The question thereon was decided in the affirmative—yeas 49—nays 23.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Harris,	Peden,
Blalock,	Hester,	J. R. Rayner,
Boger,	Holland,	K. Rayner,



Bond,	Huggins,	Reid,
Brittain,	Hyman,	Robards,
Brummell,	H. C. Jones,	Rush,
J. P. Caldwell,	Keener,	Siler,
Cardwell,	Lane,	Smith,
Clegg,	Mangum,	Stafford,
Covington,	Matthews,	D. Thomas,
Doak,	J. T. Miller,	G. Thomas,
Eaton,	McLaurin,	Waddell,
C. Erwin,	McNeill,	Wadsworth,
Foreman,	Oglesby,	J. Williams,
Gorham,	Paine,	Winston,
Guthrie,	Patton,	Young, 49.
Gwynn,		

Those who voted in the negative were,

MESSRS.

Barnes,	Ellington,	Stallings,
E. S. Bell,	R. Jones,	Stockard,
W. A. Blount,	Lindsay,	Taylor,
Braswell,	Matthews,	Tomlinson,
Brogden,	Nye,	Walker,
Chambers,	Orr,	Wilcox,
Clement,	Rand,	S. A. Williams, 23.
Crawford,	Roebuck,	

On motion of Mr. Winston, the second resolution was amended by striking out the words per annum. *Ordered*, That the vote be taken on the resolutions separately. The question on the adoption of the first Resolution as amended, was decided in the affirmative—yeas 57—nays 17.

Those who voted in the affirmative, were,

MESSRS.

B. L. Beall,	Holland,	Pemberton,
Blalock,	Howerton,	Proctor,
W. A. Blount,	Huggins,	J. R. Rayner,
Boger,	Hyman,	K. Rayner,
Bond,	R. Jones,	Reid,
Braswell,	H. C. Jones,	Robards,
Brittain,	Keener,	Rush,
Brummell,	Lane,	Siler,
J. P. Caldwell,	Lindsay,	Stafford,
Cardwell,	Mangum,	D. Thomas,
Clegg,	Matthews,	G. Thomas,
Covington,	J. T. Miller,	Waddell,
Doak,	McLaurin,	Wadsworth,
Eaton,	McNeill,	Walker,
Foreman,	Oglesby,	J. Williams,

Gorham,	Orr,	Winston,
Guthrie,	Paine,	Hester,
Gwynn,	Patton,	Nye,
Harris,	Peden,	Young, 57.

Those who voted in the negative were,

MESSRS.

Barnes,	Ellington,	Taylor,
Brogden,	Massey,	Tomlinson,
Chambers,	Rand,	Wilcox,
Clement,	Roebuck,	S. A. Williams,
Crawford,	Sims,	Stockard, 17.
Daniel,	Stallings,	

The question on the adoption of the second resolution was decided in the affirmative—yeas 49—nays 17.

Those who voted in the affirmative were,

MESSRS.

B. L. Beall,	Hester,	Pemberton,
Blalock,	Holland,	Proctor,
Bond,	Howerton,	Rand,
Braswell,	Hyman,	Reid,
Brummell,	H. C. Jones,	Robards,
J. P. Caldwell,	Keener,	Rush,
Cardwell,	Lindsay,	Siler,
Clegg,	Matthews,	Stafford
Covington,	J. T. Miller,	D. Thomas,
Doak,	McLaurin,	G. Thomas,
Eaton,	McNeill,	Waddell,
C. Erwin,	Nye,	Wadsworth,
Foreman,	Oglesby,	Walker,
Gorham,	Orr,	J. Williams,
Guthrie,	Patton,	Winston,
Gwynn,	Peden,	Young, 49.
Harris.		

Those who voted in the negative were,

MESSRS.

