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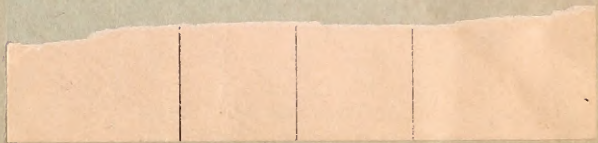
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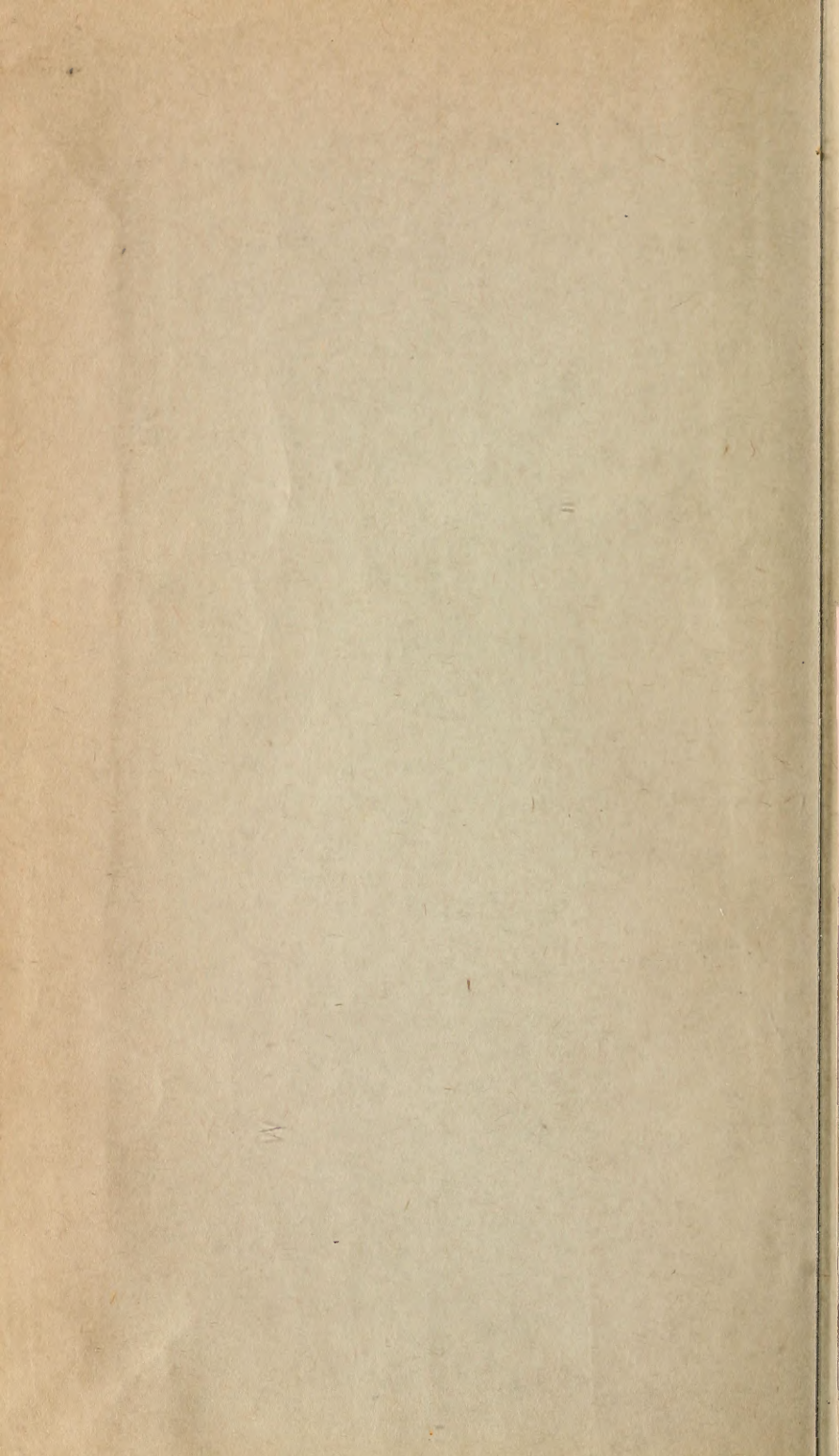
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**JOURNALS**

OF THE

**SENATE & HOUSE OF COMMONS**

OF THE

**GENERAL ASSEMBLY**

OF THE

**STATE OF NORTH CAROLINA,**

AT THE

**SESSION OF 1881-82**



**RALEIGH:**

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1882

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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 Monday, the 21st day of November, one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America, it being the first session of this General Assembly: On which day, being that appointed by law for the meeting of the General Assembly, the following members of the Senate appeared, produced their credentials, were qualified agreeably to law, and took their seats, to wit:

From *Anson county*, Clement Marshall,  
*Ashe*, John Ray,  
*Beaufort*, William S. Rowland,  
*Bertie*, George O. Askew,  
*Bladen*, John T. Gilmore,  
*Brunswick*, William R. Hall,  
*Buncombe*, James Allen,  
*Burke*, Mark Brittain,  
*Cabarrus*, Christopher Melchor,  
*Camden*, Haywood S. Bell,  
*Carteret*,  
*Caswell*, James Kerr,  
*Chatham*, William Rencher,  
*Chowan*, Richard T. Brownrigg,  
*Columbus*, Luke R. Simmons,  
*Craven*, Richard D. Spaight,  
*Cumberland*, John D. Toomer,  
*Currituck*, Jonathan J. Lindsay,  
*Davilson*, Charles Hoover,  
*Duplin*, Stephen Miller,  
*Edgecomb*, Louis D. Wilson,  
*Franklin*, William P. Williams,  
*Gates*, William W. Cowper,  
*Granville*, William M. Sneed,  
*Greene*, Wyatt Moye,  
*Gulford*, John M. Dick,  
*Halifax*, Isham Matthews,  
*Haywood*, William Farham,  
*Hertford*, Bridger I. Montgomery,  
*Hude*, William Selby,  
*Johnston*, David Thomson,  
*Jones*, Risten M. M'Daniel,

From *Iredell county*, Pinckney Caldwell,  
*Lenoir*, William D. Mosely,  
*Lincoln*, Daniel Hoke,  
*Macon*, James W. Guinn,  
*Martin*, Jesse Cooper,  
*Mecklenburg*, Henry Massey,  
*Montgomery*, Reuben Kendall,  
*Moore*, Josiah Tyson,  
*Nash*, William W. Boddie,  
*New Hanover*, M. W. Campbell,  
*Northampton*, James T. Hayley,  
*Onslow*, Lewis Dishough,  
*Orange*, William Montgomery,  
*Pasquotank*, John Pool,  
*Perquimons*, Henry Skinner,  
*Person*,  
*Pitt*, Alfred Moye,  
*Randolph*, Benjamin Elliott,  
*Richmond*, Tryam M'Farland,  
*Robeson*, Shadrach Howell,  
*Rockingham*, Robert Martin,  
*Rowan*, David F. Caldwell,  
*Rutherford*,  
*Sampson*,  
*Stokes*, John Bill,  
*Surry*, William P. Dobson,  
*Tyrrell*, Daniel N. Bateman,  
*Wake*, Henry Seawell,  
*Warren*, John H. Hawkins,  
*Washington*, Samuel Davenport,  
*Wayne*, Gabriel Sherard,  
*Wilkes*, John Martin.

A quorum, consisting of a majority of the whole number of members, being present, Mr. Dick moved that the Senate do now proceed to the choice of Speaker; and, thereupon, nominated for that appointment David F. Caldwell, Esq. the Senator from the county of Rowan. On motion of Mr. Williams, the name of William D. Mosely, Esq. the Senator from the county of Lenoir, was added to the nomination. An election by ballot thereupon took place, Messrs. Dick and Williams being appointed, on motion of Mr. Wilson, superintendents to conduct it. On counting the ballots, Mr. Dick reported that David F. Caldwell, Esq. having received a majority of the whole number, was duly elected; in which report the Senate concurred. Whereupon Mr. Caldwell was conducted to the Speaker's chair by Mr. Dick; from whence he made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Matthews, Samuel F. Patterson was appointed Principal Clerk, and William J. Cowan, Clerk Assistant of the Senate.

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On motion of Mr. Sneed, Thomas B. Wheeler was appointed Principal Doorkeeper of the Senate.

Mr. Martin, of Rockingham, moved that Green Hill be appointed Assistant Doorkeeper. On motion of Mr. Wilson, the name of Thomas Gary was added to the nomination; on motion of Mr. Seawell, the name of Robert Ray; on motion of Mr. Pool, the name of Moses King; on motion of Mr. Bateman, the name of John T. C. Wiatt; on motion of Mr. Montgomery, of Hertford, the name of William White; and on motion of Mr. Askew, the name of William P. Martin were severally added to the nomination. An election by ballot thereupon took place, Messrs. Pool and M'Farland being appointed superintendents to conduct it. On counting the ballots, Mr. M'Farland reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Matthews, the Senate proceeded to ballot again for Assistant Doorkeeper, Messrs. Kendall and M'Farland being appointed superintendents to conduct the balloting. On counting the ballots, Mr. M'Farland reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Kendall, the Senate proceeded to another balloting for Assistant Doorkeeper, Messrs. Sherard and Hayley being appointed superintendents to conduct it. On counting the ballots, Mr. Sherard reported that no person in nomination had received a majority of the votes; in which report the Senate concurred. On motion of Mr. Wilson, the name of Thomas Gary was withdrawn from the nomination for Assistant Doorkeeper. Mr. Wilson also moved that the Senate do now proceed to ballot again for Assistant Doorkeeper; which was agreed to, and Messrs. Ray and Brittain were appointed superintendents to conduct the balloting. On counting the ballots, Mr. Brittain reported that no person in nomination had received a majority of the votes; in which report the Senate concurred. On motion of Mr. Marshall, the Senate proceeded to another balloting for Assistant Doorkeeper, Messrs. Allen and Guinn being appointed superintendents to conduct it. On counting the ballots, Mr. Guinn reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

And the Senate thereupon, on motion of Mr. Montgomery, of Orange, adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 22, 1851.

Mr. M'Farland moved that the Senate do now proceed to another balloting for Assistant Doorkeeper; which was agreed to, and Messrs. M'Farland and Allen were appointed superintendents to conduct it.

On motion of Mr. Spaight, ordered that the rules of order and decorum of the last session be the rules of order and decorum for the government of the Senate during the present session; and on motion of Mr. Hawkins, ordered that they be printed, together with the Constitution of the United States and the Constitution of this State, one copy for each member.

Mr. M'Farland, from the committee appointed to superintend the balloting for Assistant Doorkeeper, reported that no person in nomination had received a majority of the votes; in which the Senate concurred.

Mr. M'Farland moved that the Senate proceed immediately to another balloting for Assistant Doorkeeper; which was agreed to, and Messrs.

Hawkins and Cowper, of Gates, appointed superintendents to conduct it; and on motion of Mr. Bateman, the name of John T. C. Wiatt was withdrawn from the nomination.

Mr. Cowper, of Gates, from the committee appointed to conduct the balloting for Assistant Doorkeeper, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred. On motion of Mr. Hawkins, the Senate proceeded to another balloting for Assistant Doorkeeper, Messrs. Gilmore and Guinn being appointed superintendents to conduct it. Mr. Guinn, from the committee appointed to conduct the balloting for Assistant Doorkeeper, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred. Mr. Guinn moved a further balloting for Assistant Doorkeeper; which was agreed to, and Messrs. Martin, of Wilkes, and Selby were appointed to conduct it.

Mr. Martin, of Wilkes, from the committee appointed to conduct the balloting for Assistant Doorkeeper, reported that Green Hill, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Martin, of Rockingham, ordered that a message be sent to the House of Commons, informing that House that the Senate is duly organized and ready to proceed on public business, having appointed David F. Caldwell, Esq. Speaker; Samuel F. Patterson, Principal Clerk; William J. Cowan, Clerk Assistant; and Thomas B. Wheeler and Green Hill, Doorkeepers.

Mr. Cowper, of Gates, moved that the Senate do now proceed to the appointment of the standing committees, pursuant to the rules and orders of the Senate; and the question being taken thereon, it was determined in the negative.

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

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WEDNESDAY, NOVEMBER 23, 1831.

A message was received from the House of Commons, stating the due organization of that branch of the Legislature, having appointed Charles Fisher, Esq. Speaker; Charles Manly, Principal Clerk; and Edmund B. Freeman, Clerk Assistant; Richard Roberts, Doorkeeper; and John Lunsden, Assistant Doorkeeper.

Thomas Marshall, the Senator from the county of Carteret, appeared, produced his credentials, was qualified, and took his seat.

On motion of Mr. Mosely, ordered that a message be sent to the House of Commons, proposing that the two Houses proceed immediately to ballot for three engrossing clerks, and stating that John W. Covington, John B. Muse, Elisha B. Smith, Daniel Coleman, Charles Monk, Thomas G. Stone and Henry B. Elliott are in nomination for the appointment.

Received from the House of Commons a message, proposing that a joint select committee be appointed to wait on his Excellency the Governor, and inform him of the organization of the Legislature, and of its readiness to receive any communication he may think proper to make; and stating that Messrs. Wilson and Davidson are appointed to form the committee on the part of that House; which proposition was agreed to by the Senate, and a message sent to the House of Commons, informing them thereof, and stating that Messrs. M'Farland and Boddie are appointed to form the committee on the part of the Senate.

Received also from the House of Commons a message, proposing that a select joint committee be appointed, whose duty it shall be to inquire whether the house in which the Legislature is now convened is within the limits of the city of Raleigh; and if not, whether they can hold their sessions at any place without said limits, agreeably to the provisions of the Constitution and laws of this State; and stating that Messrs. Mebane, Haywood and Crump form the said committee on the part of that House; which proposition was agreed to, and Messrs. Seawell, Toomer and Sneed were appointed to form the committee on the part of the Senate; and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, agreeing to the proposition of the Senate to ballot immediately for three engrossing clerks, and stating that Messrs. Bogle and M'Millan attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Davenport and Hill were appointed to conduct the balloting on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. Mosely moved that the Senate do now proceed to the appointment of the standing committees, pursuant to the rules and orders of the Senate; and the question being taken thereon, it was decided in the affirmative. Whereupon a committee of Finance was appointed on the part of the Senate, consisting of Messrs. Sneed, Gilmore, Martin, of Wilkes, Thomson, M'Farland, Brownrigg, Hawkins and Kendall.

A committee of Claims was appointed, consisting of Messrs. Martin, of Rockingham, Cooper, of Martin, Askew, Howell, Moye, of Pitt, Allen, Campbell and Elliott.

A committee of Propositions and Grievances was appointed, consisting of Messrs. Marshall of Anson, Hoke, Simmons, Montgomery of Orange, Moye of Greene, Montgomery of Hertford, Boddie and Velcher.

A committee of Privileges and Elections was appointed, consisting of Messrs. Caldwell of Iredell, Hayley, Pool, M'Daniel, Kerr, Hall, Ray and Tyson.

A committee on the Judiciary was appointed, consisting of Messrs. Toomer, Seawell, Guinn, Miller, Spaight, Skinner, Williams and Dick.

The Speaker laid before the Senate sundry documents contesting the election of Jesse Cooper, the sitting member from the county of Martin. On motion of Mr. Wilson, ordered that the said documents be laid upon the table.

Mr. Sneed presented the resignation of Lewis Parham, colonel commandant of the south regiment of the militia of Granville county; which was read and accepted, and sent to the House of Commons.

Mr. Hill, from the committee appointed to conduct the balloting for engrossing clerks, reported that John W. Covington and Daniel Coleman, having received a majority of the whole number of votes, are duly elected; and that no other person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. M'Farland, from the committee appointed to wait on his Excellency the Governor, reported that the committee were authorised to state that he would make a communication to the Legislature at one o'clock this day.

On motion of Mr. Guinn, ordered that a message be sent to the House of Commons, proposing to ballot immediately for one engrossing clerk yet to be elected.

Received from the House of Commons a message, agreeing to ballot immediately for one engrossing clerk, yet to be elected; and stating that Josiah Holding is added to the nomination; and informing that Messrs. Clayton and Freeman are appointed to superintend the balloting on the

part of that House. Whereupon Messrs. Bell and Montgomery of Hartford were appointed to conduct the balloting on the part of the Senate; and the House of Commons was informed thereof by message.

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

THURSDAY, NOVEMBER 24, 1831.

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

Mr. Martin of Rockingham, presented the resignation of Peter H. Dillard, colonel commandant of the second regiment of Rockingham militia; which was read and accepted, and sent to the House of Commons.

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

A message was also received from the House of Commons, proposing to ballot immediately for one engrossing clerk; which proposition was agreed to, and Messrs. Moyer of Greene and Simmons were appointed to superintend the balloting on the part of the Senate; and on motion of Mr. Hill, Charles Mock was withdrawn from the nomination, and the House of Commons was informed thereof by message. Whereupon a message was received from the House of Commons, stating that Messrs. Harper and Abernathy attend the Senate to conduct the balloting on their part.

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

*Resolved*, That so much of the Governor's message as relates to the Literary Fund and Common Schools be referred to a select committee.

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

Mr. Hawkins presented the certificate of allowance made by the County Court of Warren, in favor of Elizabeth Harris, a pensioner of the State; which was read, and, on motion of Mr. Hawkins, ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Allen presented the petition of sundry citizens of the counties of Buncombe and Burke, praying the erection of a new county out of parts of the aforesaid counties. Mr. Allen also presented a bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county, by the name of *Yancey*; which was read the first time and passed; and on motion of Mr. Allen, ordered that the further consideration of the said bill and petition accompanying the same be postponed until Tuesday next.

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

Mr. Skinner presented a bill to incorporate the Trustees of Harvey's Neck Academy, in the county of Perquimons; which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Mosely, ordered that the documents in relation to the contested seat of Jesse Cooper, the sitting member from the county of

Martin, which were yesterday laid upon the table, be referred to the committee on Privileges and Elections.

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

On motion of Mr. Williams, ordered that a message be sent to the House of Commons, proposing a further balloting for one engrossing clerk yet to be elected. On motion of Mr. Caldwell, the name of Henry B. Elliott, and on motion of Mr. Montgomery of Orange, the name of Elisha B. Smith, were withdrawn from the nomination.

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

Received from the House of Commons a message, agreeing to ballot immediately for one engrossing clerk, and stating that Messrs. Emmett and Flowers are appointed to conduct the balloting on the part of that House. Whereupon Messrs. Lindsey and Parham were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Mosely presented the resignation of James Davis, a justice of the peace for the county of Lenoir; and Mr. Moye, of Pitt, presented the resignation of Jesse M. Cherry, major of the Pitt county regiment; which were read and accepted, and sent to the House of Commons.

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

Mr. Lindsey, from the committee appointed to superintend the balloting for one engrossing clerk, reported that Thomas G. Stone having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

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

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FRIDAY, NOVEMBER 25, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill, to wit: A bill to incorporate Harvey's Neck Academy, in the county of Perquimons; in which they ask the concurrence of that House.

John M'Entire, the Senator from the county of Rutherford, and David Underwood, the Senator from the county of Sampson, appeared, produced their credentials, were qualified, and took their seats.

The Speaker laid before the Senate the petition of Edward C. Gavin, of the county of Sampson, accompanied with sundry documents, contesting the election of David Underwood, the sitting member of the Senate from that county. On motion of Mr. Mosely, ordered that the said petition, together with the accompanying documents, be referred to the committee on Privileges and Elections.

Mr. Cooper, of Martin, presented the memorial of John Bonner, a revolutionary soldier, praying to be placed on the pension list of the State. Mr. Cooper, of Martin, also presented the memorial of Jesse Coburn, a

revolutionary soldier, praying compensation for services rendered in the revolutionary war. Ordered that the said memorials, with the accompanying papers, be referred to the committee on Propositions and Grievances.

Mr. Mosely presented the memorial of sundry citizens of the county of Lenoir, praying the passage of an act to authorise the County Court of Lenoir to exclude from the limits of said county all colored retailers of spirituous liquors, or other articles of merchandize, except such as shall procure from the said County Court a license authorising them to retail such articles. On motion of Mr. Mosely, ordered that the said memorial be laid upon the table.

Mr. M'Farland presented a bill to authorise and direct the collection of arrearages of taxes due on lands; which was read the first time and passed, and, on motion of Mr. Dick, ordered to be printed, one copy for each member of the Legislature.

Received from the House or Commons a message, proposing to raise a joint select committee, consisting of five members from each House, on so much of the Governor's message as relates to the militia and the better defence of the State; which proposition was agreed to, and Messrs. Wilson, Brownrigg, Campbell, Sherard and Matthews were appointed to form the committee on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. Allen presented a bill to authorise the Treasurer to sell the stock belonging to the State in the Buncombe Turnpike Company; which was read the first time and passed.

Mr. Dick presented a bill to raise a fund for the removal of free persons of color from this State to Liberia; which was read the first time and passed, and, on motion of Mr. M'Farland, ordered to be printed, one copy for each member of the Legislature.

Received from the House of Commons a message, proposing to raise a joint select committee, consisting of five members on the part of each House, on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications. Also, to raise a joint select committee, of five members on the part of each House, on so much of said message as relates to banks and the circulating medium, and the proper disposition and investment of the funds of the State in bank stock. Also, to raise a joint select committee of five members on the part of each House, on so much of said message as relates to the communications of the Governors of the several States on the subject of the powers of the General Government in relation to the Tariff and Internal Improvement. Which several propositions were agreed to by the Senate, and Messrs. Seawell, Spaight, Moye, of Greene, Rencher and M'Entire were appointed to form the committee on the part of the Senate on the first proposition. Messrs. Toomer, Martin, of Rockingham, Marshall, of Anson, Thomson and Boddie were appointed to form the committee on the part of the Senate on the second proposition; and Messrs. Mosely, Dick, Martin, of Wilkes, Kerr and Gilmore were appointed to form the committee on the part of the Senate on the third proposition.

On motion of Mr. Montgomery, of Hertford, ordered that a message be sent to the House of Commons, proposing to raise a joint select committee, of five members from each House, on so much of the Governor's message as relates to opening a communication from the waters of the Albemarle

Sound to the Atlantic Ocean. Messrs. Montgomery, of Hertford, Bell, Bateman, Skinner and Lindsey were appointed on the part of the Senate to form said committee.

Mr. Seawell presented a bill making appropriation and appointing commissioners for the re-building of the Capitol in the city of Raleigh; which was read the first time and passed.

On motion of Mr. Martin, of Rockingham,

*Resolved*, That the Judiciary committee be, and they are hereby instructed to inquire into the expediency of amending the Usury laws of this State; and report to the Senate by bill or otherwise.

On motion of Mr. Spaight, the Senate proceeded to consider the resolution presented on yesterday by Mr. M'Farland and laid upon the table; and the resolution being read, the question on the adoption thereof was decided in the affirmative. Whereupon Messrs. M'Farland, Montgomery, of Orange, Dobson, Askew and Davenport were appointed the committee in pursuance thereof.

Received from the House of Commons a message, proposing to raise a joint select committee to inquire whether any amendments are necessary to be made relative to the laws on the subject of roads; which proposition was agreed to, and Messrs. Hoke, Hayley, Howell, Hall and Kendall were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons the certificates of allowance made by the County Courts of Cumberland and Warren, in favor of Sherwood Fort and Elizabeth Harris, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons."

Received also from the House of Commons the certificate of allowance of the County Court of Cumberland, in favor of Isabella Campbell, a pensioner of the State, endorsed in that House "read and ordered to be countersigned by the Speaker of the House of Commons and sent to the Senate;" and which was read and ordered to be countersigned by the Speaker of the Senate.

Received also from the House of Commons the resignation of William Paxton, a justice of the peace for the county of Buncombe; the resignation of Aaron Rinson, colonel commandant, Nathan Smith, lieut. colonel, and John M'Murray, major, of the Macon county militia, endorsed in that House "read and accepted;" and which were severally read and accepted by the Senate.

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

SATURDAY, NOVEMBER 26, 1831.

Mr. Cowper, of Gates, presented the resignation of Lemuel Riddick, lieut. colonel of the Gates county militia; which was read and accepted, and sent to the House of Commons.

Mr. Massey presented the petition of David Rea, of Mecklenburg county, praying compensation for services rendered during the revolutionary war; which, on motion of Mr. Massey, was ordered, together with the accompanying papers, to be referred to the committee on Propositions and Grievances.

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

*Resolved*, That the Public Treasurer be authorised and instructed to procure at his discretion, in specie change of the coin of the United States, any sum not exceeding ten thousand dollars, provided the cost shall not exceed two and one half per cent.

Which was read the first time and passed.



On motion of Mr. Williams,

*Resolved*, That a suitable place be assigned by the Speaker of the Senate for one or more stenographers to report the proceedings of the Senate.

Mr. Simmons presented the resignation of Duncan Sykes, a justice of peace for the county of Columbus; which was read and accepted, and sent to the House of Commons.

On motion of Mr. Mosely, ordered that the memorial of sundry citizens of Lenoir, presented by him on yesterday, be referred to the committee on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications.

On motion of Mr. Mosely, ordered that John M. Dick, the Senator from the county of Guilford, have leave of absence from the services of the Senate for Monday, Tuesday and Wednesday next.

On motion of Mr. Dick, ordered that the bill making an appropriation and appointing commissioners for the re-building of the Capitol in the city of Raleigh, be made the order of the day for Monday week next.

Received from the House of Commons a message, proposing to appropriate the two front rooms on the second floor of the Government House for the use of the engrossing clerks during the present session of the Legislature. On motion of Mr. Spaight, ordered that the said message be laid upon the table.

On motion of Mr. Dick, ordered that the bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county, by the name of *Yancey*, be made the order of the day for Friday next.

The Speaker laid before the Senate sundry additional documents in relation to the contested election of the sitting member from the county of Sampson; which, on motion of Mr. Boddie, were ordered to be referred to the committee on Privileges and Elections.

Mr. Dobson presented a bill to repeal part of an act, passed in 1827, prescribing the manner in which lands should thereafter be advertised for taxes in the counties of Anson and Surry; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Spaight presented the following resolution, to wit:

*Be it resolved by the General Assembly of the State of North Carolina, and it is hereby resolved by the authority of the same*, That the clerk of the Senate and the clerk of the House of Commons purchase for the use of each House three copies of the revised laws of North Carolina and Taylor's revision, and the Public Treasurer is hereby authorised to pay for the same from any moneys in the Treasury not otherwise appropriated.

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

On motion of Mr. Mosely, ordered that David Thomson, the Senator from the county of Johnston, have leave of absence from the services of the Senate for Monday and Tuesday next.

Received from the House of Commons the resignation of Francis Morrison and John Burgin, of the county of Burke, and the resignation of Timothy Terrell, of the county of Nash, justices of the peace for their respective counties; also the resignation of James Watt, lieut. colonel of the 1st regiment of Rockingham militia, endorsed in that House "read and accepted," and which were read and accepted by the Senate.

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

MONDAY, NOVEMBER 28, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolution, to wit: A bill to

repeal part of an act, passed in 1827, prescribing the manner in which lands should thereafter be advertised for sale for taxes in the counties of Anson and Surry. A resolution directing the clerks of the two Houses to purchase certain books for the use of the Legislature; in which they ask the concurrence of the House of Commons.

On motion of Mr. Speed, ordered that John H. Hawkins, the Senator from the county of Warren, have leave of absence from the services of the Senate for Wednesday and Thursday next.

The Speaker laid before the Senate an additional document in relation to the contested election of the sitting member from the county of Martin. On motion of Mr. Spaight, ordered that the said document be referred to the committee on Privileges and Elections.

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

Mr. Pool, from the committee on Privileges and Elections, to whom was referred the documents in relation to the contested election of Jesse Cooper, the sitting member from the county of Martin, made a report thereon, setting forth the facts of the case; which was read. Mr. Spaight moved to lay the report upon the table; which was not agreed to. Mr. Askew moved that the said report, with the accompanying documents, be re-committed to the committee on Privileges and Elections; and the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Askew,

*Resolved*, That the committee on the Militia Laws and Public Arms be instructed to inquire into the expediency of passing a law giving the Governor power to furnish the different Volunteer companies in this State with arms; and that they report by bill or otherwise.

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

*Resolved by the General Assembly of the State of North Carolina, and it is hereby resolved by the authority of the same*, That our Senators in Congress be instructed, and our Representatives requested, to resist and oppose an extension or renewal of the charter of the Bank of the United States.

Which was read, and, on motion of Mr. Montgomery, of Orange, ordered to be laid upon the table.

Mr. M'Farland presented the following preamble and resolution, to wit:

Whereas much dissatisfaction exists among a number of the citizens of this State, owing to the late insurrectionary movements of our negro slaves, which was instigated by a fanatical negro preacher: Therefore,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws of this State, as to prevent negroes, bond or free, from preaching; also to impose a penalty on all persons who shall directly or indirectly allow negroes to assemble on his or their lands, either by night or day, except it be at a preaching held by white persons; and that they report by bill or otherwise.

Which was read, and the question on the adoption thereof was decided in the affirmative.

On motion of Mr. Cowper, of Gates,

*Resolved*, That the committee on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications be instructed to inquire into the expediency of prohibiting every owner from allowing his slave to go at large, and make or propose any contracts, or undertake any work whatsoever, or to execute any jobs in any form or mode, unless such owner shall have previously, in every such case, made the contract himself, and also stipulated to receive the proceeds himself; with leave to report by bill or otherwise.

On motion of Mr. Cowper, of Gates,

*Resolved*, That the committee on the Militia Laws and Public Arms be instructed to inquire whether any, and what amendments are necessary to the laws prescribing the mode of order-

ng out the militia of this State in cases of insurrection or invasion; and that they have leave to report by bill or otherwise.

On motion of Mr. Seawell,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of appointing an agent to collect the evidence and attend to the surveying of the lands which are the subject of a suit now pending in the Supreme Court of this State, instituted by the Attorney General in behalf of the State, to vacate certain grants of lands lying in the Cherokee nation; and that the committee be directed further to inquire into the expediency of adopting any measures that they may deem necessary for the protection of the rights of the State in relation to said lands.

Mr. Guinn presented a bill directing the Governor to convey certain lands to the county of Macon, and to establish Franklin Academy; which was read the first time and passed, and, on motion of Mr. Guinn, ordered to be referred to a select committee. Whereupon Messrs. Guinn, Parham, Simmons, Williams and Brittain were appointed to form said committee.

Mr. Allen presented a bill to repeal an act, passed in the year 1829, entitled an act for the improvement of the road from the old fort in Burke county to Ashville in Buncombe; which was read the first time and passed.

Mr. Martin, of Rockingham, presented a bill to establish a Bank on the funds of the State; which was read the first time and passed, and, on motion of Mr. Williams, ordered to be laid upon the table, and be printed, one copy for each member of the Legislature.

Received from the House of Commons a message, proposing to ballot on to-morrow for a solicitor in the second judicial circuit, and stating that Stephen Miller, of Duplin, and John Singletary, of Beaufort, are in nomination for the appointment; which proposition was agreed to, and, on motion of Mr. Davenport, Watrus Beckwith was added to the nomination, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, proposing that the two Houses ballot on Friday next for a solicitor general in the fifth judicial circuit, and stating that Richmond Pearson, Hugh Waddell, Spencer O'Brien and John Scott are in nomination for the appointment; which proposition was agreed to, and the House of Commons informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the engrossed resolution directing the clerks of the two Houses to purchase certain books, with an amendment, to wit: strike out the word "three" in the sixth line, and insert the word "six;" which amendment was agreed to, and the House of Commons informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Isaac Golding, in which they ask the concurrence of the Senate. Whereupon the said resolution was read the first, second and third times and passed, and ordered to be enrolled.

The bill to authorise and direct the collection of arrearages of taxes due on lands, was read the second time. Mr. Moseley moved to amend the bill by striking out the words "Raleigh Star," in the fourth line of the third section, and inserting the words "State Gazette;" which amendment was agreed to. Mr. Guinn moved further to amend the bill by striking out, in the eighth line of the sixth section, the words "more than;" also in the ninth line of the same section, after the word "acres," to insert the words "or more;" which amendment was also agreed to, and the bill as amended was read the second time and passed.

The resolution authorising the Public Treasurer to procure a quantity of specie change, being read the second time, Mr. Williams moved that the further consideration thereof be indefinitely postponed; which was not agreed to—ayes 16, noes 42. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Brittain, Bell, Brownrigg, Campbell, Cooper of Martin, Hall, Hawkins, Hayley, Hoke, Lindsay, M'Entire, M'Farland, Ray, Sherard, Underwood, Williams.

Those who voted in the negative, are Messrs. Allen, Askew, Bateman, Boddie, Caldwell, Cowper of Gates, Davenport, Dishongh, Dobson, Elliott, Gilmore, Guinn, Hill, Hoover, Howell, Kerr, Kendall, M'Daniel, Marshall of Anson, Marshall of Carteret, Martin of Rockingham, Martin of Wilkes, Massey, Melchor, Miller, Montgomery of Hertford, Montgomery of Orange, Mosely, Moye of Greene, Moye of Pitt, Parham, Pool, Rencher, Rowland, Spaight, Seawell, Selby, Simmons, Skinner, Sneed, Toomer, Tyson.

On motion of Mr. Spaight, ordered that the said resolution be referred to the committee on Finance.

The bill to authorise the Treasurer to sell the stock belonging to the State in the Buncombe Turnpike Company was taken up and read the 2nd time, and, on motion of Mr. Spaight, ordered to be laid upon the table.

Received from the House of Commons the resignation of John W. Gause and Etheldred Bozman, of the county of Brunswick; the resignation of William Alfred and Abner Sawyer, of the county of Tyrrell; the resignation of Hezekiah Andrews, of the county of Randolph; the resignation of Thomas Gunn, of the county of Caswell; the resignation of Josiah Harris, of the county of Hyde, justices of the peace of their respective counties; also the resignation of Enoch Cunningham, lieut. colonel of the 2nd reg't of Buncombe county militia; endorsed in that House "read and accepted," and which were severally read and accepted by the Senate.

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

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TUESDAY, NOVEMBER 29, 1831.

A motion was made by Mr. Kendall to reconsider the vote taken on yesterday on the proposition of the House of Commons, to ballot on Friday next for a solicitor general of the fifth judicial circuit; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative. Whereupon the question being again put on the proposition of the House of Commons, it was not agreed to. On motion of Mr. Kendall, ordered that a message be sent to the House of Commons, proposing to ballot for a solicitor general of the fourth judicial circuit on Friday next.

Mr. Montgomery, of Hertford, from the committee of Propositions and Grievances, to whom was referred the petition of Jesse Coburn, of Martin county, praying compensation for services rendered during the revolutionary war, made an unfavorable report thereon, recommending the rejection of said petition; in which report the Senate concurred.

Mr. Seawell, from the joint select committee to whom was referred the resolution instructing them to inquire whether the house in which the Legislature is now convened is within the limits of the city of Raleigh, and if not, whether the Legislature can hold its sessions at any place without the said *limits*, agreeably to the provisions of the Constitution and laws of the State, made a detailed report thereon; which was read, and, on motion of Mr. Spaight, ordered to be laid upon the table and be printed, one copy for each member of the Legislature.

Mr. Guinn presented the following resolution, to wit:

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

changing the mode of receiving payment on the bonds given for the purchase of the Cherokee lands; and that they report by bill or otherwise.

Which was read, and, on motion of Mr. Sneed, ordered to be laid upon the table.

Mr. Brownrigg presented the following resolutions, to wit:

*Resolved*, That the Governor be, and he is hereby requested to have all the maps, draughts and plans, lately in the possession of the engineer of this State, placed in his office; that such of them as require repairs be repaired at the expense of the State, to be paid by the Treasurer, on the warrant of the Governor; and that they be kept under his direction, subject to any further disposition of this General Assembly.

*Resolved*, That the Governor be, and he is hereby requested to employ an agent to arrange in proper order all the papers belonging to the Senate and House of Commons, and others, which were saved during the late conflagration of the State House; that he cause them to be delivered to the proper officers of the State; and that the expense attending this duty be paid by the Public Treasurer on the warrant of the Governor.

Which were read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Heartly and Worth attend the Senate to conduct the balloting on the part of that House for a solicitor of the second judicial circuit, as heretofore agreed on. Whereupon Messrs. Mosely and M'Entire were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

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

Mr. Hoke presented a bill to secure the more perfect administration of justice in certain cases; which was read the first time and passed, and, on motion of Mr. Seawell, ordered to be printed, one copy for each member of the Legislature.

Mr. Tyson presented a bill to give exclusive jurisdiction to the Superior Court for the county of Moore; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Parham presented a bill to repeal an act, passed in the year 1830, entitled an act to prohibit the circulation in this State, after the time therein mentioned, of bank notes under five dollars, issued by banks of other States; which was read the first time and passed.

Mr. Pool presented a bill to repeal an act, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, passed in the year 1827; which was read the first time and passed.

Mr. Caldwell presented a bill to prevent the falling of timber in, or otherwise obstructing the channel of the South Yadkin, in 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 a bill, entitled a bill to ensure a fair valuation of lands in this State, when the same shall be given in for taxation, and proposing that the said bill should be referred to a joint select committee, to be composed of one member from each Congressional District; which proposition was agreed to, and Messrs. Allen, Massey, Dobson, Hill, Elliott, Seawell, Tyson, Dishough, Spaight, Moye of Pitt, Sneed, Askew and Skinner were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Mosely, from the committee appointed to conduct the balloting for solicitor of the second judicial circuit, reported that no person in nomina-

tion had received a majority of the votes; in which report the Senate concurred. On motion of Mr. Mosely, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for solicitor of the second judicial circuit.

Mr. Dishough presented a bill to repeal an act, entitled an act fixing the sum hereafter to be paid to the State for vacant lands, passed in the year of our Lord 1818; which was read the first time and passed.

On motion of Mr. Askew,

*Resolved*, That a message be sent to the House of Commons, proposing to raise a joint select committee to take into consideration that part of the Treasurer's report which relates to the repair of the State House, and that they report what disposition shall be made of the bond of the contractor for said work; and whether payment shall be made according to the terms of the contract.

Messrs. Askew, Hoover, Ray, Martin of Rockingham and Marshall of Carteret, were appointed the committee on the part of the Senate.

On motion of Mr. Martin, of Wilkes,

*Resolved*, That the committee on Military Affairs be instructed to inquire into the expediency of effectually preventing slaves from attending reviews, general musters, battalion and company musters, and election grounds; and that the said committee report by bill or otherwise.

Received from the House of Commons a message, agreeing to ballot again immediately for a solicitor of the second judicial circuit, and stating that the name of Watrus Beckwith is withdrawn from the nomination; and stating further that Messrs. Monk and Weaver attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Marshall of Carteret and Moye of Greene were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Mosely, ordered that the bill making an appropriation and appointing commissioners for the rebuilding of the Capitol in the city of Raleigh, be printed, one copy for each member of the Legislature.

Received from the House of Commons the certificates of allowance of the County Court of Craven, in favor of Capt. John Rhem, Thomas Ewell and Christopher Bexley, endorsed in that House "read and ordered to be countersigned by the Speaker of the House of Commons."

The resolutions directing the disposition of the maps, charts and papers belonging to the office of the late civil engineer, and the arranging and filing in proper order the papers belonging to the offices of the Senate and House of Commons, were read the second and third times and passed, and ordered to be engrossed.

Mr. Marshall, of Carteret, from the committee appointed to conduct the balloting for solicitor of the second judicial circuit, reported that Stephen Miller, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons the resignation of Robert Pinnen, of the county of Orange; the resignation of Foster Jarvis, of the county of Hyde; and the resignation of Jonathan B. Lindsey, of the county of Currituck—justices of the peace for their respective counties; also the resignation of Jonathan Horton, Major of the Ashe county militia, endorsed in that House read and accepted; and which were severally read and accepted by the Senate.

Mr. Bateman presented the resignation of Matthew Brickhouse, a justice of the peace for the county of Tyrrell; which was read and accepted, and sent to the House of Commons.

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

WEDNESDAY, NOVEMBER 30, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: A bill to prevent the falling of timber in, or otherwise obstructing the channel of the South Yadkin river, in the county of Iredell; a bill for the better regulation of the courts of the county of Gates; a bill to give exclusive jurisdiction to the Superior Courts for the county of Moore; and resolutions directing the disposition of the maps, drafts, &c. in the late engineer's office, and the arranging and filing of the papers belonging to the offices of the General Assembly; in which they ask the concurrence of the House of Commons.

Mr. Sneed, from the committee of Finance, to whom was referred the resolution instructing the Public Treasurer to procure a quantity of specie change, made a report thereon, recommending sundry amendments to the said resolution; which were read, and, on motion of Mr. Spaight, ordered that the said report be recommitted to the committee of Finance, with instructions to inquire whether the proposed amount of specie change required by the resolution cannot be procured from some of the banks of this State.

Mr. Pool, from the committee of Privileges and Elections, to whom was referred the petition of Edward C. Gavin, together with the various documents relative to the contested election of David Underwood, the sitting member from the county of Sampson, made an unfavorable report thereon, accompanied by the following resolution, to wit:

*Resolved*, That it is the opinion of this committee that David Underwood, the member returned, is duly entitled to retain his seat.

In which report the Senate concurred, and the resolution therein contained was read and adopted.

Mr. Montgomery, of Hertford, from the committee of Propositions and Grievances, to whom was referred the petition of David Rea, of Mecklenburg county, made a report thereon, setting forth that, from the nature of the said petition, its reference to the committee of Claims would be most proper, and asking to be discharged from the further consideration thereof; in which report the Senate concurred, and the committee were discharged accordingly. On motion of Mr. Massey, ordered that the said petition, together with its accompanying documents, be referred to the committee of Claims.

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

Whereas a bill making an appropriation for rebuilding the Capitol has been introduced in the Senate; and whereas much difficulty and division of opinion exist as to the mode most likely to meet the wishes and interest of the General Assembly; for remedy whereof, be it

*Resolved*, That a joint select committee be raised, for the purpose of ascertaining the most judicious way by which the fund can be had; and that they report their opinion of the manner most likely to effect that desirable object.

Which being read, Mr. M'Farland moved that the said resolution be laid upon the table; which was not agreed to. Mr. Caldwell moved that the further consideration thereof be indefinitely postponed; which was agreed to—ayes 30, Noes 27. The ayes and noes being demanded by Mr. Caldwell, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Brittain, Caldwell, Campbell, Dishongh, Dobson, Elliott, Gilmore, Guinn, Hall, Hill, Hoke, Hoover, Howell, Kendall, M'Entire, M'Farland, Marshall of Anson, Martin of R., Martin of W., Massey, Melchor, Montgomery of Orange, Parham, Ray, Rencher, Simmons, Toomer, Tyson, Underwood.

Those who voted in the negative, are Messrs. Askew, Bateman, Dell, Boddie, Brownrigg, Cooper of Martin, Cowper of Gates, Davenport, Hayley, Kerr, Lindsey, M'Daniel, Marshall of Carteret, Miller, Montgomery of Hertford, Mosely, Moye of Greene, Moye of Pitt, Pool, Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Sneed, Williams.

Mr. Guinn presented a bill regulating the admission of attorneys at law of other States to the bar in this State; which was read the first time and passed.

Mr. Campbell presented a bill to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear river; which was read the first time and passed.

Mr. Allen presented a bill to establish a militia company in the county of Buncombe; which was read the first and second times and passed, and, on motion of Mr. Brownrigg, ordered to be referred to the committee on Military Affairs, with instructions to report a general bill upon the subject embraced in the bill aforesaid.

The bill to repeal an act, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, passed in the year 1827, so far as relates to the county of Pasquotank, was read the second time and passed; and being read the third time, Mr. Bateman moved to amend the bill by striking out the words "so far as respects the county of Pasquotank," in the fifth and sixth lines of the first section, and to make the title of the bill correspond thereto; which amendment was agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed.

The bill to authorise and direct the collection of arrearages of taxes due on lands was read the third time, and, on motion of Mr. Williams, ordered that the said bill be referred to the committee on the Judiciary.

The bill to repeal an act, passed in the year 1830, entitled an act to prohibit the circulation in this State, after the time therein mentioned, of bank notes under five dollars, issued by banks of other States, was read the second time. Mr. Guinn moved to amend the bill by confining the operation of its provisions to the counties of Haywood, Macon and Buncombe. Mr. Brittain moved to amend the amendment by extending its provisions to the county of Burke. Mr. Montgomery, of Orange, moved that the bill, together with the amendments, be laid upon the table; which was agreed to.

The bill to repeal an act, passed in the year 1829, entitled an act for the improvement of the road from the old fort, in Burke, to Ashville, in Buncombe, was read the second time, and, on motion of Mr. Brittain, the further consideration thereof was indefinitely postponed—ayes 51, noes 6. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bateman, Brittain, Bell, Boddie, Brownrigg, Caldwell, Campbell, Cooper of Martin, Cowper of Gates, Davenport, Dishongh, Dobson, Elliott, Gilmore, Hall, Hayley, Hill, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Daniel, M'Farland, Marshall of Anson, Marshall of Carteret, Martin of Rockingham, Martin of Wilkes, Massey, Melchor, Miller, Montgomery of Hertford, Montgomery of Orange, Mosely, Moye of Greene, Moye of Pitt, Pool, Ray, Rencher, Rowland, Spaight, Seawell, Selby, Sherard, Simmons, Skinner, Tyson, Underwood, Williams.