Barnes,	R. Jones,	Stockard,
Brogden,	Massey,	Taylor,
Chambers,	Paine,	Tomlinson,
Crawford,	J. R. Rayner,	Wilcox,
Daniel,	Sims,	S. A. Williams, 17.
Ellington,	Stallings,	

So the said Resolutions passed the second reading, as amended. On motion, two thirds of the House concurring, the said Resolutions were read the third time and passed.

*Ordered*, That the concurrence of the Senate be asked in the amendments.

The bill to amend the act of the General Assembly of 1836, entitled an act to incorporate the North Carolina Central Rail Road Company, was read, and on motion of Mr. Ellington, indefinitely postponed—yeas 45—nays 22.

Those who voted in the affirmative were,

## MESSRS.

Amis,	Hester,	Robards,
Barnes,	Holland,	Roebuck,
B. L. Beall,	Howerton,	Rush,
Boger,	R. Jones,	Smith,
Bond,	Lane,	Stallings,
Braswell,	Lindsay,	Stockard,
Brogden,	Mangum,	Taylor,
Cardwell,	Massey,	D. Thomas
Chambers,	Matthews,	Tomlinson,
Doak,	McCleese,	Walker,
Eaton,	Nye,	Wilcox,
Ellington,	Oglesby,	J. Williams,
C. Erwin,	Orr,	S. A. Williams,
Foreman,	Rand,	McNeill,
Gwynn,	J. R. Rayner,	Winston, 45.

Those who voted in the negative were,

## MESSRS.

E. S. Bell,	Crawford,	Paine,
Blalock,	Dunlap,	Patton,
W. A. Blount,	Huggins,	K. Rayner,
Brittain,	Hyman,	Reid,
Brummell,	H. C. Jones,	Stafford,
Clegg,	Keener,	Waddell,
Clement,	McLaurin,	Wadsworth, 22.
Covington,		

The House then adjourned until 4 o'clock, P. M.

## 4 O'CLOCK.

The resolution for a Turnpike Road from Raleigh by Hillsborough to Greensborough, was read the second time and rejected.

The resolution in favor of Wm. H. Haywood, jr. as Commissioner on the part of the State, was read, and on motion of Mr. J. P. Caldwell, referred to a Select Committee.—

Said Committee consists of Messrs. J. P. Caldwell, Rand, and Gilliam.

The bill to improve the navigation of Neuse River, was read the second time, and on motion of Mr. Caldwell, indefinitely postponed.

The bill concerning company musters in the lower Regiments of Davidson county; the bill to establish an additional Court of Pleas and Quarter Sessions in the county of Orange; and the engrossed bill to prevent the stealing of mulberry trees, were each read and postponed indefinitely.

A message from the Senate, concurring in the amendments made by this House to the Resolutions making compensation to the Comptroller and Public Treasurer. *Ordered*, That said Resolutions be enrolled.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill authorising the Governor to appoint an agent in the county of Macon.

A message from the Senate, concurring in the proposition of this House, that the Clerks of the two Houses employ three additional engrossing clerks.

The engrossed bill for appointing a patrol in Cumberland county; and the bill to add the proceeds of the sales of the Cherokee Lands to the Literary Fund, were each read and indefinitely postponed.

The engrossed bill to amend an act passed at the present session, entitled an act to extend the time for recording grants, deeds, mesne conveyances, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to prevent obstructing the passage of fish up the Pedee and Main Yadkin River, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

The engrossed bill authorising the making a turnpike road in Haywood county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution requiring the Board of Internal Improvements to cause a survey for a Rail Road to be made from Salem, or the Cross Roads, in Stokes county, to the Fayetteville and Western Rail Road; and the engrossed resolution requiring the Board of Internal Improvement to cause a survey for a rail road to be made from Greensborough to the Fayetteville and Western Rail Road, were each read the second time and postponed indefinitely.

The engrossed bill to amend the fifty-eighth chapter of the Revised Statutes, entitled "Insolvent Debtors," was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend the Revised Statutes, chapter 12, entitled "Bastard Children," was read the second and third times, amended, and passed. *Ordered*, That the concurrence of the Senate be asked in the amendment.