Those who voted in the negative, are Messrs. Allen, Guinn, M'Entire, Parham, Sneed, Toomer.

The bill to secure the more perfect administration of justice in certain cases was read the second time, and, on motion of Mr. Sneed, ordered to be referred to the committee on the Judiciary.

On motion of Mr. Sneed, ordered that a committee be appointed on the subject of Internal Improvement, to which shall stand referred so much of



the Governor's message as relates to that subject. Whereupon Messrs. Toomer, Brownrigg, Melchor, Gilmore and Pool were appointed to form said committee.

The bill to authorise the Treasurer to sell the stock belonging to the State in the Buncombe Turnpike Company was read the second time, and, on motion of Mr. Sneed, ordered to be referred to the committee on Internal Improvement.

Mr. Pool, from the committee on Privileges and Elections, to whom was recommitted the report and documents in relation to the contested election of Jesse Cooper, the sitting member from the county of Martin, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That Jesse Cooper, Esq. the member returned for the county of Martin, is constitutionally qualified, and should therefore retain his seat.

In which report the Senate concurred; and the resolution therein contained was read and adopted.

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

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THURSDAY, DECEMBER 1, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled a bill to repeal an act, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, passed in the year 1827; in which they ask the concurrence of the House of Commons.

Mr. Campbell presented the memorial of sundry citizens of the town of Wilmington, praying the repeal of an act, passed at the last session, regulating quarantine; also praying a modification and alteration of the tax imposed on merchants, and an increase of the tax imposed on pedlers. On motion of Mr. Campbell, ordered that the said petition be referred to the committee on the Judiciary.

Mr. Montgomery, of Hertford, from the committee of Propositions and Grievances, to whom was referred the petition of John Bonner, of the county of Martin, praying compensation for services rendered during the revolutionary war, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected; in which report the Senate concurred.

On motion of Mr. Cowper, of Gates,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of altering and amending, or entirely repealing the act of 1828, chapter 8th, regarding executors and administrators; with leave to report by bill or otherwise.

Mr. Sherard presented the following resolution, to wit:

*Resolved*, That the Public Treasurer refund to William Thompson, sheriff of Wayne county, the sum of twelve dollars and forty cents, being the amount paid by him on the 11th of August last for sixty-two insolvent taxables in said county; and that the Public Treasurer be allowed for the same in the settlement of his public accounts.

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

Mr. Guinn presented a bill to establish an entry office in the county of Macon; which was read the first time and passed.

Mr. M'Farland presented a bill to abolish the office of county trustee and treasurer of public buildings in the several counties within this State; which was read the first time and passed.

Mr. Cowper, of Gates, presented a bill to repeal part of the act of 1741, chapter 35th, authorising the County Courts of this State to grant certificates in certain cases; which was read the first time and passed.

Mr. Dishongh presented a bill more effectually to suppress and prevent the running away of slaves in this State; which was read the first time and passed, and, on motion of Mr. Spaight, ordered that a message be sent to the House of Commons, proposing to refer the said bill to the committee on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications.

Received from the House of Commons a message, agreeing to the proposition of the Senate to raise a joint select committee on that part of the Treasurer's report which relates to the repairs of the State House, &c. and stating that Messrs. M'Gehee, Little, Judkins, Houlder and Smith form the committee on the part of that House.

Received from the House of Commons also a message, stating that Messrs. Cox, Sherwood, Peeples, Gwyn and Bell are appointed on the part of that House to form the joint select committee on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications; that Messrs. Mebane, Garland, M'Laurin, Emmett and Freeman are appointed to form the joint select committee on the part of that House on so much of said message as relates to banks and the circulating medium, and the proper disposition and investment of the funds of the State in bank stock; that Messrs. Outlaw, M'Queen, Hogan, Long and Weaver are appointed to form the joint select committee on the part of that House on so much of said message as relates to the communications of the Governors of the several States on the subject of the powers of the General Government in relation to the Tariff and Internal Improvement; that Messrs. Calloway, Grandy, Whitaker, Edmonston and M'Millan are appointed to form the joint select committee on the part of that House to inquire whether any amendments are necessary to be made relative to the laws on the subject of roads; that Messrs. Nicholson, Hartt, Larkins, Harper and Rand are appointed to form the joint select committee on the part of that House on so much of the Governor's message as relates to the militia and the better defence of the State; that Messrs. Beckwith, Tool, Settle, Thompson of Bertie and Jones of Carteret are appointed to form the joint select committee on the part of that House on so much of the said message as relates to a communication from the waters of the Albemarle Sound to the Ocean; and that Messrs. Wyche, Arrington, Singleton, Townsend, Leak, Laspeyre, Webb and Courts are appointed to form the joint standing committee on Finance on the part of that House.

A message was also received from the House of Commons, stating that Messrs. Sawyer, Cloman, Sasser, Flowers, Powell, Wyche, Morris, Mebane, Ziglar, Brooks, Abernathy, Brevard and Fleming are appointed on the part of that House to form the joint select committee on the bill to ensure a fair valuation of lands in this State, when the same shall be given in for taxation.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to alter the location of the register and entry taker's office in the county of Brunswick; a bill to incorporate the trustees of Jordan Plain Academy in the county of Pitt; a bill to incorporate a Light Infantry Company in the county of Craven; a bill to incorporate a Light Infantry Company in the town of Edenton; a bill to incorpo-

rate the Wilkes County Volunteer Artillery Company; and a bill to authorise the sheriff of Bertie county to collect the arrearages of taxes. Whereupon the said bills were severally read the first time and passed, except the last mentioned bill, which was, on motion of Mr. Martin, of Rockingham, ordered to be postponed indefinitely—ayes 51, noes 7. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bateman, Brittain, Bell, Brownrigg, Caldwell, Campbell, Cooper of Martin, Cowper of Gates, Davenport, Dishongh, Dobson, Elliott, Hall, Hill, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of Carteret, Martin of Rockingham, Martin of Wilkes, Massey, Melchor, Miller, Montgomery of Orange, Mosely, Moye of Greene, Moye of Pitt, Parham, Pool, Ray, Rencher, Rowland, Spaight, Seawell, Selby, Sherard, Simmons, Skinner, Sneed, Thomson, Toomer, Tyson, Underwood, Williams, Wilson.

Those who voted in the negative, are Messrs. Askew, Boddie, Gilmore, Guinn, Hayley, Marshall of Anson, Montgomery of Hertford.

On motion of Mr. Brownrigg, ordered that the engrossed bill to incorporate a Light Infantry Company in the county of Craven, and the engrossed bill to incorporate a Light Infantry Company in the town of Edenton, be referred to the committee on Military affairs.

On motion of Mr. Sneed, ordered that the engrossed bill to incorporate the Wilkes County Volunteer Artillery be referred to the committee on Military Affairs.

The engrossed bill to incorporate the trustees of Jordan Plain Academy, in the county of Pitt, was read the second and third times and passed, and ordered to be enrolled.

The bill regulating the admission of attorneys at law of other States to the bar in this State being read the second time, Mr. Allen moved to amend the bill by adding the following proviso, to wit: "*Provided*, that if any lawyer will produce a good moral character and license from any court in the State of Tennessee or Georgia to the Judge of the Superior Court, if he shall think him qualified, shall be permitted to practice in the counties of Buncombe, Haywood and Macon;" which amendment was not agreed to. The question then recurring on the passage of the bill the second time, it was resolved that the same shall not pass.

The bill to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear river was read the second time and passed.

The bill to raise a fund for the removal of free persons of color from this State to Liberia was read the second time, and, on motion of Mr. Montgomery, of Orange, ordered to be laid upon the table.

Mr. Allen presented the petition of sundry citizens of the county of Buncombe, praying the passage of an act to appoint commissioners to view and lay off a road from the mouth of Bear Creek to Blith's Gap on the Blue Ridge, in the county of Buncombe. Mr. Allen also presented a bill to carry the prayer of the petitioners into effect, entitled a bill to appoint commissioners to view, lay off and point out amendments to the public road leading from the mouth of Bear Creek; to where the same crosses Mills River, in the county of Buncombe; which was read the first time and passed, and, on motion of Mr. Sneed, ordered to be referred to the committee on Roads.

Received from the House of Commons the resignation of Samuel Stanford, a justice of the peace for the county of Duplin, endorsed in that House "read and accepted;" and which was read and accepted by the Senate.

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

FRIDAY, DECEMBER 2, 1831.

Robert Vanhook, the Senator from the county of Person, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Pool, ordered that William W. Boddie, the Senator from the county of Nash, have leave of absence from the services of the Senate for this day and to-morrow.

On motion of Mr. Mosely, ordered that a message be sent to the House of Commons, stating that Messrs. Dobson and Skinner attend that House to conduct the balloting on the part of the Senate for solicitor general of the fourth judicial circuit, as heretofore agreed upon.

On motion of Mr. Mosely, ordered that a message be sent to the House of Commons, proposing to ballot on to-morrow for solicitor of the fifth judicial circuit. On motion of Mr. Campbell, Alexander Troy was nominated for the appointment, and, on motion of Mr. Marshall, of Anson, Walter F. Leak was added to the nomination.

Received from the House of Commons a message, stating that Messrs. Simmons and Petty attend the Senate to conduct the balloting on the part of that House for solicitor general of the fourth judicial circuit.

The engrossed bill to alter the location of the register and entry taker office in the county of Brunswick, was read the second time. Mr. Hammon moved to amend the bill by adding the following as an additional section to wit:

*Be it further enacted,* That if the present register and entry taker do not comply with the requisites of this act by the first court to be held for said county after the first day of March next, a majority of the acting justices being present, shall proceed to elect a register and entry taker, who shall establish their offices as directed by this act within three months thereafter under a penalty of one hundred dollars, to be sued for by the chairman of said court and applied to the use of the county.

Which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Martin, of Rockingham, ordered that the bill to establish a bank on the funds of the State be committed to a committee of the whole House, and be made the order of the day for Thursday next.

The bill to abolish the office of county trustee and treasurer of public buildings in the several counties within this State, was read the second time, and resolved that the same shall not pass.

A motion was made by Mr. Melchor to reconsider the vote just taken on the bill to abolish the office of county trustee and treasurer of public buildings in the several counties within this State; and on the question will the Senate reconsider the said vote? it was determined in the affirmative. Whereupon, on motion of Mr. M'Farland, ordered that the said bill be laid upon the table.

Mr. Dobson, from the committee appointed to conduct the balloting for solicitor of the fourth judicial circuit, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

The bill to establish an entry office in the county of Macon was read the second time and passed, and, on motion of Mr. Seawell, ordered to be referred to the committee on Internal Improvement.

On motion of Mr. Bell, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for solicitor of the fourth judicial circuit.

The bill to repeal part of the act of 1741, chapter 35th, authorising the

county Courts of this State to grant certificates in certain cases, was read the second time and passed.

Received from the House of Commons a message, agreeing to ballot again immediately for solicitor general of the fourth judicial circuit, and stating that Messrs. J. M. Skinner and Gause attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Williams and Hoke were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county, by the name of Yancey, was read the second time and passed—ayes 30, noes 30. The Speaker voting in the affirmative. The ayes and noes being demanded by Mr. Lindsay, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Brittain, Caldwell, Campbell, Dick, Dobson, Elliott, Gilmore, Guinn, Hill, Hoke, Hoover, Kerr, Kendall, M'Entire, M'Farland, Marshall of Anson, Martin of Rockingham, Martin of Wilkes, Massey, Melchor, Montgomery of Orange, Parham, Ray, Rencher, Seawell, Sueded, Toomer, Tyson, Vanhook.

Those who voted in the negative, are Messrs. Askew, Bateman, Bell, Brownrigg, Cooper of Martin, Cowper of Gates, Davenport, Dishongh, Hawkins, Hayley, Howell, Lindsay, M'Daniel, Marshall of Carteret, Miller, Montgomery of Hertford, Mosely, Moyer of Greene, Moyer of Pitt, Pool, Rowland, Spaight, Selby, Sherard, Simmons, Skinner, Thomson, Underwood, Williams, Wilson.

On motion of Mr. Wilson, ordered that the further consideration of the said bill be postponed until Friday next.

Mr. Williams, from the committee appointed to conduct the balloting for solicitor general of the fourth judicial circuit, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: a bill to establish Cool Spring Academy, in the county of Robeson, and appoint the trustees thereof; a bill to amend an act, entitled an act for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes; and a bill to incorporate the Wayne County Guards. Whereupon the said bills were severally read the first time and passed.

Received also from the House of Commons a message, proposing a further balloting immediately for solicitor general of the fourth judicial circuit; which proposition was agreed to, and Messrs. Martin, of Rockingham, and Howell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The engrossed bill to incorporate the Wayne County State Guards being read the second time, Mr. Dobson moved to refer the bill to the committee on Military Affairs; which was not agreed to. Mr. Brownrigg moved to amend the bill by inserting after the word "State," in the fourth line of the second section, the words "and of the United States;" which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill to establish Cool Spring Academy, in the county of Robeson, and appoint the trustees thereof, was, on motion of Mr. Howell, ordered to be laid upon the table.

The engrossed bill to amend an act, entitled an act for the better govern-

ment of the town of Elizabeth City, in the county of Pasquotank, and for other purposes, was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, agreeing to the proposition of the Senate to refer the bill more effectually to suppress and prevent the running away of slaves in this State to the joint select committee on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications.

A message was also received from the House of Commons, stating that Messrs. A. W. Wooten and Dozier attend the Senate to conduct the balloting on the part of that House for solicitor general of the fourth judicial circuit.

The bill to repeal part of the act of 1741, chapter 35th, authorising the County Courts of this State to grant certificates in certain cases; and the bill to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear river, were read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message from his Excellency the Governor, transmitting the resignation of William Bethell, brigadier general of the 8th brigade of North Carolina militia, together with sundry resignations of justices of the peace; also the resignation of Reuben Dever, lieutenant colonel, and of J. L. Dillard, major, of the first regiment of Haywood county militia, endorsed in that House "read and accepted;" and which were read and accepted by the Senate.

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

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SATURDAY, DECEMBER 3, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to repeal part of the act of 1741, chapter 35th, authorising the County Courts of this State to grant certificates in certain cases; and a bill to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear river; in which they ask the concurrence of the House of Commons.

Mr. Dick presented the resignations of Henry Humphreys and D. N. Ogburn, justices of the peace for the county of Guilford; which were read and accepted, and sent to the House of Commons.

Mr. Martin, of Rockingham, from the committee appointed to conduct the balloting for solicitor general of the fourth judicial circuit, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, agreeing to the proposition of the Senate to ballot on this day for solicitor of the fifth judicial circuit, and stating that Messrs. Stallings and Stephens attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Hill and Sherard were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. M'Farland presented the following preamble and resolution, to wit:

Whereas, owing to the unfortunate occurrence of the burning of the State Library, many useful and valuable bound reports relative to the proceedings of our previous Legislatures have been consumed; also copies of the public and private acts of this State, which were deposited there for the use of our Legislature; therefore,

*Resolved*, That the Library committee be instructed to inquire into the expediency of having

reprinted a suitable number of copies for the use of our future Legislatures, and to report the present situation of the Library; and that they report by bill or otherwise.

Which was read, and, on motion of Mr. M'Farland, ordered to be laid upon the table.

On motion of Mr. Montgomery, of Orange,

*Resolved*, That a select committee be appointed to inquire into and report to this House, what amount of dividends and bonus the banks of North Carolina have divided, and the rate of dividend from the year 1810 up to the last semi-annual exhibits published by said banks; also the amount of specie reported to be in the banks, and the amount of notes in circulation as shown by these exhibits; also, as far as practicable, the amount of specie paid into the banks on the original stock subscribed, designating the amount of dividends received by the State, and the amount received by individuals.

Mr. Brownrigg presented a bill to amend an act, passed in the year 1830, entitled an act to prevent the burning of court houses and other public buildings; which was read the first time and passed.

Mr. Cooper, of Martin, presented a bill to amend an act, passed in the year 1823, entitled an act to amend an act, passed at the last session of the General Assembly, entitled an act to provide a revenue for the payment of the civil list and contingent charges of Government; which was read the first time and passed.

Mr. Hoover presented a bill to amend an act, entitled an act, passed in the year 1830, to authorise and direct the Public Treasurer to sell the public lands therein named belonging to the State; which was read the first time and passed.

Mr. Allen presented a bill to repeal an act, passed in the year 1830, entitled an act to provide for summoning the original venire to the County Courts of Randolph, Rockingham, Buncombe, Brunswick and Chatham in future; which was read the first time and passed.

Mr. Sherard, from the committee appointed to conduct the balloting for solicitor of the fifth judicial circuit, reported that Alexander Troy, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Hill, ordered that a message be sent to the House of Commons, proposing to ballot immediately for solicitor general of the fourth judicial circuit.

On motion of Mr. Hoke;

*Resolved*, That it be submitted to the committee on the Judiciary to inquire whether it is necessary to make any amendment of the existing law to provide for cases where the County Courts shall fail or neglect to draw jurors for the Superior and County Courts; and to report by bill or otherwise.

Ordered that a message be sent to the House of Commons, stating that Messrs. Dick, Spaight and Brownrigg are appointed on the part of the Senate to compose the joint standing committee on the Public Library, in pursuance of the joint rules for the government of the two Houses.

On motion of Mr. M'Farland, the Senate proceeded to consider the bill to abolish the office of county trustee and treasurer of public buildings in the several counties within this State; and the bill being read the second time, Mr. M'Farland moved to amend the same by striking out the whole thereof, except the words "a bill," and insert in lieu thereof a substitute; which was read, and the question being taken on agreeing to the said amendment, it was decided in the affirmative, and the bill as amended was read the second time and passed.

Received from the House of Commons a message, agreeing to ballot immediately for solicitor general of the fourth judicial circuit, and stating

that Messrs. Joseph H. Skinner and Sloan attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Davenport and Askew were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Seawell, the Senate proceeded to take up the report of the joint select committee to whom was referred the resolution directing them to inquire whether the Legislature can legally hold its sessions in the house in which it is now convened; and, on motion of Mr. Spaight, ordered that the said report be transmitted to the House of Commons. Mr. Martin, of Rockingham, moved that the report in question, previous to its being transmitted to the House of Commons, be spread at length upon the Journals of the Senate; and the question being taken thereon, it was determined in the affirmative. The report is as follows, to wit:

The joint committee of the Senate and House of Commons to whom was referred the resolution of both Houses to inquire whether the house, in which the Legislature is now convened, is within the limits of the city of Raleigh, and if not, whether the Legislature can hold its sessions at any place without the said limits, agreeably to the provisions of the constitution and laws of the State, REPORT:

That as to the first object of inquiry embraced by the resolution, they have obtained no direct evidence upon the point; but are well assured, by information perfectly satisfactory, that the building in which the Legislature is now convened is without the limits of the city. As to the second inquiry referred, the committee are of opinion, there is nothing in the constitution or laws of the State which, under existing circumstances, restrains this General Assembly from the full exercise of its legislative functions at the place at which it is assembled. The State House, erected by the State for legislative purposes, is at this time nothing but a heap of ruins; the State has no building in the city in which the Legislature can convene; if, therefore, the present General Assembly is to legislate at all, (except it is to perform its several duties, if not wholly, in part, in the open air, and exposed to the inclemency of the season,) it is evident it can assemble at no other spot so near the seat of Government as the place it is now convened.— That the seat of the Government may be in the city of Raleigh, whilst circumstances may occur which require a particular session to be held at another place, is neither contradictory or absurd. To construe the ordinance of the convention in 1788 as restrictive of all power of legislation, except when the General Assembly was convened at the seat of Government, would impute to its framers the design of leaving themselves most feeble, as a political body, at a period when all the energies of the Government were most needed. If, for instance, the seat of Government should fall into the possession of an invading foe, (as was the case with the city of Washington during the late war,) all power of legislation must become suspended till its evacuation by the enemy or a peace be concluded. Such an intention cannot be presumed by any thing short of a positive declaration, and would be a libel upon the people assembled in convention for the purpose of forming a more perfect bond of union, establish justice, ensure domestic happiness, provide for the common defence, promote the general welfare and secure the blessings of liberty to themselves and posterity. In fine, your committee understand the sound construction of the ordinance to be, that the sessions of the General Assembly shall invariably be held at the seat of Government, except from inevitable necessity, accident, or some other like reason, it is necessary for the proper exercise of legislative functions that the General Assembly shall convene elsewhere, until it shall be otherwise directed by the authority of the people in convention assembled.

Mr. Gilmore presented a bill to admit to entry the vacant marsh and swamp lands, except the marsh and swamp lands hereinafter excepted; which was read the first time and passed, and, on motion of Mr. Seawell, ordered to be referred to the committee on Internal Improvements.

On motion of Mr. Cooper, of Martin, ordered that John Bonner and Jesse Coburn have leave to withdraw from the files of the Senate their petitions and accompanying papers, presented at the present session, praying compensation for services rendered during the revolutionary war.

Mr. Allen presented the petition of Polly Buckner, praying to be divorced from her husband Edward Buckner. Mr. Allen also presented a bill to carry the prayer of the petitioner into effect, entitled a bill to divorce Polly Buckner from her husband Edward Buckner; which was read the first time and passed.



Mr. Askew, from the committee appointed to conduct the balloting for solicitor general of the fourth judicial circuit, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On a motion of Mr. Askew, ordered that a message be sent to the House of Commons, proposing a further balloting immediately for solicitor general of the fourth judicial circuit.

Received from the House of Commons a message, proposing to raise a joint select committee, to be entitled the committee on Incorporations, to whom may be referred all bills of incorporations and all questions connected therewith; which proposition was agreed to, and Messrs. Toomer, Martin, of Wilkes, Miller, Sneed and Montgomery, of Hertford, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Seawell presented the following resolution, to wit:

*Resolved*, That all reports which shall be made upon any matter referred by this House shall be entered upon the Journals of the Senate, unless otherwise specially ordered.

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

On motion of Mr. Mosely, the Senate proceeded to take up and consider the message from the House of Commons, proposing to appropriate the two front rooms on the second floor of the Government House for the use of the engrossing clerks during the present session of the Legislature; and the question being taken on agreeing to the said proposition, it was determined in the negative. On motion of Mr. Williams, ordered that a message be sent to the House of Commons, informing them thereof, and proposing that the rooms aforesaid be appropriated to the use of the engrossing clerks and principal doorkeepers.

The bill to repeal an act, passed in the year 1830, entitled an act to provide for summoning the original venire to the courts of Randolph, Rockingham, Buncombe, Brunswick and Chatham in future, was read the second and third times and passed, and ordered to be engrossed.

Mr. Cowper, of Gates, presented a bill to amend the first and fifth sections of an act, passed at the last session of the General Assembly, entitled an act to authorise the County Court of Pleas and Quarter Sessions of the county of Gates to appoint wardens of the poor, and to build a poor and work house, and for other purposes; which was read the first time and passed.

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

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MONDAY, DECEMBER 5, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill, to wit: A bill to repeal an act, passed in the year 1830, entitled an act to provide for summoning the original venire to the County Courts of Randolph, Rockingham, Buncombe, Brunswick and Chatham in future; in which they ask the concurrence of the House of Commons.

Received from the House of Commons a message, proposing to ballot immediately for solicitor general of the fourth judicial circuit; which proposition was agreed to, and Messrs. Kendall and Bell were appointed to conduct the balloting on the part of the Senate, and the House of Com-

mons was informed thereof by message. Whereupon a message was received from that House, stating that Messrs. J. W. Wright and Hunt are appointed to conduct the balloting on their part.

Mr. Martin, of Rockingham, from the committee of Claims, to whom was referred the resolution in favor of William Thompson, sheriff of Wayne county, made a favorable report thereon, recommending the passage of the said resolution; in which report the Senate concurred, and the resolution was read the second time and passed.

On motion of Mr. Guinn,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the existing laws as to give to the County Courts jurisdiction to grant writs of certiorari and supersedeas in certain cases; and that they report by bill or otherwise.

On motion of Mr. Parham,

*Resolved*, That there be a select committee raised from the five western counties composing the sixth Judicial Circuit, to inquire whether any alteration can be made in the arrangement of some of the courts of said counties, to suit the convenience of all, and to lengthen the terms of Haywood courts; and that they report by bill or otherwise.

Whereupon Messrs. Parham, Guinn, Allen, M'Entire and Brittain were appointed to form said committee.

The bill to abolish the office of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus and Sampson, was read the second time. Mr. Howell moved to amend the bill, by extending its provisions to the county of Robeson; which amendment was agreed to. Mr. Howell moved further to amend the bill by inserting after the word "collect," in the sixth line of the second section, the following words: "and attend to all matters and things in their respective counties that said trustees or treasurer of public buildings were heretofore authorised by law to perform." Mr. Howell moved further to amend the bill by inserting after the word "annually," in the seventh line of the same section, the following words: "and oftener if necessary;" which amendments were also agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed.

The bill to amend the first and fifth sections of an act, passed at the last session of the General Assembly, entitled an act to authorise the County Court of Pleas and Quarter Sessions of the county of Gates to appoint wardens of the poor, and to build a poor and work house, and for other purposes, was read the third time. Mr. Cowper, of Gates, moved to amend the bill by striking out the word "amend," in the title of the bill, and to insert the word "repeal;" also to insert after the word "purposes," at the end of the title, the words "and to amend the same;" which amendments were agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed.

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

Received from the House of Commons a message, proposing to ballot again immediately for solicitor general of the fourth judicial circuit; which proposition was agreed to, and Messrs. Marshall, of Anson, and Moye, of Pitt, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon a message was received from that House, stating that Messrs. Cunningham and Lyon are appointed to conduct the balloting on their part, and inform-

ing further that the name of Spencer O'Brien is withdrawn from the nomination.

On motion of Mr. M'Farland, the Senate proceeded to consider the resolution relative to reprinting a suitable number of the reports and acts of Assembly, for the use of the Legislature, which were consumed by fire in the State Library; and the resolution having been read, the question on the adoption thereof was determined in the affirmative.

Mr. Dobson presented a bill vesting the right of electing clerks of the Superior and County Courts in the several counties within this State in the free white men thereof; which was read the first time and passed, and, on motion of Mr. Guinn, ordered to be printed, one copy for each member of the Legislature.

Mr. Seawell presented the following resolution, to wit:

*Resolved*, By the Senate and House of Commons in General Assembly convened, that all bills of a public nature shall, after their passage on the first reading, be printed, one copy for each member of the Legislature.

Which was read and adopted and ordered to be engrossed.

The bill to amend the act of 1823, entitled an act to amend an act, passed at the last session of the General Assembly, entitled an act to provide a revenue for the payment of the civil list and contingent charges of Government, was read the second time. Mr. Brownrigg moved to refer the said bill to the committee of Finance. Mr. Askew moved that the further consideration thereof be indefinitely postponed; which was agreed to—ayes 45, noes 18. The ayes and noes being demanded by Mr. Cooper, of Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Brittain, Bell, Brownrigg, Caldwell, Campbell, Cowper of Gates, Davenport, Dishongh, Dobson, Elliott, Gilmore, Hall, Hawkins, Hayley, Hill, Hoke, Hoover, Kerr, Kendall, Lindsay, M'Entire, M'Farland, Marshall of Anson, Marshall of Carteret, Martin of Wilkes, Massey, Melchor, Miller, Moye of Greene, Moye of Pitt, Parham, Pool, Ray, Rencher, Rowland, Spaight, Seawell, Selby, Skinner, Sneed, Thomson, Toomer, Wilson.

Those who voted in the negative, are Messrs. Bateman, Boddie, Cooper of Martin, Dick, Guinn, Howell, M'Daniel, Martin of Rockingham, Matthews, Montgomery of Hertford, Montgomery of Orange, Mosely, Sherard, Simmons, Tyson, Underwood, Vanhook, Williams.

Mr. Moye, of Pitt, from the committee appointed to conduct the balloting for solicitor general of the fourth judicial circuit, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot again immediately for solicitor general of the fourth judicial circuit; which proposition was agreed to, and Messrs. Underwood and Selby were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, proposing to ballot on Wednesday next for public printer, and stating that Ranson & Potter are in nomination for the appointment; which proposition was agreed to, and, on motion of Mr. Marshall, of Anson, ordered that a message be sent to the House of Commons, informing them thereof, and stating that Lawrence & Lemay are added to the nomination.

The bill to amend an act, passed in the year 1830, entitled an act to prevent the burning of the court houses and other public buildings, and the bill to amend an act, passed in the year 1830, to authorise and direct the Public Treasurer to sell the public lands therein named belonging to the State, were read the second time and passed.

The resolution in favor of William Thompson, sheriff of Wayne county, was read the third time and passed, and ordered to be engrossed; and the bill to divorce Polly Buckner from her husband Edward Buckner, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Hill and Wadsworth attend the Senate to conduct the balloting on the part of that House for solicitor general of the fourth judicial circuit.

The bill making an appropriation and appointing commissioners for the rebuilding of the Capitol in the city of Raleigh was taken up; when Mr. Kerr moved that the further consideration thereof be postponed until Wednesday next. Mr. Caldwell moved to amend the motion by postponing it until the third Monday in November next. Mr. Wilson moved that the bill be laid upon the table; which motion having precedence, the question thereon was first put and decided in the affirmative.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: a bill to prevent summoning grand jurors to attend the County Courts in Hyde county; a bill allowing compensation to jurors in the county of Buncombe; a bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Macon; a bill to amend the tenth section of the act of Assembly, chapter 997, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians; a bill to prevent obstructions to the passage of fish up Neuse and Trent rivers; a bill for the better regulation of the town of Edenton; and a bill to authorise the County Courts of Martin and Tyrrell counties to appoint committees of Finance. Whereupon the said bills were severally read the first time and passed; and the last mentioned bill, on motion of Mr. Wilson, was ordered to be laid upon the table.

The engrossed bill to prevent obstructions to fish up Neuse and Trent rivers, on motion of Mr. Spaight, was also ordered to be laid upon the table.

The engrossed bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Macon; and the engrossed bill to prevent summoning grand jurors to attend the County Courts in Hyde county, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill allowing compensation to jurors in the county of Buncombe was read the second time. Mr. Ailen moved to amend the bill by inserting after the word "of," in the twelfth line of the second section, the word "county;" which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Mr. Selby, from the committee appointed to conduct the balloting for solicitor general of the fourth judicial circuit, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Messrs. Montgomery, of Orange, M'Farland, Kerr, Hayley and Sherard were appointed the select committee on the resolution introduced by Mr. Montgomery, of Orange, on Saturday last, relative to the dividends and bonus which have been declared by the several banks of this State.

Received from the House of Commons a message, proposing to ballot

again immediately for solicitor general of the fourth judicial circuit; which proposition was not agreed to.

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

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TUESDAY, DECEMBER 6, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to divorce Polly Buckner from her husband Edward Buckner; a bill to repeal the first and fifth sections of an act, passed at the last session of the General Assembly, entitled an act to authorise the County Court of Pleas and Quarter Sessions of the county of Gates to appoint wardens of the poor, and to build a poor and work house, and for other purposes; a bill to abolish the office of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson; also a resolution directing all public bills to be printed; and a resolution in favor of William Thompson, sheriff of Wayne; in which they ask the concurrence of that House.

Mr. Martin, of Rockingham, from the committee of Claims, to whom was referred the petition of David Rea, of Mecklenburg county, praying compensation for services rendered during the revolutionary war, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected; in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot immediately for solicitor general of the fourth judicial circuit; which proposition was agreed to, and Messrs. Lindsay and Melchor were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon a message was received from that House, stating that Messrs. Chamblee and Gillespie are appointed to conduct the balloting on their part.

On motion of Mr. Marshall, of Anson,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the practicability of so amending the criminal law as to make it larceny to take, carry away or steal grapes from any vineyard cultivated with a view to make wine; and that they report by bill or otherwise.

Mr. Elliott presented a bill to amend an act, passed in 1777, entitled an act declaring what fences are sufficient, and to provide a remedy for abuses; which was read the first time and passed, and, on motion of Mr. Spaight, ordered to be referred to the committee on the Judiciary.

Mr. M'Farland moved that a message be sent to the House of Commons, proposing to ballot on Saturday next for a Governor of the State for the ensuing year, and nominated for that appointment Montfort Stokes. Mr. Mosely moved to amend the motion by substituting "Monday," instead of "Saturday;" and the question being taken thereon, it was determined in the affirmative.

Received from the House of Commons a message, transmitting a communication from the Public Treasurer, together with sundry documents, accompanied with a proposition from that House that the same be referred to a joint select committee; which proposition was agreed to, and Messrs. Boddie, Sneed, Rowland, Cooper, of Martin, and Martin, of Rockingham were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, transmitting a memorial from R. M. Saunders, attorney general, praying an alteration

in the times of holding the Superior Courts in the third judicial circuit, accompanied by a proposition from that House that the said memorial be referred to a joint select committee, composed of the members representing the counties of the third judicial circuit; which proposition was agreed to, and Messrs. Wilson, Moye, of Pitt, Boddie, Cooper, of Martin, Thomson, Seawell, Williams, Hawkins, Matthews and Hayley were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, agreeing to the amendments made by the Senate to the engrossed bills to alter the location of the register and entry taker's office in the county of Brunswick, and the bill to incorporate the Wayne County Guards; whereupon the said bills were ordered to be enrolled.

A message was also received from the House of Commons, stating that they have passed the following engrossed bill, in which they ask the concurrence of the Senate, to wit: a bill to authorise the filing of petitions in vacation, to hold defendants in petitions to bail, and authorise the County Courts to issue process to several counties at the same time. Whereupon the said bill was read the first time and passed, and, on motion of Mr. Spaight, ordered to be referred to the committee on the Judiciary.

Mr. Melchor, from the committee appointed to conduct the balloting for solicitor general of the fourth judicial circuit, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Dick moved that a message be sent to the House of Commons, proposing to ballot again on to-morrow morning for solicitor general of the 4th judicial circuit; which was not agreed to. Whereupon, on motion of Mr. Melchor, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for that officer.

The bill to amend an act, entitled an act passed in the year 1830 to authorise and direct the Public Treasurer to sell the public lands therein named belonging to the State, was read the third time. Mr. Montgomery, of Orange, moved to amend the bill by adding at the end thereof the words "or secured to the satisfaction of the Public Treasurer;" which amendment was not agreed to. On motion of Mr. Boddie, ordered that the said bill be referred to the committee on the Judiciary.

Received from the House of Commons a message, agreeing to ballot again immediately for solicitor general of the fourth judicial circuit, and stating that Messrs. Riddick and Swanner attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Bateman and Rencher were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Howell, the Senate proceeded to consider the engrossed bill to establish Cool Spring Academy, in the county of Robeson, and appoint the trustees thereof; whereupon the said bill was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill for the better regulation of the town of Edenton was read the second and third times and passed, and ordered to be enrolled.

The bill to amend an act, passed in the year 1830, entitled an act to prevent the burning of the courthouses and other public buildings, was read the third time and passed, and ordered to be engrossed.

Mr. Bateman, from the committee appointed to conduct the balloting for solicitor general of the fourth judicial circuit, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Montgomery, of Orange, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for solicitor general of the fourth judicial circuit; and, on motion of Mr. Hall, Hugh D. Waddell was withdrawn from the nomination.

Mr. Dick presented the petition of Elizabeth Forbis, the widow of Capt. Arthur Forbis, a soldier of the Revolution, praying to be placed on the pension list of the State. On motion of Mr. Dick, ordered that the said petition, together with the accompanying papers, be referred to the committee of Propositions and Grievances.

Received from the House of Commons a message, agreeing to ballot again immediately for solicitor general of the fourth judicial circuit, and stating that Messrs. Moody and Speight attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Hawkins and Gilmore were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Seawell, from the committee on the Judiciary, to whom was referred the consideration of the resolution to inquire into the expediency of appointing an agent to collect the evidence and attend to the surveying of the lands which are the subject of a suit now pending in the Supreme Court of this State, instituted by the attorney general in behalf of the State, to vacate certain grants of lands lying in the Cherokee Nation, with instructions to inquire into the expediency of adopting any measures they may deem necessary for the protection of the rights of the State in relation to said lands, made a favorable report thereon, and recommended the adoption of the following resolution, to wit:

*Resolved*, That the Governor of this State be requested and empowered to appoint some intelligent person to act on the part of this State in collecting the testimony, and causing such surveys as may be necessary to the just prosecution of the suit now pending in the Supreme Court of this State, in the name of the attorney general, for vacating certain grants made by this State.

Which being read, on motion of Mr. Sneed, ordered that the report and resolution be laid upon the table.

Received from the House of Commons the resignation of Benjamin Oliver, of the county of Duplin, and the resignation of Samuel Edney, of the county of Buncombe, justices of the peace for their respective counties, endorsed in that House "read and accepted;" and which were read and accepted by the Senate.

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

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WEDNESDAY, DECEMBER 7, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill, to wit: A bill to amend an act, passed A. D. 1830, entitled "an act to prevent the burning of the court houses and other public buildings;" in which they ask the concurrence of the House of Commons.

Mr. Mosely presented the resignation of Samuel Loftin, colonel commandant of the Lenoir county militia; which was read and accepted, and sent to the House of Commons.

Mr. Hawkins, from the committee appointed to conduct the balloting for solicitor general of the fourth judicial circuit, reported that John Scott, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Williams presented the resignation of Green Ross, colonel commandant of the Franklin county militia; which was read and accepted, and sent to the House of Commons.

Mr. Sneed, from the committee of Finance, to whom was referred the resolution instructing them to inquire into the expediency of changing the mode of receiving payment on the bonds for the purchase of the Cherokee lands, made an unfavorable report thereon, stating that it is inexpedient at this time to make the change proposed by the resolution, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Guinn, from the select committee, to whom was referred the bill directing the Governor to convey certain lands to the county of Macon, and to establish Franklin Academy, reported the same with an amendment; which was read and agreed to, and, on motion of Mr. Brittain, ordered that the said bill be laid upon the table.

Mr. Spaight presented a bill to repeal the 8th section of an act, passed in the year of our Lord one thousand eight hundred and twenty-eight, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by the justices of the peace; which was read the first time and passed, and, on motion of Mr. Spaight, ordered to be referred to the committee on the Judiciary.

Mr. Bell presented a bill to amend the second section of an act, passed A. D. 1796, entitled an act to enforce the duty of inspectors in this State; which was read the first time and passed.

Mr. Dobson presented a bill to authorise judges to grant writs of ne exeat in certain case therein mentioned; which was read the first time and passed, and, on motion of Mr. Dobson, ordered to be referred to the committee on the Judiciary.

On motion of Mr. Dobson, ordered that a message be sent to the House of Commons, stating that Messrs. Dobson and M'Daniel are appointed to conduct the balloting on the part of the Senate for public printer, heretofore agreed upon to take place this day.

Received from the House of Commons a message, stating that Messrs. J. B. Jones and Glass attend the Senate to conduct the balloting for public printer on the part of that House.

The engrossed bill to amend the tenth section of the act of Assembly, chapter 997, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, was read the second time and passed.

Mr. Dobson, from the committee appointed to conduct the balloting for public printer, reported that Lawrence & Lemay, having received a majority of the whole number of votes, are duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they have passed the engrossed bill to provide for the compensation of certain jurors of the county of Perquimons; in which they ask the concurrence of the



Senate. Whereupon the said bill was read the first time and passed; and being read the second time, Mr. Pool moved to amend the bill by extending its provisions to the county of Pasquotank; which amendment was agreed to, and the bill as amended was read the second time and passed. Whereupon Mr. Cowper, of Gates, moved that the further consideration thereof be postponed until to-morrow; which was agreed to.

A message was also received from the House of Commons, stating their concurrence in the amendment made by the Senate to the engrossed bill allowing compensation to jurors in the county of Buncombe. Ordered that the said bill be enrolled.

Mr. Wilson moved that the Senate do now proceed to consider the bill making an appropriation and appointing commissioners for the rebuilding of the Capitol in the city of Raleigh; and the question being taken thereon, it was decided in the negative.

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

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THURSDAY, DECEMBER 8, 1831.

On motion of Mr. Martin, of Rockingham, ordered that Robert Vanhook be added to the standing committee on Claims.

The Speaker laid before the Senate a memorial from Cornelius Dowd, of the county of Moore, in relation to the organization of the courts of that county, accompanied with sundry documents; which were read. On motion of Mr. M'Farland, ordered that the said memorial and documents be laid upon the table.

On motion of Mr. Martin, of Rockingham,

*Resolved*, That the Treasurer be, and he is hereby directed to make out a statement of all the funds belonging to the State, specifying their description, the gross amount of each, and report to the Senate as soon as practicable.

Mr. Guinn presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to Binum W. Bell, sheriff of Macon county, the sum of eleven dollars and sixty-five cents, that amount having been paid into the Public Treasury as the taxes on lands held by John Brown, agent for Calheart and others, which lands were listed and the taxes paid in Haywood county; also the sum of thirty-five dollars and forty-five cents, the amount paid into the Public Treasury as the taxes on Holderman & Esselman's speculation lands, which were afterwards sold by said Bell and purchased for the State; also the sum of twelve dollars, the expenses incurred in valuing, selling and conveying said lands to the Governor; and that he be allowed a credit for the same in the settlement of his accounts.

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

On motion of Mr. Campbell,

*Resolved*, That the Military committee be instructed to inquire into the expediency of allowing compensation to the militia ordered into service by the commanding officer of New Hanover county, for the purpose of suppressing insurrection, and that the papers and documents herewith transmitted be laid before the said committee; and that they be instructed to report by bill or otherwise.

On motion of Mr. Williams,

*Resolved*, That the Judiciary committee be instructed to inquire into the propriety of altering or amending the patrol laws of this State; and that they report by bill or otherwise.

Mr. Hall presented a bill to exempt the wardens of the poor from the performance of certain duties; which was read the first time and passed, and, on motion of Mr. Brownrigg, ordered to be referred to the committee on Military affairs.

Mr. Wilson presented a bill to incorporate three Light Infantry companies and one company of Cavalry in the county of Edgecomb, and one company of Light Infantry in the county of Pitt; which was read the first

time and passed, and, on motion of Mr. Dobson, ordered to be referred to the committee on Military Affairs.

On motion of Mr. Mosely, ordered that a message be sent to the House of Commons, proposing to ballot on to-morrow for a brigadier general of the third brigade and sixth division of North Carolina militia, and stating that Montesque W. Campbell is in nomination for the appointment.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate to appropriate the two front rooms on the second floor of the Government House to the use of the engrossing clerks and principal doorkeepers.

Received also from the House of Commons a message, stating their agreement to the proposition of the Senate to ballot on Monday next for Governor of the State.

A message was also received from the House of Commons, stating that they have rejected the engrossed resolution directing all public bills to be printed; also that they have postponed indefinitely the engrossed bill to divorce Polly Buckner from her husband Edward Buckner.

A message was also received from the House of Commons, stating that Messrs. L. Thompson, A. W. Wooten, Sanders, Tatham and Robertson form the joint select committee on the part of that House, to whom the late communication from the Public Treasurer, with the accompanying documents, has been referred; also that Messrs. Gaston, Wyche and Haywood form the joint select committee on the part of that House on the Public Library; and that Messrs. Hogan and Little form the joint select committee on the part of that House on enrolled bills.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: a bill to authorise Daniel Smith to erect two gates in the county of Jones; a bill to limit the time within which actions may be brought against bail; a bill to provide for the collection of costs in certain cases; and a bill to alter the time of holding two of the terms of the Courts of Pleas and Quarter Sessions for the county of Macon, and for the better regulation of the same. Whereupon the said bills were severally read the first time and passed, and the first mentioned bill was, on motion of Mr. Spaight, ordered to be referred to the committee on Propositions and Grievances; the second mentioned bill was, on motion of Mr. Mosely, and the third mentioned bill was, on motion of Mr. Sneed, ordered to be referred to the committee on the Judiciary.

Received also from the House of Commons the resignation of Mordecai Flemming, lieutenant colonel of the first regiment of Surry county militia, endorsed in that House "read and accepted," and which was read and accepted by the Senate.

On motion of Mr. Seawell, the Senate proceeded to consider the bill making an appropriation and appointing commissioners for the rebuilding of the Capitol in the city of Raleigh; and the bill being read the second time, Mr. Seawell moved to amend it by filling the blank in the first section with the word "thirty." Mr. Toomer moved to amend the motion by substituting the word "one hundred." The question being first taken upon filling the blank with the word "thirty," it was decided in the affirmative. Mr. Martin, of Rockingham, moved that the further consideration of the bill be postponed until the third Monday in November next; which was agreed

to—ayes 32, noes 31. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Brittain, Caldwell, Campbell, Dick, Dobson, Elliott, Gilmore, Guinn, Hall, Hill, Hoke, Hoover, Howell, Kerr, Kendall, M'Entire, M'Farland, Marshall of Anson, Martin of Rockingham, Martin of Wilkes, Massey, Melchor, Montgomery of Orange, Parham, Ray, Rencher, Sherard, Simmons, Toomer, Tyson, Underwood.