The engrossed bill relating to the public road in Buncombe county; and the engrossed bill to prevent frauds in voting at elections, were each read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the North Carolina Mutual Fire Insurance Company, was read the second and third times, amended and passed. *Ordered*, That the concurrence of the Senate be asked in the amendment.

A message from the Senate, concurring in the amendment made by this House to the bill to amend the Revised Statutes, chapter 12, entitled "Bastard Children." *Ordered*, That said bill be enrolled.

A message from the Senate, informing that they concur in the amendments proposed by the Committee of Conference to the engrossed bill to divide the counties into School Districts and for other purposes. *Ordered*, That the Senate be informed that this House do likewise concur in the report of the Committee of Conference. *Ordered*, That said bill be enrolled.

The engrossed bill to incorporate the Raleigh Guards and Henderson Light Infantry Company, was read the second and third times, passed, and ordered to be enrolled.

Mr. J. P. Caldwell, from the Select Committee to whom was referred the "Resolution in favor of William H. Haywood, jr. as Commissioner on the part of the State," reported that provision is already made by law for the objects contemplated by the Resolution, and asked to be discharged from the further consideration of the subject.—The report was concurred in, and on motion of Mr. J. P. Caldwell, the said resolution was laid on the table.

A message from the Senate, informing that they had passed the engrossed bill to exempt lock keepers on the Dismal Swamp Canal from working on roads, and asking the concurrence of this House. The said bill was read three times and passed, and ordered to be enrolled.

Mr. K. Rayner moved that the House do now take up and

consider the engrossed resolution heretofore laid on the table, entitled "a resolution in favor of the Roanoke Navigation Company." The question thereon was determined in the negative—yeas 28—nays 51.

Those who voted in the affirmative were,

MESSRS.

E. S. Bell,	Guthrie,	K. Rayner,
Wm. A. Blount,	Hester,	J. R. Rayner,
Bond,	Hill,	Reid,
Brummell,	Holland,	Robards,
J. P. Caldwell,	Huggins,	G. Thomas,
Clegg,	H. C. Jones,	Waddell,
Covington,	McCleese,	J. Williams,
Eaton,	Orr,	S. A. Williams,
Gilliam,	Paine,	Young, 28.
Gorham,		

Those who voted in the negative were,

MESSRS.

Amis,	C. Erwin,	Patton,
Barnes,	Foreman,	Peden,
B. L. Beall,	Gwynn,	Pemberton,
Blalock,	Harris,	Rand,
Boger,	Howerton,	Roebuck,
Boyden,	Hyman,	Rush,
Braswell,	R. Jones,	Siler,
Brittain,	Keener,	Smith,
Brogden,	Lane,	Stafford,
Cardwell,	Lindsay,	Stallings,
Chambers,	Mangum,	Stockard,
Clement,	Massey,	Taylor,
Crawford,	Matthews,	D. Thomas,
Daniel,	J. T. Miller,	Tomlinson,
Doak,	McLaurin,	Wadsworth,
Dunlap,	McNeill,	Walker,
Ellington,	Nye,	Wilcox, 51.

The House then adjourned until to-morrow morning 7 o'clock.

TUESDAY, JAN. 8, 1839.

7 o'clock, A. M.

On motion of Mr. K. Rayner,

*Ordered*, That a message be sent to the Senate, informing that body that this House, having acted on all the business before them, is now ready to adjourn sine die.

Received from the Senate a message, informing that that House is also ready to adjourn without day.

Mr. Eaton presented the following Resolution, which was read and *unanimously adopted*:

*Resolved*, That the thanks of this House are due, and are hereby respectfully tendered, to the Speaker, William A. Graham, Esq., for the ability, impartiality, and dignity with which he has discharged the duties of the Chair.

Whereupon the Speaker made his acknowledgments to the House in an appropriate address, and adjourned the same without day.

WM. A. GRAHAM, SP'KR. H. C.

By Order,

CHARLES MANLY, CL'K. H. C.