Those who voted in the negative, are Messrs. Askew, Bateman, Bell, Boddie, Brownrigg, Cooper of Martin, Cowper of Gates, Davenport, Dishongh, Hawkins, Hayley, Lindsay, M'Daniel, Marshall of Carteret, Matthews, Miller, Montgomery of Hertford, Mosely, Moye of Greene, Moye of Pitt, Pool, Rowland, Spaight, Seawell, Selby, Skinner, Sneed, Thomson, Vanhook, Williams, Wilson.

Received from the House of Commons a message, proposing to ballot on to-morrow for brigadier general of the 8th brigade, and stating that Jesse M'Quistian and Joseph H. Winston are in nomination for the appointment; which proposition was agreed to.

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

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FRIDAY, DECEMBER 9, 1831.

A message was sent to the House of Commons, stating that Messrs. Spaight and Mosely are appointed on the part of the Senate to compose the joint standing committee on enrolled bills.

A message was also sent to the House of Commons, stating that Messrs. Cowper, of Gates, and Cooper, of Martin, attend that House to conduct the balloting on the part of the Senate for brigadier general of the 8th brigade.

On motion of Mr. Mosely,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether by the existing law of the State a slave can be indicted for the crime of perjury; and that they report by bill or otherwise.

Mr. Kendall presented a bill giving exclusive jurisdiction to the Superior Court of Montgomery county of all pleas & prosecutions of the State; which was read the 1st, 2d and 3d times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Watson and M'Neill attend the Senate to conduct the balloting on the part of that House for brigadier general of the 8th brigade.

Mr. Allen presented a bill to authorise the erection of mills on Big Ivey creek, in the county of Buncombe; which was read the first time and passed, and being read the second time, Mr. Hoke moved that the further consideration thereof be indefinitely postponed; which was not agreed to. Mr. Hoke moved to amend the bill by striking out the whole of the second section after the word "act," in the third line. Mr. Sneed moved that the said bill be referred to the committee on Propositions and Grievances. Mr. Williams moved that the bill be laid upon the table; which motion having precedence, the question thereon was taken and decided in the affirmative.

Received from the House of Commons the annual report of the Adjutant General of the State, with sundry accompanying documents, and accompanied with a proposition from that House that the same be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, agreeing to ballot on this day for brigadier general of the 3d brigade, and stating that Messrs. Davis and Wright attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Massey and Hoover were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Bateman presented a bill to prevent the circulation of seditious pamphlets; which was read the first time and passed, and, on motion of Mr. Wilson, ordered that a message be sent to the House of Commons, proposing to refer the said bill to the committee on that part of the Governor's message relating to the subject of free persons of color and incendiary publications.

The engrossed bill to alter the time of holding two of the terms of the Courts of Pleas and Quarter Sessions for the county of Macon, and for the better regulation of the same, was read the second time. Mr. Guinn moved to amend the bill by striking out the word "May," in the fourth line of the first section, and inserting the word "March;" which amendment was agreed to, and the bill as amended was read the 2nd time and passed.

Mr. Cowper, of Gates, from the committee appointed to conduct the balloting for brigadier general of the 8th brigade, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

The engrossed bill to provide for the compensation of certain jurors of the county of Perquimons was read the third time. Mr. Cowper, of Gates, moved to amend the bill by extending its provisions to the county of Gates; which amendment was agreed to. Mr. Cowper, of Gates, moved further to amend the bill by adding the following as an additional section, to wit: "*Be it further enacted*, That no payment of jurors for the county of Gates shall be made by the county trustee until May term, 1833;" which amendment was also agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Hill, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for brigadier general of the 8th brigade. Whereupon a message was received from the House of Commons, agreeing to ballot as proposed by the Senate, and stating that Messrs. Moore and Mask attend the Senate to conduct the balloting on their part. Thereupon Messrs. Allen and Pool were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Massey, from the committee appointed to conduct the balloting for brigadier general of the third brigade, reported that Montesquie W. Campbell, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The engrossed bill to amend the 10th section of the act of Assembly, chapter 997, prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, was read the third time. Mr. Seawell moved to amend the bill by striking out the following words in the second section, to wit: "together with the receipts of the Treasurer showing the purchase money to be paid," and adding at the end of the said section the following: "nor without a receipt or certificate from the Public Treasurer setting forth the payment of the purchase money;" which amendment was agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons asking their concurrence in the amendment.

The engrossed bill to alter the time of holding two of the terms of the Courts of Pleas and Quarter Sessions for the county of Macon, and for the

better regulation of the same, was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, transmitting a communication from his Excellency the Governor, with sundry accompanying papers relative to a proposition made by Mr. Ball Hughes to repair the Statue of Washington belonging to the State, and accompanied with a proposition from that House that the said communication and accompanying papers be referred to a joint select committee, and stating further that Messrs. Polk, Gaston, Henry, Courts and Bragg form the said committee on the part of that House; which proposition was agreed to, and Messrs. Toomer, Dick, M'Entire, Skinner and Montgomery, of Hertford, were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to authorise the justices of the peace of Hyde and Washington counties to purchase lands and erect such buildings as will be suitable for the comfortable accommodation of the poor of said counties; and a bill to repeal an act, passed in the year 1823, entitled an act to increase constables' fees in the county of New Hanover. Whereupon the first mentioned bill was read the first time and passed; and the last mentioned bill being read the first time, the further consideration thereof was, on motion of Mr. Williams, ordered to be indefinitely postponed.

Mr. Pool, from the committee appointed to conduct the balloting for brigadier general of the 8th brigade, reported that Joseph H. Winston, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The Senate then proceeded to consider the bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county by the name of Yancey. Mr. Allen moved that the bill be laid upon the table; which was not agreed to—ayes 28, noes 35. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Brittain, Caldwell, Campbell, Dick, Dobson, Elliott, Gilmore, Guinn, Hill, Hoke, Hoover, Kerr, Kendall, M'Entire, Marshall of Anson, Martin of R., Martin of W., Massey, Melchor, Montgomery of Orange, Parham, Ray, Rencher, Sneed, Toomer, Tyson, Vanhook.

Those who voted in the negative, are Messrs. Askew, Bateman, Bell, Boddie, Brownrigg, Cooper of Martin, Cowper of Gates, Davenport, Dishough, Hall, Hawkins, Hayley, Howell, Lindsay, M'Daniel, M'Farland, Marshall of Carteret, Matthews, Miller, Montgomery of Hertford, Mosely, Moye of Greene, Moye of Pitt, Pool, Rowland, Spaight, Seawell, Selby, Shepard, Simmons, Skinner, Thomson, Underwood, Williams, Wilson.

The bill was thereupon read the third time, and resolved that the same shall not pass—ayes 29, noes 34. The ayes and noes being demanded by Mr. Skinner, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Brittain, Caldwell, Campbell, Dick, Dobson, Elliott, Gilmore, Guinn, Hall, Hoke, Hoover, Kerr, Kendall, M'Entire, M'Farland, Marshall of Anson, Martin of Rockingham, Martin of Wilkes, Massey, Melchor, Montgomery of Orange, Parham, Ray, Rencher, Toomer, Tyson, Vanhook.

Those who voted in the negative, are Messrs. Askew, Bateman, Bell, Boddie, Brownrigg, Cooper of Martin, Cowper of Gates, Davenport, Dishough, Hawkins, Hayley, Howell, Lindsay, M'Daniel, Marshall of Carteret, Matthews, Miller, Montgomery of Hertford, Mosely, Moye of Greene, Moye of Pitt, Pool, Rowland, Spaight, Seawell, Selby, Shepard, Simmons, Skinner, Sneed, Thomson, Underwood, Williams, Wilson.

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

SATURDAY, DECEMBER 10, 1831.

The Speaker laid before the Senate a communication from the Public Treasurer, transmitting a statement prepared in obedience to a resolution of the Senate of the 8th instant, directing the Public Treasurer to make out a statement of all the funds belonging to the State, specifying their description, the gross amount of each, and report to the Senate as soon as practicable. On motion of Mr. Spaight, ordered that the statement be printed, one copy for each member of the Legislature.

Mr. M'Farland presented the following preamble and resolution, to wit:

Whereas much time and unnecessary legislation have been spent in the enactment of laws relative to establishing poor houses in the different counties in this State, and matters and things thereunto appertaining; therefore, be it

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the laws of this State, if necessary, as to give the full power and authority to the County Courts, a majority of the acting justices being present; and that they report by bill or otherwise.

Which was read and adopted.

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

Whereas the good citizens of this State have long lamented her insufficiency to vie with her sister States in commercial transactions, her bars being too shallow for laden vessels to ascend her channels; her rivers are obstructed and their currents impetuous; the State extends a great distance to the west; our roads in some seasons of the year are almost impassable for laden carriages; in short, our expenses in getting produce to market far exceeds our profits. The wealth of every country must depend upon the profits of the commodities she exports. It is therefore believed that one of the first objects of every State should be to facilitate the conveyance of her produce to the exportable points; which is believed to be best done by the making of rail roads and cutting canals from the exportable points to the most remote sections of the State, which would at once obviate the prominent defects in our commercial transactions and put us upon a level with other States; be it therefore

*Resolved*, by the General Assembly of the State of North Carolina, and it is hereby resolved by the authority of the same, that a joint select committee be raised to inquire into the expediency of chartering a company in this State to receive private subscriptions for the desirable object of making a rail road from Old Topsail Inlet to some suitable point in the interior country, and extending as nearly as practicable to the Blue Ridge; and that said committee be requested to report a plan to this House for carrying the above object into effect.

Mr. Toomer moved to amend the resolution by adding the following, to wit:

*Be it further resolved*, That the said committee be instructed to inquire into the expediency of making a rail road from some point on the Cape Fear river to some point on the waters of the Yadkin river; and that they also inquire whether it be expedient to make said rail road at the public expense, or be expedient to incorporate a company, the stock to be subscribed by individuals, to effect said object.

Which amendment was agreed to, and the resolution as amended was read and adopted.

Mr. Mosely presented the following resolution, to wit:

*Resolved*, That the committee on Military Affairs be instructed to inquire into the expediency of passing a public law upon the subject of organizing and incorporating volunteer companies in the several counties in this State; and that they report by bill or otherwise.

Which was read, and, on motion of Mr. Mosely, ordered to be laid upon the table.

On motion of Mr. Guinn, the Senate proceeded to consider the bill to repeal an act, passed in the year 1830, entitled an act to prohibit the circulation in this State, after the time therein mentioned, of bank notes under five dollars, issued by the banks of other States, together with the amendment proposed by Mr. Guinn. Mr. Brittain moved to amend the amendment by extending its provisions to the county of Burke; which amendment was agreed to. The question then recurring on the adoption of the amendment as amended, it was determined in the negative. Mr. Guinn further moved to amend the bill by extending the time of its opera-

tion to the fourth of July, 1833. Mr. Seawell moved to lay the bill, together with the amendment, upon the table; which motion having precedence, the question thereon was decided in the affirmative.

A motion was made by Mr. Williams to reconsider the vote just taken upon the adoption of the resolution introduced by Mr. Dishongh, and the amendment proposed by Mr. Toomer, and on the question will the Senate reconsider the said vote? it was determined in the affirmative. Whereupon Mr. Williams moved to amend the resolutions by adding the following, to wit:

*Resolved*, That the same committee be instructed to inquire into the propriety and expediency of incorporating a rail road company, to be owned by individual stockholders, to commence at some point on the waters of the Cape Fear river, at or near Haywood, in the county of Chatham, and running by Louisburg, so as to meet the Petersburg Rail Road Company at the Roanoke river near Halifax; and that they report by bill or otherwise.

Which amendment was agreed to, and the resolutions as amended were read and adopted, and ordered to be engrossed.

Mr. Gilmore presented a bill to amend an act, passed in the year one thousand eight hundred and five, entitled an act to prevent vice and immorality by declaring the offences therein contained to be the subject of indictment; which was read the first time and passed.

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

#### MONDAY, DECEMBER 12, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill, to wit: A bill giving exclusive jurisdiction to the Superior Court of Montgomery county of all pleas and prosecutions of the State; in which they ask the concurrence of the House of Commons.

Messrs. Seawell, Williams, Martin, of Wilkes, Dishongh and Hoke were appointed to form the joint select committee on the part of the Senate on the resolution of Mr. Dishongh, relative to the construction of a rail road from Old Topsail Inlet to the interior of the State, and the amendatory resolutions of Messrs. Toomer and Williams.

Mr. Guinn presented the petition of Andrew Welch, praying the passage of an act to authorise him to build a saw mill on the public lands in the county of Macon. On motion of Mr. Guinn, ordered that the said petition be referred to the committee on Internal Improvement.

Mr. Askew, from the joint select committee to whom was referred that part of the Treasurer's report relative to the repairs of the State House, with instructions to report to this Legislature what disposition should be made of the bond of the contractor for said repairs, and whether he should be paid agreeable to the terms of the contract, made a detailed report thereon, recommending the adoption of the following resolution, to wit:

*Resolved*, That the Public Treasurer deliver to Thomas Bragg the bond of four thousand dollars, in which he was bound to cover the State House and the office of Secretary of State with zinc; and that the commissioners pay him only for the work they have received.

Which was read. Mr. Seawell moved that the report and resolution be laid upon the table; which was not agreed to. Mr. Sneed moved that the report and resolution, together with the accompanying papers, be committed to the same committee, with instructions to set forth the contract or contracts entered into with the contractor, and to state minutely all the circumstances tending to show in what way the unfortunate fire occurred, and to state whether the fire originated in any carelessness of the contrac-

tor or any negligence of any of his agents, as well as all such facts as may be necessary to enable the Senate to act understandingly on the subject; which motion was not agreed to. Mr. Askew moved that the further consideration of the report and resolution be postponed until to-morrow; which was agreed to.

On motion of Mr. Rencher,

*Resolved* That the committee on the Judiciary be instructed to inquire into the expediency of making further provision by law for compelling the clerks of the County and Superior Courts of Law within this State to issue writs of *capias ad respondendum*, subpoenas and other process for service within a given time after the rise of their respective courts; and report by bill or otherwise.

Mr. Bell presented a bill to authorise the justices of the peace for the County Court of Camden, on petition, to appoint commissioners to set off widows' dowers, to lay out, alter or straighten roads; which was read the first time and passed.

Received from the House of Commons a message, stating that Richard D. Spaight, of Newbern, is added to the nomination for Governor of the State, and informing that Messrs. Grandy and Witcher attend the Senate to conduct the balloting on the part of that House. Whereupon Messrs. Kendall and Miller were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Cooper, of Martin, presented a bill to incorporate a company to make a turnpike road from Williamston landing in the county of Martin, towards Windsor in Bertie county, and to intersect the public road leading from Oliver's ferry to Windsor, and for other purposes; which was read the first time and passed, and, on motion of Mr. Cooper, of Martin, referred to the committee on Internal Improvement.

Mr. Allen asked and obtained leave to withdraw from the files of the Senate the petition, and accompanying papers, of sundry citizens of the counties of Buncombe and Burke, praying the erection of a new county out of parts of those counties.

On motion of Mr. Massey, ordered that David Rea have leave to withdraw from the files of the Senate his petition, and accompanying papers, presented at the present session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: a bill to alter the time of holding two of the Courts of Pleas and Quarter Sessions for the county of Buncombe; a bill to prevent persons on the sea coast from holding out false lights; and a bill to appoint lay days for fishing with seines, nets, &c. at New Inlet in the counties of Currituck and Hyde. Whereupon the said bills were severally read the first time and passed.

The engrossed bill to authorise the justices of the peace of Hyde and Washington counties to purchase lands and erect such buildings as will be suitable for the comfortable accommodation of the poor of said counties, was read the second time. Mr. Hall moved to amend the bill by extending its provisions to the county of Brunswick; which amendment was agreed to, and the bill as amended was read the second time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution authorising the burning of Treasury notes; in which they ask the concurrence of the Senate. Whereupon the resolution was read, and, on motion of Mr. Wilson, ordered to be laid upon the table.



Mr. Kendall, from the committee appointed to conduct the balloting for Governor of the State, reported that Montfort Stokes, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons the resignation of Alexander N. Bell, a justice of the peace for the county of Anson, endorsed in that House "read and accepted," and which was read and accepted by the Senate.

On motion of Mr. Kendall, ordered that a message be sent to the House of Commons, proposing that a joint select committee be appointed, consisting of two members on the part of each House, to wait on the Governor-elect and inform him of his election, and to ascertain from him at what time it will suit his convenience to attend and take the oaths of office prescribed for his qualification. Whereupon Messrs. Kendall and Pool were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

The bill vesting the right of electing clerks of the Superior and County Courts in the several counties within this State in the free white men thereof, was read the second time. Mr. Bell moved to amend the bill by striking out the words "County Court clerks" wherever they occur; which amendment was not agreed to. Mr. Martin moved to amend the bill by striking out the words "Superior Court clerks" wherever they occur; which was not agreed to. Mr. Williams moved to amend the bill by inserting the following words after the word "clerks," in the eight line of the first section, to wit: "clerk and master in equity, constables and county solicitors;" which amendment was not agreed to. Mr. Guinn moved to amend the bill by inserting after the word "shall," in the second line of the fourth section, the following: "on or before the second day;" which amendment was agreed to. Mr. Rencher moved further to amend the bill by striking out the whole of the fifth section except the proviso; which amendment was also agreed to. Mr. Gilmore moved further to amend the bill by adding the following as an additional proviso, to wit: "*And provided further,* That the County Court shall from time to time take other and additional security from said clerks should they deem the same necessary;" which amendment was not agreed to. The question then recurring on the passage of the bill the 2<sup>d</sup> time as amended, it was resolved that the same shall not pass—ayes 31, noes 32. The ayes and noes being demanded by Mr. Cooper, of Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Caldwell, Cooper of Martin, Cowper of Gates, Dick, Dishongh, Dobson, Gilmore, Guinn, Hall, Hawkins, Hayley, Hoke, Kendall, Lindsay, M<sup>d</sup>Daniel, M<sup>d</sup>Entire, M<sup>d</sup>Farland, Marshall of Anson, Marshall of Carteret, Martin of Rockingham, Montgomery of Orange, Massey, Parham, Pool, Rencher, Simmons, Skinner, Tyson, Underwood, Vanhook.

Those who voted in the negative, are Messrs. Askew, Bateman, Brittain, Bell, Boddie, Brownrigg, Campbell, Davenport, Elliott, Hill, Hoover, Howell, Kerr, Martin of Wilkes, Matthews, Melchor, Miller, Montgomery of Hertford, Mosely, Moye of Greene, Moye of Pitt, Ray, Rowland, Spaight, Seawell, Selby, Sherard, Sneed, Thomson, Toomer, Williams, Wilson.

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

TUESDAY, DECEMBER 13, 1831.

Mr. Montgomery, of Hertford, from the committee on Propositions and Grievances, to whom was referred the engrossed bill to authorise Daniel Smith to erect two gates in the county of Jones, reported the same without

amendment and recommended its passage into a law. Whereupon the said bill was read the second and third times and passed, and ordered to be enrolled.

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

Mr. Guinn presented a bill to allow compensation to jurors of the County and Superior Courts of the county of Macon; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Martin, of Wilkes, presented a bill to repeal in part an act, passed in the year 1829, chapter 22nd, entitled an act to regulate the entries of lands in certain cases; which was read the first time and passed.

On motion of Mr. Askew, the Senate proceeded to consider the resolution directing the Public Treasurer to deliver to Thomas Bragg the bond executed by him for the faithful performance of a contract entered into by him for covering the State House. Mr. Mosely moved that the resolution and accompanying papers be laid upon the table; which was not agreed to, and the resolution was thereupon read the first time and passed, and being read the second time, Mr. Marshall, of Carteret, moved to strike out the whole thereof and insert the following preamble and resolution as a substitute, to wit:

Whereas, from the exhibits accompanying the report, and the report itself, made by the committee on that part of the Treasurer's report relative to the contract for covering the State House, it fully appears that the contractor in performing the work used the greatest caution, vigilance and attention; that he executed it in the most superior style; that in a very short time he would have delivered it into the hands of the commissioners; and that from all the evidence it appears that the catastrophe was the result of pure accident, or possibly the work of an incendiary; and whereas the justice of the case should not be sacrificed to the mere technical consideration of the work not being delivered: Therefore,

*Resolved*, That the Treasurer be, and he is hereby authorised to pay to Thomas Bragg, the contractor for covering the State House, the amount for which he contracted to do the work, in the same manner as if the same had been delivered to and received by the commissioners.

Mr. Cowper, of Gates, moved that the further consideration of the resolution and substitute be postponed until to-morrow; which was not agreed to. Mr. Hawkins moved that the resolution and substitute, together with the accompanying papers, be laid upon the table; which was agreed to.

The hour designated by the Governor elect for his qualification having arrived, and the Senate being informed that the House of Commons is in readiness to receive them on the occasion, the two Houses of the Legislature convened in the Commons hall, where the oaths of office prescribed by law to be taken by the Governor before entering on the duties of his appointment were administered, in the presence of both branches of the Legislature, to Montfort Stokes, by Nathaniel G. Rand, Esq. a justice of the peace for the county of Wake. Whereupon the Senate returned to their chamber for the purpose of legislation.

The bill to authorise the erection of mills on Big Ivey creek, in the county of Buncombe, was read the second time. Mr. Montgomery, of Orange, moved to amend the bill by striking out the whole of the second section; which amendment was agreed to, and the bill as amended was read the 2nd time and passed. Whereupon Mr. Allen asked and obtained leave to withdraw the said bill and accompanying papers.

Mr. Wilson moved that the Senate do now resolve itself into a commit-

tee of the Whole House to take into consideration the bill to establish a bank on the funds of the State; and the question being taken thereon it was decided in the negative.

The bill to amend an act, passed in the year 1805, entitled an act to prevent vice and immorality, by declaring the offences therein contained to be the subject of indictment, was read the second time, and, on motion of Mr. Spaight, ordered to be referred to the committee on the Judiciary.

The engrossed bill to prevent persons on the sea coast from holding out false lights, and the engrossed bill to alter the time of holding two of the Courts of Pleas and Quarter Sessions for the county of Buncombe, were read the second and third times and passed, and ordered to be enrolled.

The bill to amend the second section of an act, passed A. D. 1796, entitled an act to enforce the duty of inspectors in this State, and the engrossed bill to appoint lay days for fishing with seines, nets, &c. at New Inlet in the counties of Hyde and Currituck, were read the second time and passed.

The bill to authorise the justices of the peace for the County Court of Camden, on petition, to appoint commissioners to set off widows' dowers, to lay out, alter or straighten roads, &c. was read the second time. Mr. Bateman moved to amend the bill by extending its provisions to the county of Tyrrell; Mr. Guinn moved to amend the bill by extending its provisions to the county of Macon; Mr. Rencher moved to amend the bill by extending its provisions to the county of Chatham; and Mr. Lindsay moved to amend the bill by extending its provisions to the county of Currituck; which several amendments were agreed to. Mr. Kendall moved to refer the bill to the committee on Roads, with instructions to report a general bill upon the subject. Mr. Hall moved that the bill, with the several amendments, be laid upon the table; which motion having precedence, the question thereon was first taken, and decided in the affirmative.

Mr. Dick presented the memorial of the religious society of Friends, adopted at the yearly meeting held at New Garden, in the county of Guilford, in the month of November last, praying the Legislature to take into consideration the propriety of adopting some general measures for removing the free people of color in this state to the colony of Liberia. On motion of Mr. Dick, ordered that the memorial be laid upon the table.

Mr. Seawell, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of so amending the law of this State as to give full power and authority to the County Courts to establish poor houses in the different counties in this State, made a report thereon, accompanied by a bill, entitled a bill to authorise the Courts of Pleas and Quarter Sessions of the several counties in this State to erect poor houses in their respective counties; which was read the first time and passed.

On motion of Mr. M'Farland,

*Resolved*, That the select committee to inquire into the amount of dividends and bonus divided by the banks of this State, &c. be instructed to inquire into and report the amount of bank debt due to the banks in this State, including the branch Bank of the United States, and the interest paid on said debts, also, as near as may be, the amount of per cent. made upon their specie paid in said banks as stock.

The engrossed resolution authorising the committee of Finance to burn the Treasury notes now in the Treasury, was taken up and read. Mr. Brownrigg moved to amend the resolution by inserting after the word "now,"

in the fourth line, the words "or shall be in the office of the Public Treasurer by the 25th of December instant;" which amendment was agreed to, and the resolution as amended was read and adopted, and a message sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Seawell, the Senate proceeded to consider the resolution authorising the Governor to appoint an agent to collect testimony and to cause such surveys as may be necessary to be made, to the just prosecution of a suit now pending in the Supreme Court of this State in the name of the attorney general, for vacating certain grants; and the resolution having been read, Mr. Martin moved to amend it by adding the following proviso, to wit: "*Provided* the per diem allowance made to such agent shall not exceed the sum of five dollars, and two dollars per day for travelling expenses;" which amendment was not agreed to. Mr. Brownrigg moved to amend the resolution by adding the following proviso, to wit: "*Provided*, however, that the person who shall be appointed under this resolution shall not receive more than three dollars per day and the expenses which he may incur while in actual service." Mr. Caldwell moved to amend the amendment by striking out the word "three" and inserting the word "four;" which was not agreed to. The question then recurring on agreeing to the original amendment, it was decided in the negative. Whereupon the resolution was read and adopted, and ordered to be engrossed.

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

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WEDNESDAY, DECEMBER 14, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to allow compensation to the jurors of the County and Superior Courts of the county of Macon; also the engrossed resolution to appoint an agent to collect evidence and to attend to the surveying of the lands which are the subject of a suit now pending in the Supreme Court, &c.; in which they ask the concurrence of the House of Commons.

Mr. Sneed presented the memorial of the president and directors of the Buncombe Turnpike Company, praying certain alterations and amendments to the charter of said company. On motion of Mr. Sneed, ordered that the said memorial be referred to the committee on Internal Improvement.

Mr. Seawell, from the committee on the Judiciary, to whom was referred the engrossed bill to provide for the collection of costs in certain cases, reported the same without amendment, and recommended its passage into a law; whereupon the said bill was read the second time and passed.

Mr. Sneed, from the committee on Finance, whose duty it is made by law to examine the report of the Public Treasurer, the statement of the Comptroller, and in general into the state and condition of the finances of the State, and of the departments connected therewith, made a detailed report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the Comptroller credit William S. Mhoon, Esq. Public Treasurer, with the sum of twenty-eight thousand three hundred and ninety-four dollars and ninety-seven cents, that being the amount of Treasury notes burnt by the committee of Finance up to the first day of December, 1831.

Which was read and adopted, and ordered to be engrossed; and, on motion of Mr. Seawell, ordered that the said report be printed, one copy for each member of the Legislature.

Mr. Seawell presented the following resolution, to wit:

*Resolved*, by the Senate and House of Commons, that the report of the committee of Finance on the state of the Public Treasury be printed and bound up with the laws passed at this session of the General Assembly.

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

Mr. Seawell, from the committee on the Judiciary, to whom was referred the resolution to inquire whether it is necessary to make any amendment of the existing law to provide for cases where the County Court shall fail or neglect to draw jurors for the Superior and County Courts, made a report thereon, accompanied by a bill, entitled a bill amending the laws relative to the manner of appointing jurors for the Superior and County Courts of this State; which was read the first time and passed.

On motion of Mr. Martin, of Rockingham, the Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Mosely in the Chair, to take into consideration the bill to establish a bank on the funds of the State; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Mosely reported that the committee of the Whole had, according to order, had the said bill under consideration, and had made some progress therein; but not having sufficient time to go through the same, had instructed him to ask leave to sit again on to-morrow; and on the question shall the committee of the Whole have leave to sit again on the said bill on to-morrow? it was decided in the affirmative.

Mr. Seawell presented a bill providing for the assignment of dower, and for the partition of the whole real estate of deceased persons, where a part thereof lies in North Carolina and part in other States; which was read the first time and passed, and, on motion of Mr. Montgomery, of Orange, ordered to be printed, one copy for each member of the Legislature.

Mr. Montgomery, of Orange, from the select committee appointed to inquire into the amount of dividends and bonus which the banks of this State have declared from the year 1810 up to the last semi-annual exhibits published by said banks; also the amount of specie reported to be in the banks, and the amount of notes in circulation; also, as far as practicable, the amount of specie paid into the banks on the original stock, designating the amount of dividends received by the State and the amount received by individuals; also the amount of debts due the banks in this State, including the branch Bank of the United States, and the amount of interest paid on said debts; also the amount of per cent. made on the specie paid into these banks as stock, as far as the same can be ascertained, made a detailed report thereon, setting forth the information required; which, on motion of Mr. Wilson, was ordered to be printed, one copy for each member of the Legislature.

Mr. Montgomery, of Hertford, from the committee to whom was referred so much of the Governor's message as relates to the opening a navigable communication from the Albemarle Sound to the Ocean, made a report thereon, accompanied by the following preamble and resolution, to wit:

Whereas the re-opening the Roanoke Inlet, which communicates directly the waters of the Atlantic Ocean and the Albemarle Sound, is a work of great importance to the commerce of the country and to the national defence, and, in the opinion of this General Assembly, is a work proper to be effected by the General Government: Therefore,

*Resolved*, That our Senators and Representatives in Congress be requested to urge the same upon the general government, and to use their influence to procure a sufficient appropriation to re-open the communication at or near Nagg's Head, between the Albemarle Sound and the Atlantic Ocean.

Which was read, and, on motion of Mr. Wilson, ordered that the report and resolution be laid upon the table; and, on motion of Mr. Brownrigg, ordered that they be printed, one copy for each member of the Legislature.

On motion of Mr. Sneed, ordered that a message be sent to the House of Commons, proposing to ballot on Friday next for Public Treasurer and Comptroller, and stating that William S. Mhoon is in nomination for Public Treasurer, and James Grant for Comptroller.

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

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THURSDAY, DECEMBER 15, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed resolutions, to wit: A resolution directing the printing of the report of the committee of Finance on the state of the Public Treasury; and a resolution in favor of the Public Treasurer; in which they ask the concurrence of the House of Commons.

Mr. Toomer presented a memorial from Wilkings & Co. Auctioneers for the town of Fayetteville, praying to be discharged from the payment of the duties accruing upon their sales at auction from the first of October, 1830, to the first of October, 1831, in consequence of the great loss which they sustained by the calamitous fire which occurred in that town in May last. On motion of Mr. Toomer, ordered that the said memorial be referred to the committee on Propositions and Grievances.

Mr. Spaight presented the memorial of sundry citizens of the town of Newbern, praying the passage of an act or resolution declaratory of the true intent and meaning of the term "freemen" as used in the ninth section of the constitution of the State. On motion of Mr. Spaight, ordered that the said memorial be referred to the committee on the Judiciary.

Mr. Sneed, from the committee on Finance, to whom was recommitted the resolution in relation to providing the Public Treasurer with specie change for the use of his department, and the report of said committee upon the same subject, with instructions to ascertain from the banks of this State whether they would supply the Public Treasurer with specie change for the use of his office, made a detailed report thereon; which was read, and, on motion of Mr. Sneed, ordered to be laid upon the table; and, on motion of Mr. Montgomery, of Orange, ordered, together with the accompanying papers, to be printed, one copy for each member of the Legislature.

Mr. Montgomery, of Hertford, from the committee on Propositions and Grievances, to whom was referred the petition of Elizabeth Forbis, of the county of Guilford, made a favorable report thereon, accompanied by the following resolution, to wit:

*Be it resolved*, That the Public Treasurer pay to Elizabeth Forbis the sum of forty dollars, in consideration of the revolutionary services of her husband, Arthur Forbis, who was mortally wounded at the battle of Guilford, out of any monies in the Treasury not otherwise appropriated; and that he be allowed the same in the settlement of his public accounts.

In which report the Senate concurred, and the resolution was read the first time and passed.

Mr. Sneed presented the following resolution, to wit:

*Resolved*, That the Public Treasurer refund to Leslie Gilliam, sheriff of Granville county, the sum of fifty-six dollars and forty cents; which sum, after deducting a commission of six per cent. is the amount paid into the Public Treasury in September last on account of an error committed in the return of the valuation of the lands of said county for 1830, returned to the Comptroller, whereby he paid into the Public Treasury the public tax on one hundred thousand dollars value of land more than was enlisted.

On motion of Mr. Sneed, ordered that the said resolution, together with the accompanying papers, be referred to the committee on Finance.

On motion of Mr. Guinn,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law as to make five commissioners a competent number to lay off widows' dower and roads; and that they report by bill or otherwise.

Mr. Dick presented a bill to incorporate a company, styled the Guilford County Gold Mining Company; which was read the first time and passed, and, on motion of Mr. Dick, ordered to be referred to the committee on Incorporations.

Mr. Spaight presented a bill extending the provisions of an act, entitled an act securing to the widows of intestates the surplus of the personal estate of their deceased husbands where no kindred claim the same, passed in the year of our Lord 1823; which was read the first time and passed, and, on motion of Mr. Spaight, ordered to be referred to the committee on the Judiciary.

Mr. Wilson presented a bill to alter the name of Edwin Stokes, and to legitimate him; which was read the first time and passed.

Mr. Dick presented a bill to authorize the County Court of Guilford to appoint overseers and hands to clear out the Reedy Fork of Haw river; which was read the first time and passed.

Mr. Davenport presented a bill to repeal in part an act, passed in the year 1830, entitled an act concerning the summoning of jurors; which was read the first time and passed.

Mr. Brittain presented a bill amendatory of an act, passed in the year 1830, in relation to the appointment of commissioners to superintend the erection of a court house in the county of Burke; which was read the first time and passed.

Received from the House of Commons a message, stating their agreement to the proposition of the Senate to refer the bill, entitled a bill to prevent the circulation of seditious pamphlets, to the joint select committee on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications; also agreeing to the proposition of the Senate to raise a joint select committee to which shall stand referred certain resolutions of the Senate on the subject of rail roads, and stating that Messrs. Davidson, Glenn, G. A. Thompson, Webb and Hunt are appointed to form the committee on the part of that House.

Received also from the House of Commons a message, stating that Messrs. Whitaker, O'Brien, Leak, Faddis and Hunt form the committee on the part of that House on Incorporations; and that Messrs. Daniel and Worth are added on the part of that House to the committee on Enrolled Bills.

A message was also received from the House of Commons, proposing to add two more members to the joint select committee on so much of the Governor's message as relates to banks and the circulating medium, and the proper disposition and investment of the funds of the State in bank stock, one from each House, and informing that Mr. Gaston was added on the part of that House; which proposition was agreed to, and Mr. Dick was added to the committee on the part of the Senate.

Received also from the House of Commons a message, proposing to refer the communication from his Excellency the Governor, and the accompanying documents therewith sent, to the joint select committee on so much of the Governor's message as relates to banks, &c.; also proposing to raise a joint select committee to inquire into the expediency of changing the manner of making contracts for the supply of fuel for the use of the two Houses

of the Legislature; which propositions were agreed to, and Messrs. Hall, Simmons, Howell, Vanhook and Underwood were appointed to form the committee on the part of the Senate on the last proposition.

A message was also received from the House of Commons, stating that they have postponed indefinitely the engrossed bill to amend an act, passed A. D. 1830, entitled an act to prevent the burning of the court houses and other public buildings; and proposing that Tuesday evening next be set apart for the purpose of recommending field officers and justices of the peace in the different counties in this State; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill providing for the better organization of the militia of Chatham county; a bill to alter the time of holding elections in the county of Hertford; and a bill to repeal in part an act of the General Assembly, passed during the session of 1829, chapter 55th, entitled an act to provide for the compensation of the jurors for the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin. Whereupon the said bills were read the first and second times and passed.

The engrossed bill providing for the better organization of the militia of Chatham county, and the engrossed bill to alter the time of holding elections in the county of Hertford, were read the third time and passed, and ordered to be enrolled.

Received from the House of Commons the certificate of allowance of the County Court of Cumberland in favor of Ann Morrison, a pensioner of the State, endorsed in that House "read and ordered to be countersigned by the Speaker of the House of Commons, and sent to the Senate;" and which, on motion of Mr. Toomer, was ordered to be countersigned by the Speaker of the Senate; which was accordingly done, and the certificate returned to the House of Commons.

On motion of Mr. M'Farland, the Senate entered upon the orders of the day, and resolved itself into a committee of the Whole, Mr. Mosely in the Chair, to take into consideration the bill to establish a Bank on the funds of the State; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Mosely reported that the committee of the Whole had, according to order, had the said bill under consideration, and had made some progress therein; but not having sufficient time to go through the same, had instructed him to ask leave to sit again on to-morrow; and on the question, shall the committee have leave to sit again on the said bill on to-morrow? it was decided in the affirmative.

On motion of Mr. Askew, ordered that a message be sent to the House of Commons, proposing to ballot on Wednesday next for counsellors of State. Whereupon Mr. Askew nominated for that appointment, in the first judicial district, Robert C. Watson.

On motion of Mr. Williams, ordered that Gabriel Sherard, the Senator from the county of Wayne, have leave of absence from the services of the Senate for Saturday next; and that John H. Hawkins, the Senator from the county of Warren, have leave of absence from the services of the Senate for this day and to-morrow.

Received from the House of Commons a message, proposing to ballot on to-morrow for brigadier general of the 9th brigade, and stating that Wm.



Horton and Samuel F. Patterson are in nomination for the appointment; which proposition was agreed to, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, agreeing to ballot on to-morrow for Public Treasurer and Comptroller.

The bill to repeal in part an act, passed in the year 1829, chapter 22nd, entitled an act to regulate the entries of land in certain cases, was read the second time. Mr. Hall moved to amend the bill by striking out the words "four hundred acres," at the end of the first section, and insert the words "six hundred and forty acres;" which amendment was not agreed to, and the bill was read the second time and passed.

The bill amending the laws relative to the manner of appointing jurors for the Superior and County Courts of this State being read the second time, Mr. Williams moved to amend the bill by striking out the word "one," in the twelfth line of the first section, and inserting the word "three;" which amendment was agreed to. Mr. Hoke moved further to amend the bill by adding the following as an additional section, to wit: "*Be it further enacted, That this act shall be in force from and after the ratification thereof;*" which amendment was also agreed to, and the bill as amended was read the second time and passed.

The engrossed bill to provide for the collection of costs in certain cases was read the third time. Mr. Seawell moved to amend the bill by adding an additional section as follows, to wit: "*And be it further enacted by the authority aforesaid, That in all cases of appeal from the County to the Superior Court, the bond given for prosecuting the suit shall be made part of the record and transmitted to the Superior Court;*" which amendment was agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill to amend the second section of an act, passed A. D. 1796, entitled an act to enforce the duty of inspectors in this State, being read the third time, Mr. Cooper, of Martin, moved to amend the bill by striking out the words "fifty cents," in the sixth line of the second section, and inserting the words "one dollar." A division of the question being called for, it was first taken on striking out; which was agreed to. Mr. Montgomery, of Orange, then moved to fill the blank with the words "two dollars;" which was agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed.

The bill to authorise the Courts of Pleas and Quarter Sessions of the several counties in this State to erect poor houses in their respective counties was read the the second time and passed.

On motion of Mr. Moye, of Pitt, ordered that Wyatt Moye, the Senator from the county of Greene, have leave of absence from the services of the Senate for Saturday next.

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

FRIDAY, DECEMBER 16, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to amend the second section of an act, passed A. D. 1796, entitled an act to enforce the duty of Inspectors in this State; in which they ask the concurrence of the House of Commons.

On motion of Mr. Mosely, Nathan B. Whitfield was added to the nomination for counsellors of State. On motion of Mr. Vanhook, George W. Jeffries; on motion of Mr. Seawell, Alfred Jones; on motion of Mr. Allen, David Newland; on motion of Mr. Caldwell, Daniel M. Forney; and on motion of Mr. Hayley, William Williams, were respectively added to the nomination. Ordered that a message be sent to the House of Commons, informing them thereof.

Mr. Gilmore presented the following resolution, to wit:

*Resolved*, That a select committee be appointed to inquire into the situation of the Cape Fear Navigation Company; what sums of money have been expended by said company in work done upon the Cape Fear river between Fayetteville and Wilmington; the rate of tolls, and what amount of tolls have been received; whether the work upon said river has been judiciously and profitably applied; whether the charter of said company has been *complied* with, and whether said charter be constitutional; and that said committee be instructed to report.

Mr. Montgomery, of Orange, moved to amend the resolution by inserting after the word "received" in the seventh line, the word "annually;" which amendment was agreed to, and the resolution, as amended, was read and adopted, and Messrs. Gilmore, M'Farland, Montgomery, of Orange, Marshall of Anson and Guinn were appointed to form said committee.

On motion of Mr. Sneed,

*Resolved* That the committee of Finance be, and it is instructed to inquire into the laws in relation to granting licenses to keepers of taverns and retailers of spirituous liquors, and if they shall be of opinion that the general welfare will be promoted by any amendment or modification thereof; and that they report by bill or otherwise.

Mr. Dobson presented a bill for the relief of the citizens of this State; which was read the first time and passed.

Mr. Moye, of Pitt, presented a bill to incorporate Contentnea Academy, in the county of Pitt, and to appoint the trustees thereof; which was read the first, second and third times, and passed, and ordered to be engrossed.

Mr. Selby presented a bill to appoint one additional place of sale in Hyde county; which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Gilmore, Owen Holmes was added to the nomination for counsellors of State, 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, to wit: A bill to provide for the collection of fines imposed upon free persons of color, and a bill authorising the administrators of Samuel Pemberton, deceased, late sheriff of the county of Montgomery, to collect the arrearages of taxes due the said Pemberton for the years 1827 and 1828. Whereupon the first mentioned bill was read the first time and passed, and the last mentioned bill was read the first time, and, on motion of Mr. Martin, of Rockingham, indefinitely postponed.

Received from the House of Commons a message, stating that Messrs. Webb and J. B. Thompson attend the Senate to conduct the balloting for brigadier general of the ninth brigade on the part of that House. Whereupon Messrs. Davenport and Elliott were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: a bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the counties of Cum-

berland and New Hanover; and a bill to provide for the prompt payment of jurors for the county of Currituck. Whereupon the first mentioned bill was read the first time, and, on motion of Mr. Campbell, ordered to be laid upon the table; and the last mentioned bill was read the first, second and third times and passed, and ordered to be enrolled.

Messrs. Montgomery, of Orange, and Askew were appointed on the part of the Senate to conduct the balloting for Public Treasurer and Comptroller, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating their concurrence in the several amendments made by the Senate to the following engrossed bills, to wit: a bill to alter the time of holding two of the terms of the Court of Pleas and Quarter Sessions for the county of Macon, and for the better regulation of the same; a bill to amend the tenth section of the act of Assembly, chapter 997, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians; and a bill to provide for the compensation of certain jurors of the county of Perquimons. Whereupon the said bills were ordered to be enrolled.

On motion of Mr. Bell, the Senate proceeded to consider the bill to authorise the justices of the peace for the County Court of Camden, on petition, to appoint commissioners to set off widows' dowers, to lay out, alter or straighten roads, &c.; and the bill being read the third time, Mr. Sneed moved that it be laid upon the table; which was agreed to.

The bill amendatory of an act, passed in the year 1830, in relation to the appointment of commissioners to superintend the erection of a court house in the county of Burke; and the bill to alter the name of Edwin Stokes, and to legitimate him, were read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to repeal in part an act of the General Assembly, passed during the session of 1829, chapter 55th, entitled an act to provide for the compensation of the jurors for the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; and the engrossed bill to appoint lay days for fishing with seines, nets, &c. at New Inlet, in the counties of Currituck and Hyde, were read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that Messrs. Broadhurst and M'Cain attend the Senate to conduct the balloting on the part of that House for Public Treasurer and Comptroller.

Mr. Elliott, from the committee appointed to conduct the balloting for brigadier general of the ninth brigade, reported that Samuel F. Patterson, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The bill to repeal in part an act, passed in the year 1830, entitled an act concerning the summoning of jurors, was read the second time, and, on motion of Mr. Bateman, ordered to be indefinitely postponed.

Mr. Askew, from the committee appointed to conduct the balloting for Public Treasurer and Comptroller, reported that William S. Mhoon, having received a majority of the whole number of votes, is duly elected Public Treasurer; and that James Grant, having re-

ceived a majority of the whole number of votes, is duly elected Comptroller; in which report the Senate concurred.

On motion of Mr. Spaight, the Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Mosely in the Chair, to take into consideration the bill to establish a Bank on the funds of the State; and, after sometime spent therein, the Speaker resumed the Chair, and Mr. Mosely reported that the committee of the whole had, according to order, had the said bill under consideration, and had made some progress therein; but, not having sufficient time to go through the same, had instructed him to ask leave to sit again on Monday next; and on the question, shall the committee have leave to sit again on Monday next? it was decided in the affirmative.

The bill amending the laws relative to the manner of appointing jurors for the Superior and County Courts of this State, was read the third time. Mr. Wilson moved to amend the bill by adding the following proviso at the end of the first section, to wit: "*Provided, nevertheless,* that this act shall in no wise hinder or prevent the justices of the Courts of Pleas and Quarter Sessions of the several counties in this State from exercising the discretion in them vested by law of dispensing with the drawing of jurors in certain cases provided;" which amendment was agreed to, and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The bill to repeal in part an act, passed in the year 1829, chapter 22d, entitled an act to regulate the entries of lands in certain cases, was read the third time, and, on motion of Mr. Wilson, ordered to be referred to the committee on the Judiciary.

The bill to authorise the Courts of Pleas and Quarter Sessions of the several counties in this State to erect poor houses in their respective counties, was read the third time and passed, and, on motion of Mr. M'Farland, reconsidered and laid upon the table.

The bill to authorise the County Court of Guilford to appoint overseers and hands to clear out the Reedy Fork of Haw River; and the resolution in favor of Elizabeth Forbis, were read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating their concurrence in the amendment made by the Senate to the engrossed resolution authorising the burning of treasury notes. Ordered that the said resolution be enrolled.

Received also from the House of Commons a message, stating that they have passed the following engrossed bill, in which they ask the concurrence of the Senate, to wit: A bill to incorporate the trustees of the Ravenscroft Academy of Fayetteville. Whereupon the said bill was read the first time and passed.

A message was also received from the House of Commons, agreeing to the proposition of the Senate to ballot on Wednesday next for counsellors of State.

Received from the House of Commons the resignation of James Cox, of

the county of Lenoir; the resignation of A. Flemming, of the county of Cabarrus; and the resignation of Jas. M'Brayer, of the county of Buncombe, justices of the peace for their respective counties; also the resignation of Caleb Leonard, lieutenant colonel of the Nash county regiment; and the resignation of Waightstill Hartley, major of the 80th regiment of North Carolina militia, endorsed in that House "read and accepted;" and which were severally read and accepted by the Senate.

On motion of Mr. Spaight, ordered that David Thomson, the Senator from the county of Johnston, have leave of absence from the services of the Senate for to-morrow.

Mr. Toomer asked and obtained permission to be excused from serving on the joint select committee on Incorporations. Whereupon Mr. Dick was appointed on that committee in his stead, and the House of Commons was informed thereof by message.

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

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SATURDAY, DECEMBER 17, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: A bill amending the laws relative to the manner of appointing jurors for the Superior and County Courts of this State; a bill amendatory of the act, passed in the year 1830, in relation to the appointment of commissioners to superintend the erection of a court house in the county of Burke; a bill to authorise the County Court of Guilford to appoint overseers and hands to clear out the channel of the Reedy Fork of Haw river in Guilford county; a bill to incorporate Contentnea Academy, in the county of Pitt, and to appoint the trustees thereof; a bill to appoint an additional place of sale in Hyde county; a bill to alter the name of Edwin Stokes, and to legitimate him; and a resolution in favor of Elizabeth Forbis; in which they ask the concurrence of the House of Commons.

Mr. Spaight presented the memorial of sundry citizens of the county of Craven, praying the passage of an act to restore to the rights and privileges of a citizen William Simkins, of said county. On motion of Mr. Spaight, ordered that the said memorial be referred to the committee on Propositions and Grievances.

Mr. Seawell, from the committee composed of the members from the 3d judicial circuit, to whom was referred the memorial of R. M. Saunders, attorney general, praying an alteration in the time of holding the courts of said circuit, made a favorable report thereon, accompanied by a bill, entitled "a bill to regulate the time of holding the Superior Courts of Law and Equity in the third judicial circuit;" which was read the first time and passed.

On motion of Mr. Seawell, the name of Thomas Turner, and on motion of Mr. Montgomery, of O. the name of Meshack Franklin were added to the nomination for counsellors of State; and a message was sent to the House of Commons informing them thereof.

Mr. Pool presented a bill for the better regulation of the town of Nixonton, in the county of Pasquotank; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Cowper, of Gates, presented a bill to authorise the justices of the peace of the several counties of this State, on petition, to appoint commissioners to

set off widows' dowers, to lay out, alter or straighten roads; which was read the first time and passed.

A motion was made by Mr. Williams to reconsider the vote taken on yesterday on the indefinite postponement of the engrossed bill to authorise the administrator of Samuel Pemberton, deceased, late sheriff of the county of Montgomery, to collect arrearages of taxes due the said Pemberton for the years 1827 and 1828; and the question being taken on the said motion, it was decided in the affirmative. The question then pending being on the motion of Mr. Martin, of Rockingham, that the further consideration of the said bill be indefinitely postponed, it was decided in the affirmative—ayes 53, noes 6. The ayes and noes being demanded by Mr. Kendall, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bateman, Bell, Boddie, Brownrigg, Caldwell, Campbell, Cooper of Martin, Cowper of Gates, Davenport, Dick, Dishongh, Dobson, Elliott, Gilmore, Hall, Hawkins, Hayley, Hill, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of Carteret, Martin of Wilkes, Matthews, Massey, Melchor, Miller, Montgomery of Hertford, Montgomery of Orange, Mosely, Moyer of Pitt, Parham, Pool, Ray, Rencher, Rowland, Spaight, Seawell, Selby, Simmons, Skinner, Sneed, Toomer, Underwood, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Allen, Askew, Brittain, Guinn, Marshall of Anson, Tyson.

Mr. Dick presented a bill to give longer time for paying in entry money; which was read the first time and passed.

On motion of Mr. Campbell, the Senate proceeded to consider the engrossed bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the counties of Columbus and New Hanover. Whereupon the said bill was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to incorporate the trustees of the Ravenscroft Academy, of Fayetteville, was read the second time. Mr. Seawell moved to amend the bill, by adding at the end of the second section the following words: "for the purpose of effecting the objects of this bill;" which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating their concurrence in the amendment made by the Senate to the engrossed bill to provide for the collection of costs in certain cases. Ordered that the said bill be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson, with sundry amendments; in which they ask the concurrence of the Senate. Whereupon the said amendments were read and agreed to by the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, proposing to add one member on the part of each House to the joint select committee on Rail Roads, and stating that Mr. Gaston is added to said committee on the part of that House; which proposition was agreed to, and Mr. Toomer was added to the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that Messrs. A. W. Wooten, Clayton, Gause, J. M. Skinner and Sloan are appointed on the part of that House to form the joint select committee on Fuel.

The bill for the relief of the citizens of this State, was read the second time. Mr. Seawell moved to amend the bill by adding the following proviso, to wit:

*“Provided, That the Public Treasurer receive said notes at a discount at the rate of one per centum on the par or nominal value thereof; and provided, that this act be in force only until the first day of December, 1832; and it is further enacted, that the Public Treasurer shall not circulate within this State any of the said notes received as aforesaid; but that he shall return the same to the Banks which issued them, or exchange or dispose of the said notes in the State in which the Banks are situate which issued them.”*

Which amendment was agreed to. Mr. Wilson moved that the bill be referred to the committee of Finance; which was not agreed to. Mr. Seawell moved that the bill be laid upon the table and be printed. A division of the question being called for, it was first taken on laying the bill on the table; which was not agreed to. Mr. Cowper, of Gates, moved to reconsider the vote just taken on the motion of Mr. Wilson, to refer the said bill to the committee on Finance; which was agreed to. Whereupon, on motion of Mr. Cowper, of Gates, ordered that the said bill be referred to the committee of Finance.

The engrossed bill to provide for the collection of fines imposed upon free persons of color was read the second time. Mr. Spaight moved to amend the bill by inserting the words “free negroes or,” before the words “free persons of color,” wherever they occur; which amendment was agreed to. Mr. Brownrigg moved further to amend the bill by adding, at the end of the second section, the following words: “except to learn them to read and write;” which amendment was also agreed to. Mr. Seawell moved further to amend the bill by adding the following proviso at the end thereof, to wit:

*“Provided always, That if any free negro or person of color, hired out under the provisions of this act, shall abscond or leave the service of his master before the expiration of his or her time, he or she shall be liable and bound to make up such time so elapsed by serving double the time thereof. And provided further, that the fine imposed shall in all cases be at least equal to the amount of the costs of such prosecution.”*

Which amendment was also agreed to. Mr. Allen moved further to amend the bill by adding the following proviso, to wit:

*“Provided, That if the sheriff cannot make sale of said negro or free person of color, as provided for in this act, he shall be exempted from all liability for not making said sale.”*

Which amendment was not agreed to. Mr. Mosely moved further to amend the bill by adding the following as an additional section, to wit:

*“And be it further enacted, That this act shall be in force from and after the ratification thereof.”*

Which amendment was agreed to, and the bill as amended was read the second time and passed.

A motion was made by Mr. Montgomery, of Orange, to reconsider the vote taken on agreeing to the amendment made by the House of Commons to the engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson; and the question will the Senate reconsider the said vote? was determined in the affirmative. Whereupon, on motion of Mr. M'Farland, the said bill was ordered to be laid upon the table.

On motion of Mr. M'Farland, the Senate proceeded to consider the bill to authorise the Courts of Pleas and Quarter Sessions of the several counties in this State to erect poor houses in their respective counties; and the bill being read the third time, Mr. M'Farland moved to amend it by adding three additional sections; which were read. Mr. Brownrigg moved to amend the amendment by striking out the words “said court,” in the 10th line of the first section, and insert in lieu thereof the words “the warden-”

which was agreed to. Mr. Brownrigg moved further to amend the amendment by striking out the whole of the 2nd section; which was also agreed to. Mr. Seawell moved further to amend the amendment by adding the following proviso, to wit:

*“ Provided, nevertheless, That the provisions of this act shall not apply to or affect the provisions of any act of the General Assembly of this State which is already passed, in relation to any particular county or counties, except so far as to exempt the property belonging to the wardens of the poor from the payment of taxes.”*

Which was also agreed to, and the amendment as amended was read and adopted; and the bill as amended was read the third time and passed, and ordered to be engrossed.

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

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MONDAY, DECEMBER 19, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to authorise the Courts of Pleas and Quarter Sessions of the several counties in this State to erect poor houses in their respective counties; and a bill for the better regulation of the town of Nixonton, in the county of Pasquotank; in which they ask the concurrence of that House.

Mr. Wilson presented the resignation of James J. Phillips, a justice of the peace for the county of Edgecomb; which was read and accepted, and sent to the House of Commons.

Mr. Guinn presented the memorial of John Bryson, praying to be indemnified for certain losses sustained by him in the purchase of a tract of land, bought at the public land sales in the county of Haywood. On motion of Mr. Guinn, ordered that the said memorial be referred to the committee on Claims.

Mr. Martin, of Rockingham, from the committee on Claims, to whom was referred the resolution in favor of Bynum W. Bell, sheriff of Macon county, reported the same without amendment, and recommended its passage. Whereupon the said resolution was read the second time and passed.

Mr. Spaight, from the committee on the Judiciary, to whom was referred the bill to repeal the 8th section of an act, passed in the year of our Lord 1828, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace, reported the same without amendment, and recommended its passage into a law; and the bill was made the order of the day for to-morrow.

Mr. Spaight, from the same committee, to whom was referred the engrossed bill to authorise the filing of petitions in vacation to hold defendants in petition to bail, and authorise the County Courts to issue process to several counties at the same time, reported the same without amendment, and recommended its passage into a law; and the bill was made the order of the day for to-morrow.

Mr. Spaight, from the same committee, to whom was referred the engrossed bill to limit the time within which actions may be brought against bail, reported the same without amendment, and recommended its passage into a law; and the bill was made the order of the day for to-morrow.

Mr. Spaight, from the same committee, to whom was referred the bill to amend an act, passed in the year 1805, entitled an act to prevent vice and immorality, by declaring the offences therein contained to be the subject of



indictment, reported the same without amendment, and recommended its passage into a law; and the bill was made the order of the day for to-morrow.

Mr. Spaight, from the same committee, to whom was referred the memorial of sundry citizens of the town of Wilmington, praying an alteration in the laws regulating quarantine, and an alteration in the revenue law of the State, made a report thereon, stating that the subject matter of the memorial more properly belongs to the committee of Finance, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly. Ordered that the said memorial be referred to the committee of Finance.

Mr. Spaight, from the same committee, to whom was referred the resolution instructing the committee to inquire into the expediency of making further provision for compelling clerks of courts to issue certain process within a given time, made a report thereon, stating that it is inexpedient to legislate upon the subject, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Spaight, from the same committee, to whom was referred the resolution instructing the committee to inquire into the expediency of so amending the existing laws as to give the County Courts jurisdiction to grant writs of certiorari and supersedeas in certain cases, made a report thereon, stating that it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Spaight, from the same committee, to whom was referred the resolution instructing the committee to inquire into the expediency of amending the usury laws of this State, made a report thereon, stating that it is inexpedient to make any alteration therein, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Spaight, from the same committee to whom was referred the resolution instructing them to inquire into the expediency of so amending the criminal law as to make it larceny to take, carry away or steal grapes from any vineyard cultivated with a view to make wine, made a report thereon, stating that it is inexpedient to legislate upon the subject, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Spaight, from the same committee, to whom was referred the resolution instructing the committee to inquire into the expediency of so amending the laws as to prevent negroes, bond or free, from preaching; also imposing a penalty on all persons who shall directly or indirectly allow negroes to assemble on his or their lands, either by night or day, except it be at a preaching held by white persons, made a report thereon, stating that the subject matter of the resolution more properly belongs to the committee on that part of the Governor's message relating to slaves, free persons of colour and incendiary publications, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly. Ordered that the said

resolution be referred to the committee on so much of the Governor's message as relates to slaves, free persons of colour and incendiary publications.

Mr. Sneed, from the committee on Finance, to whom was referred the resolution instructing the committee to inquire into the expediency of amending the law in relation to granting licenses to tavern keepers and retailers of spiritous liquors, made a report thereon, stating that it is inexpedient to make any alteration in said law, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Cowper, of Gates, presented a bill amendatory of the laws relative to pilotage at Ocracock Inlet; which was read the first time and passed.

Mr. Elliott presented a bill to amend an act, passed in the year 1818, entitled an act to establish the town of New Salem on the lands of Benjamin Marman, Esq. on the east side of Deep River, in Randolph county; which was read the first, second and third times and passed, and ordered to be engrossed.

The engrossed bill to provide for the collection of fines imposed upon free persons of colour, was read the third time. Mr. Montgomery, of Hertford, moved to amend the bill by striking out the proviso; which amendment was not agreed to. The question then recurring on the passage of the bill the third time, it was determined in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

The bill to authorise the justices of the peace of the several counties of this State, on petition, to appoint commissioners to set off widows' dowers, to lay out, alter or straighten roads, &c. was read the second time. Mr. Allen moved to amend the bill by inserting after the word "for" in the fifth line of the first section, the words "a majority." Mr. Spaight moved that the bill and amendment be referred to the committee on the Judiciary; which motion having precedence, the question thereon was first taken, and decided in the affirmative.

The bill to regulate the time of holding the Superior Courts of Law and Equity in the third judicial circuit, was read the second time. Mr. Williams moved that the further consideration thereof be indefinitely postponed; which was not agreed to—Ayes 28, Noes 33. The ayes and noes being demanded by Mr. Moyer, of Pitt, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Brittain, Bell, Brownrigg, Campbell, Cooper of M., Cowper of G., Dishongh, Hawkins, Hayley, Howell, Lindsay, M'Daniel, Marshall of A., Marshall of C., Martin of R., Massey, Mosely, Moyer of G., Moyer of P., Ray, Rowland, Sherard, Simmons, Skinner, Underwood, Williams.

Those who voted in the negative, are Messrs. Bateman, Boddie, Caldwell, Davenport, Dick, Dobson, Elliott, Gilmore, Guinn, Hall, Hill, Hoke, Hoover, Kerr, Kendall, M'Entire, Martin of W., Matthews, Melchor, Miller, Montgomery of H., Montgomery of O., Parham, Pool, Spaight, Seawell, Selby, Sneed, Thomson, Toomer, Tyson, Vanhook, Wilson.

The question then recurring on the passage of the bill the second time, it was determined in the affirmative—Ayes 34, Noes 26. The

ayes and noes being demanded by Mr. Cooper, of Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bateman, Boddie, Brownrigg, Caldwell, Davenport, Dick, Dobson, Elliott, Guinn, Hall, Hill, Hoke, Hoover, Kerr, Kendall, M'Entire, Martin of W., Matthews, Melchor, Miller, Montgomery of H., Montgomery of O., Parham, Pool, Rowland, Spaight, Seawell, Selby, Sneed, Thomson, Toomer, Tyson, Vanhook, Wilson.

Those who voted in the negative, are Messrs. Allen, Askew, Bell, Campbell, Cooper of M., Cowper of G., Dishongh, Gilmore, Hawkins, Hayley, Howell, Lindsay, M'Daniel, Marshall of A., Marshall of C., Martin of R., Massey, Mosely, Moye of G., Moye of P., Ray, Shepard, Simmons, Skinner, Underwood, Williams.

On motion of Mr. Wilson, ordered that the further consideration of the bill to establish a bank on the funds of the State be postponed until tomorrow.

The Senate then proceeded to consider the bill providing for the assignment of dower, and for the partition of the whole real estate of deceased persons, where a part thereof lies in North Carolina, and part in other States. Whereupon on motion of Mr. Spaight, ordered that the further consideration thereof be postponed until Wednesday next.

The bill to give longer time for paying in entry money, was read the second time and passed.

Mr. Bell presented a bill to incorporate Shiloh Academy, in the county of Camden; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Seawell, from the committee on the Judiciary, to whom was referred the bill to prevent the circulation of seditious pamphlets, reported the same with an amendment; which was read and agreed to. Mr. Brownrigg moved further to amend the bill by striking out the following words in the first section, to wit: "and not on a navigable stream," and insert in lieu thereof, after the word "hawk," the words "by land or water." Mr. Skinner moved that the further consideration of the bill and amendment be indefinitely postponed; which was not agreed to—ayes 19, noes 40. The ayes and noes being demanded by Mr. Skinner, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Caldwell, Cooper of M., Davenport, Dobson, Guinn, Hill, Hoke, Hoover, Howell, Kerr, M'Farland, Martin of R., Melchor, Montgomery of O., Parham, Ray, Skinner, Vanhook.

Those who voted in the negative, are Messrs. Allen, Bateman, Brittain, Bell, Brownrigg, Campbell, Cowper of G., Dick, Elliott, Gilmore, Hall, Hawkins, Hayley, Kendall, Lindsay, M'Daniel, M'Entire, Marshall of A., Marshall of C., Martin of W., Matthews, Massey, Miller, Montgomery of H., Moye of P., Moye of G., Pool, Rowland, Spaight, Seawell, Selby, Shepard, Simmons, Sneed, Thomson, Toomer, Tyson, Underwood, Williams, Wilson.

The question then recurring on agreeing to the amendment proposed by Mr. Brownrigg, it was decided in the affirmative—ayes 50, noes 10. The ayes and noes being demanded by Mr Cooper, of Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Brittain, Bell, Boddie, Brownrigg, Caldwell, Campbell, Dick, Dobson, Elliott, Gilmore, Guinn, Hall, Hawkins, Hayley, Hill, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, Marshall of A., Marshall of C., Martin of R., Martin of W., Matthews, Massey, Melchor, Miller, Montgomery of O., Mosely, Moye of P., Parham, Ray, Rowland, Spaight, Seawell, Selby, Shepard, Simmons, Skinner, Sneed, Thomson, Toomer, Underwood, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Bateman, Cooper of M., Cowper of G., Davenport, Dishongh, M'Daniel, Montgomery of H., Moye of G., Pool, Tyson.

The question then recurring on the passage of the bill the second time as amended, it was decided in the affirmative—ayes 37, noes 21. The ayes and noes being demanded by Mr. Davenport, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bateman, Brittain, Bell, Boddie, Brownrigg, Caldwell, Campbell, Cowper of Gates, Dick, Dobson, Elliott, Gilmore, Hall, Haw-

kins, Hayley, Hoke, Kendall, Lindsay, Marshall of Anson, Marshall of Carteret, Martin of Wilkes, Massey, Miller, Montgomery of Hertford, Moyer of Greene, Moyer of Pitt, Pool, Rowland, Spaight, Seawell, Selby, Sherard, Thomson, Toomer, Williams, Wilson.

Those who voted in the negative, are Messrs. Allen, Cooper of Martin, Davenport, Dishough, Guinn, Hill, Hoover, Howell, Kerr, M'Daniel, Martin of Rockingham, Melchor, Montgomery of Orange, Mosely, Parham, Ray, Simmons, Skinner, Sneed, Tyson, Vanhook.

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

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TUESDAY, DECEMBER 20, 1831.

A message was sent to the House of Common, stating that the Senate have passed the following engrossed bills, to wit: a bill to amend an act, passed in the year 1810, entitled an act to establish the town of New Salem, on the lands of Benjamin Marmon, Esq. on the east side of Deep river, in Randolph county; and a bill to incorporate Shiloh Academy, in the county of Camden; in which they ask the concurrence of that House.

Mr. Skinner presented the memorial of Elisha Harrell, of Darlington district, South Carolina, stating that he was a soldier of the revolutionary war, and that he performed various services under the authority of the State of North Carolina, and praying to be placed on the pension list of this State. On motion of Mr. Skinner, ordered that the said memorial be referred to the committee on Propositions and Grievances.

Mr. Sneed, from the committee on Finance, to whom was referred the resolution in favor of Leslie Gilliam, sheriff of Granville county, made a favorable report thereon, recommending the passage of the said resolution; in which report the Senate concurred, and the resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Sneed, from the same committee, to whom was referred the memorial of sundry citizens of the town of Wilmington, praying that the act passed at the last session, entitled an act to amend the several laws now in force regulating quarantine, be repealed; that the act imposing a tax on the merchants of this State, should be modified; and that an act should be passed to prevent pedlars from vending goods in this State, made a report thereon, stating that it is inexpedient to legislate upon the two latter subjects, and that the former one more properly belongs to the committee on the Judiciary; and therefore ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Boddie presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to Sam'l W. W. Vick, sheriff of the county of Nash, eight dollars and twenty cents, for insolvents for the year 1829, and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed.

Mr. Vanhook presented a bill to extend the provisions of an act, passed in the year 1828, entitled "an act to establish a poor house in the county of Person;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that John Arrington, of Nash, and John H. Wheeler, of Hertford, are added to the nomination for counsellors of State.

The Senate then entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Mosely in the Chair, to take into consideration the bill to establish a Bank on the funds of the State; and, after some time spent therein, the Speaker resumed the

Chair, and Mr. Mosely reported that the committee of the whole had, according to order, had the said bill under consideration, and had made some progress therein; but, not having sufficient time to go through the same, had instructed him to ask leave to sit again on to-morrow. Ordered that the committee of the whole House have leave to sit again on the said bill on to-morrow.

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

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 WEDNESDAY, DECEMBER 21, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolution, to wit: A bill to extend the provisions of an act, passed in the year 1828, entitled an act to establish a poor house in the county of Person; and a resolution in favor of Leslie Gilliam, sheriff of Granville county; in which they ask the concurrence of that House.

A message was sent to the House of Commons, stating that Messrs. Williams and Campbell attend that House to conduct the balloting, on the part of the Senate, for counsellors of State; and, on motion of Mr. Seawell, Thomas Turner was withdrawn from the nomination.

Mr. Thomson presented the memorial of J. M'Leod and others, of the county of Johnston, praying indemnity for certain expenses incurred in calling out and equipping the militia of that county who were ordered into service on the 12th of September last for the purpose of suppressing a supposed insurrection of the slaves. On motion of Mr. Thomson, ordered that the said memorial, with the accompanying papers, be referred to the committee on Claims.

Mr. Dick, from the committee on Incorporations, to whom was referred the bill to incorporate a company, styled the Guilford county Gold Mining Company, reported the same without amendment, and recommended its passage into a law. On motion of Mr. Dick, ordered that the bill be laid upon the table.

Mr. Rowland presented a bill to repeal in part an act, passed in the year 1829, to provide for the payment of jurors in the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Boddie and Singleton are appointed on the part of that House to conduct the balloting for counsellors of State.

On motion of Mr. Hawkins, the Senate proceeded to the consideration of the resolution directing the Public Treasurer to deliver to Thomas Bragg the bond executed by him for the covering of the State House and the office of the Secretary of State; and the question pending being on the amendment proposed by Mr. Marshall, of Carteret, to strike out the whole of the original resolution, and to adopt in lieu thereof the substitute offered by him, a division of the question being called for by Mr. Guinn, it was first taken on striking out; which was agreed to—ayes 39, noes 21. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Bateman, Bell, Boddie, Brownrigg, Caldwell, Cowper of G., Dick, Gilmore, Guinn, Hawkins, Hayley, Hill, Hoke, Hoover, M'Daniel, M'Entire, Marshall of C., Martin of W., Matthews, Massey, Miller,

Montgomery of H., Montgomery of O., Mosely, Parham, Pool, Rencher, Rowland, Spaight, Seawell, Selby, Simmons, Sneed, Thomson, Toomer, Vanhook, Wilson.

Those who voted in the negative, are Messrs. Brittain, Cooper of M., Davenport, Dobson, Elliott, Hall, Howell, Kerr, Kendall, Lindsay, M'Farland, Marshall of A., Martin of R., Melchor, Moye of G., Moye of P., Ray, Sherard, Skinner, Tyson, Underwood.

Whereupon Mr. Marshall of C. withdrew the amendment proposed by him. Mr Guinn moved to substitute the following resolutions in lieu of the original, to wit:

*Be it resolved*, That the Public Treasurer pay to Thomas Bragg the sum which he has expended for materials used in covering the Capitol lately destroyed by fire; but he shall not be paid the full sum specified in the contract; nor shall he be paid for the skill, labor or attention bestowed in the performance of the work; and that the commissioners who made the contract on the part of the State shall estimate on the foregoing basis the sum to be paid.

*And be it further resolved*, That the bond given for the performance of the contract, by the contractor, be delivered to him, upon his releasing all claim to any further compensation for said work.

*And be it further resolved*, That the said Thomas Bragg may retain the sum already paid him for the covering of the office of the Secretary of State.

And the question on the adoption thereof being taken, it was decided in the affirmative—ayes 36, noes 23. The ayes and noes being demanded by Mr. Sherard, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Bateman, Brittain, Bell, Brownrigg, Caldwell, Cowper of Gates, Dick, Gilmore, Guinn, Hawkins, Hayley, Hill, Hoke, Hoover, M'Daniel, M'Entire, Marshall of Carteret, Martin of Wilkes, Matthews, Massey, Miller, Montgomery of Hertford, Mosely, Parham, Pool, Rowland, Spaight, Seawell, Selby, Simmons, Sneed, Thomson, Toomer, Wilson.

Those who voted in the negative, are Messrs. Cooper of Martin, Davenport, Dishongh, Dobson, Elliott, Hall, Howell, Kerr, Kendall, Lindsay, M'Farland, Marshall of Anson, Martin of Rockingham, Melchor, Montgomery of Orange, Moye of Pitt, Moye of Greene, Ray, Sherard, Skinner, Tyson, Underwood, Vanhook.

Whereupon the resolution as amended was read the second and third times and passed, and ordered to be engrossed—ayes 37, noes 23. The ayes and noes being demanded by Mr. Underwood, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Bateman, Brittain, Bell, Brownrigg, Caldwell, Cowper of Gates, Dick, Gilmore, Guinn, Hawkins, Hayley, Hill, Hoke, Hoover, M'Daniel, M'Entire, Marshall of Carteret, Martin of Wilkes, Matthews, Massey, Miller, Montgomery of Hertford, Mosely, Parham, Pool, Rencher, Rowland, Spaight, Seawell, Selby, Simmons, Sneed, Thomson, Toomer, Wilson.

Those who voted in the negative, are Messrs. Cooper of Martin, Davenport, Dishongh, Dobson, Elliott, Hall, Howell, Kerr, Kendall, Lindsay, M'Farland, Marshall of Anson, Martin of Rockingham, Melchor, Montgomery of Orange, Moye of Greene, Moye of Pitt, Ray, Sherard, Skinner, Tyson, Underwood, Vanhook.

Mr. Williams, from the committee appointed to conduct the balloting for counsellors of State, reported that Nathan B. Whitfield, Meshack Franklin, Owen Holmes, Alfred Jones, George W. Jeffries, William Williams and Robert C. Watson, having each received a majority of the whole number of votes, are duly elected; in which report the Senate concurred.

On motion of Mr. Martin, of Rockingham, the Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Mosely in the Chair, to take into consideration the bill to establish a bank on the funds of the State; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Mosely reported that the committee of the whole House had, according to order, had the said bill under consideration, and had made some progress therein; but, not having sufficient time to go through the same, had instructed him to ask leave to sit again on to-morrow. Ordered that the committee of the whole House have leave to sit again on the said bill on to-morrow.

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

THURSDAY, DECEMBER 22, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolution, to wit: A bill to repeal in part an act, passed in the year 1829, to provide for the payment of jurors in the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; and a resolution in favor of Thomas Bragg; in which they ask the concurrence of that House.

Mr. Williams gave notice that on to-morrow he would submit an amendment to the sixth rule of order for the government of the Senate.

Mr. Toomer, from the committee on Internal Improvement, to whom was referred the bill to incorporate a company to make a turnpike road from Williamston Landing, in the county of Martin, towards Windsor, in Bertie county, and to intersect the public road leading from Oliver's Ferry to Windsor, and for other purposes, made a report thereon, recommending the rejection of the said bill. Whereupon the bill was read the second time, and, on motion of Mr. Montgomery, of Hertford, ordered to be indefinitely postponed.

On motion of Mr. Sherard,

*Resolved*, That the committee on Claims be instructed to examine the account of John R. Bledsoe, of Wayne county, for his furnishing the Wayne county militia and the Greene county cavalry from the 12th to the 16th September last, both days inclusive; which militia and cavalry were drawn out in the month of September, 1831, to suppress an insurrection of the negroes; and that they report by bill or otherwise.

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

Whereas Wilson Carter, of Burke county, has paid into the Treasury of this State the purchase money for fifty acres of land lying in said county, upon an entry No. 6080, but failed to return the survey as by law directed:

*Be it therefore resolved by this General Assembly*, That the Secretary of State be, and he is hereby authorised to issue a grant to the said Wilson Carter for the said fifty acres of land, so soon as the said Carter shall file in the proper office the survey aforesaid.

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

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

Whereas doubts are entertained as to the constitutionality of taxing any estates in lands and tenements less than a freehold; and whereas there are *divers persons* in this State holding lands and tenements by certificates from the commissioners of the State, and those lands and tenements being subjected to taxation and their possessors being deprived of the privileges of freeholders:

*Be it therefore resolved*, That the Judiciary committee be instructed to inquire into the constitutionality of taxing any estate in lands and tenements less than a freehold; and if the holders of any of those certificates, legally authenticated by the commissioners appointed by virtue of the laws of this State, and them subjected to taxation by Legislative enactment, are freeholders within the meaning of the Constitution of the State of North Carolina.

Mr. Brittain moved that the further consideration of the said resolution be indefinitely postponed. Mr. Seawell moved that the resolution be laid upon the table; which motion having precedence, the question thereon was first taken and decided in the negative. Mr. Guinn moved that the resolution be referred to the committee on the Judiciary; which motion was agreed to.

Mr. Bell presented the following resolution, to wit:

*Resolved*, That the Public Treasurer refund to Luke G. Lamb, sheriff of Camden county, the sum of eight dollars and eighty cents, being the amount paid into the Public Treasury by the said Luke G. Lamb, sheriff as aforesaid, for forty-four insolvent taxables for the year 1829, and that the Public Treasurer be allowed the same in the settlement of his public accounts.

Which was read the first time and passed. Mr. Sherard moved that the said resolution, with the accompanying papers, be referred to the committee on Finance; which was not agreed to.

Mr. Dick presented a bill to prevent the falling of timber into Haw river or Mair's Fork, in Guilford or Rockingham counties; 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 a communication from the Public Treasurer, furnishing statements of the affairs of the State Bank of North Carolina and the Bank of Newbern, and accompanied by a proposition from that House that the same be printed. On motion of Mr. Sneed, ordered that the message and accompanying papers be laid upon the table.

Received also from the House of Commons a message, transmitting a memorial from sundry inhabitants of the county of Craven, praying the passage of an act to prevent slaves from hiring their own time, and from fishing without the presence of some white person, accompanied by a proposition from that House that the said memorial be referred to the committee on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a memorial from the President and Directors of the Cape Fear Navigation Company, praying the enactment of some legislative measures by which the navigation of the Cape Fear river may be further improved. On motion of Mr. M'Farland, ordered that the said memorial be referred to the committee on Internal Improvements.

A message was also received from the House of Commons, stating that they have passed the following engrossed resolutions, in which they ask the concurrence of the Senate, to wit: A resolution allowing compensation to certain jurors in the county of Buncombe; and a resolution authorising the Executive to request of the United States Government a supply of cavalry arms. Whereupon the said resolutions were read and adopted, and ordered to be enrolled.

A message was also received from the House of Commons, stating their concurrence in the amendment of the Senate to the engrossed bill to provide for the collection of fines imposed upon free persons of color. Ordered that the said bill be enrolled.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: a bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside; and a bill to repeal an act, passed in the year 1830, entitled an act to amend an act, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county. Whereupon the said bills were read the first time and passed.

The engrossed bill to repeal an act, passed in the year 1830, entitled an act to amend an act, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county, being read the second time, Mr. Hoke moved to amend the bill by striking out the whole thereof, except the words "a bill," and insert in lieu thereof a substitute; which was read and agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons the resignation of John L. Smith, of the county of Haywood; the resignation of Wm. L. Baird, of the county of Burke; the resignation of John A. Hughes, of the county of Surry; and



the resignation of Wm. Houston, of the county of Mecklenburg, justices of the peace of their respective counties; also the resignation of Josiah M'Kirt, colonel commandant of the Chowan regiment of militia; the resignation of John Sloan, lieutenant colonel of the first regiment of Mecklenburg county militia; and the resignation of William Horton, colonel of the second regiment of Wilkes county militia, endorsed in that House "read and accepted," and which were severally read and accepted by the Senate.

On motion of Mr. Gilmore, the Senate entered upon the orders of the day and resolved itself into a committee of the whole House, Mr. Mosely in the Chair, to take into consideration the bill to establish a bank on the funds of the State; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Mosely reported that the committee of the whole had, according to order, had the said bill under consideration, and had made sundry amendments thereto; and had instructed him to report the same to the Senate, and recommend its passage into a law. Whereupon, on motion of Mr. Wilson,

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

FRIDAY, DECEMBER 23, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolution, to wit: A bill to prevent the falling of timber in Haw river, in Guilford and Rockingham counties, and Mairs' Fork, in Guilford county; and a resolution in favor of Wilson Carter; in which they ask the concurrence of that House.

On motion of Mr. Matthews, ordered that William W. Boddie, the Senator from the county of Nash, have leave of absence from the services of the Senate for this day and to-morrow.

Mr. Dick presented the memorial of sundry citizens of the county of Guilford, praying the passage of an act further to suppress the practice of peddling and selling spiritous liquors by the small measure. On motion of Mr. Dick, ordered that the said memorial be referred to the committee on the Judiciary.

Mr. Melchor presented the resignation of George Barnhardt, a justice of the peace for the county of Cabarrus, and Mr. Moye, of Greene, presented the resignation of John Edmonston, a justice of the peace for the county of Greene; which were read and accepted, and sent to the House of Commons.

Mr. Brownrigg, from the committee on Military Affairs, to whom was referred the bill to exempt the wardens of the poor from the performance of certain duties, made an unfavorable report thereon, recommending the rejection of the said bill. Whereupon the bill was read the second time, and, on motion of Mr. Brownrigg, ordered to be indefinitely postponed.

Mr. Brownrigg, from the same committee, to whom was referred the engrossed bill to incorporate a Light Infantry company in the county of Craven, and the engrossed bill to incorporate a Light Infantry company in the town of Edenton, reported the same without amendment, and recommended that they be passed into laws. Whereupon the first mentioned bill was read the second and third times and passed, and ordered to be enrolled; and the last mentioned bill being read the second time, Mr. Brittain moved that the further consideration thereof be indefinitely postponed; which was not agreed to, and the bill was read the second and third times and passed, and ordered to be enrolled.

Mr. Brownrigg, from the same committee, to whom was referred the engrossed bill to incorporate the Wilkes County Volunteer Artillery company, reported the same with sundry amendments, which were read and agreed to, and the bill as amended was read the second time and passed, and being read the third time, Mr. Hoke moved to amend the bill by adding the following as an additional section, to wit: "and the said company shall be ready at the call of the commanding officers of the regiment to which they belong, to perform such service as may be required of them;" which amendment was agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Mr. Brownrigg, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of effectually preventing slaves from attending reviews, general musters, &c. made a report thereon, accompanied by a bill, entitled a bill to prevent slaves from attending general reviews, regimental, battalion and company musters, camp meetings and election grounds; which was read the first time and passed.

Mr. Brownrigg, from the same committee, reported a bill, entitled a bill to repeal an act to reduce the number of petty musters to two in a year, passed in the year 1827; which was read the first time and passed.

Mr. Elliott presented a bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c.; which was read the first time and passed.

Mr. Massey presented a bill to incorporate the Charlotte Fire Engine Company; which was read the first time and passed, and being read the second time, Mr. Hoke moved to amend the bill by striking out the following words: "shall be exempt from military duty;" which was not agreed to. Mr. Sneed moved to amend the bill by adding the following as an additional section, to wit: "*And be it further enacted*, That it shall be the duty of the commanding officers of this company to make due return of the number of officers and privates to the commanding officer of the regiment to which they belong, under the same regulations and penalties as are now required and imposed on officers of militia companies;" which amendment was agreed to, and the bill as amended was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Martin, of Rockingham, the Senate proceeded to consider the report of the committee of the whole House on the bill to establish a bank on the funds of the State; and the question pending being on agreeing to the several amendments made by the committee of the whole House, they were severally read and agreed to by the House, except the amendment to the 11th section, which proposed to strike out the word "one," and insert the word "five;" which was not agreed to—ayes 25, noes 34. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Brittain, Bell, Brownrigg, Campbell, Dick, Elliott, Hawkins, Hayley, M'Daniel, Marshall of C., Martin of W., Montgomery of H., Mosely, Moye of G., Moye of P., Rowland, Spaight, Seawell, Selby, Simmons, Sneed, Thomson, Toomer, Williams.

Those who voted in the negative, are Messrs. Allen, Bateman, Caldwell, Cooper of M., Cowper of G., Davenport, Dishongh, Dobson, Gilmore, Guinn, Hall, Hill, Hoke, Hoover, Howell, Kerr, Kendall, M'Entire, M'Farland, Marshall of A., Martin of R., Matthews, Massey, Melchor, Montgomery of O., Parham, Pool, Ray, Rencher, Sherard, Skinner, Tyson, Underwood, Vanhook.

Mr. Martin, of Rockingham, moved to amend the bill by striking out the whole of the 19th section; which amendment was agreed to. Mr. Brownrigg moved further to amend the bill, in the 22nd section, by striking out the words "one thousand," and insert the words "fifteen hundred;" which amendment was not agreed to. The question then recurring on the passage of the bill the second time as amended, it was decided in the affirmative—ayes 33, noes 27. The ayes and noes being demanded by Mr. Moye, of Pitt, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Bell, Brownrigg, Caldwell, Cooper of Martin, Cowper of Gates, Davenport, Dishongh Dobson, Gilmore, Gunn, Hall, Hill, Hoke, Hoover, Kendall, M'Daniel, M'Entire, M'Farland, Marshall of Anson, Martin of Rockingham, Matthews, Massey, Montgomery of Orange, Parham, Pool, Kencher, Sherard, Skinner, Tyson, Underwood, Vanhook, Wilson.

Those who voted in the negative, are Messrs. Askew, Bateman, Brittain, Campbell, Dick, Elliott, Hawkins, Hayley, Howell, Kerr, Marshall of Carteret, Martin of Wilkes, Melchor, Montgomery of Hertford, Mosely, Moye of Greene, Moye of Pitt, Ray, Rowland, Spaight, Seawell, Selby, Simmons, Sneed, Thomson, Toomer, Williams.

A motion was made by Mr. Montgomery, of Hertford, to reconsider the vote taken on yesterday on the indefinite postponement of the bill to incorporate a company to make a turnpike road from Williamston landing, in the county of Martin, towards Windsor, in Bertie county, and to intersect the public road leading from Oliver's ferry to Windsor, and for other purposes; and on the question will the Senate reconsider the said vote? it was decided in the negative.

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

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SATURDAY, DECEMBER 24, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to incorporate the Charlotte Fire Engine Company; in which they ask the concurrence of that House.

Mr. Montgomery, of Hertford, from the committee on Propositions and Grievances, to whom was referred the petition of Wilkings & Co. auctioneers in the town of Fayetteville, praying to be relieved from the payment of the duties on their sales at auction, from the first of October, 1830, to the first of October, 1831, made a favorable report thereon, accompanied by the following resolution, to wit:

*Be it resolved,* That the petitioners Wilkings & Co. be absolved from all obligation to pay the aforesaid sum of one hundred and six dollars, which they were liable to pay as auctioneers, for duties which accrued during the year ending on the first of October, 1831, and they are hereby discharged from the same.

Which was read, and, on motion of Mr. Spaight, ordered that the report and resolution be laid upon the table.

Mr. Seawell, from the committee on the Judiciary, to whom was referred the bill to repeal in part an act, passed in the year 1829, chapter 22nd, entitled an act to regulate the entries of lands in certain cases, made a report thereon, stating that it is inexpedient to pass the said bill; and the bill was read the third time, and resolved that the same shall not pass.

Mr. Seawell, from the same committee, to whom was referred the bill more effectually to suppress and prevent the running away of slaves in this State, reported the same without amendment, and the bill was made the order of the day for Monday next.

Mr. Toomer, from the committee on Internal Improvement, to whom was referred the memorial of the president and directors of the Buncombe Turnpike Company, reported that he was instructed by the committee to

return the said memorial, and ask to be discharged from the further consideration thereof. Ordered that the committee be discharged accordingly; and, on motion of Mr. Sneed, ordered that the said memorial be laid upon the table.

Mr. Seawell, from the joint select committee to whom was referred so much of the Governor's message as relates to slaves, free negroes and free persons of color and incendiary publications, made a detailed report thereon, accompanied by a bill, entitled a bill for the better regulation of the conduct of free negroes, slaves and free persons of color; which was read the first time and passed, and, on motion of Mr. Bell, ordered that the bill and report be printed, one copy for each member of the Legislature.

Mr. Toomer, from the committee on Internal Improvement, to whom was referred the bill to authorise the Treasurer to sell the stock belonging to the State in the Buncombe Turnpike Company, reported that he was instructed by the committee to return the said bill and ask to be discharged from its further consideration. Ordered that the committee be discharged accordingly; and, on motion of Mr. Sneed, ordered that the said bill be laid upon the table.

On motion of Mr. M'Farland,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of amending the act of 1798, so as to prevent the unnecessary erection of gates across roads laid out and paid for by the petitioner according to said act; and that they report by bill or otherwise.

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

Whereas many acts of malicious mischief have been recently committed by slaves or free persons of color on the horses and cattle of some of the citizens of Caswell county, as appears by the accompanying communication; and whereas it is believed that the said outrages were the consequence of a vigilant and faithful performance of duty on the part of the patrol in the due execution of the law; and whereas doubts exist as to the punishment prescribed by law for such offences, and also as to the adequacy of the punishment for the suppression of the evils:

*Be it resolved, and it is hereby resolved*, That the subject be referred to the joint select committee on that part of the Governor's message which relates to slaves, free people of color and incendiary publications, with leave to report by bill or otherwise.

Which was read and adopted.

Mr. M'Farland presented the following preamble and resolution, to wit:

Whereas by the 41st section of the constitution of this State it is made the imperative duty of the Legislature to establish schools for the convenient instruction of youth; and whereas all convenient aid should be given to foster and enlarge the present fund set apart by this State: therefore,

*Resolved*, That the claim of this State against the United States, as reported by the commissioners of 1823, be appropriated to the Literary Fund of this State; and the Treasurer is hereby authorised, as soon as said claim is adjusted, to enter said amount to the credit of the same, which shall constitute and form a part of said fund.

Which was read, and, on motion of Mr. Williams, ordered to be referred to the committee on Finance.

Mr. Hawkins presented a bill to incorporate the Catawba Gold Mining Company; 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, in which they ask the concurrence of the Senate, to wit: A bill to incorporate the Mecklenburg Gold Mining Company, a bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick; a bill to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond

and Orapeake Canal Company, and for other purposes; a bill to authorise the County Courts of this State to establish poor and work houses in their respective counties; and a bill to authorise the County Court of the county of New Hanover to have the records of said county transcribed, and to make copies of said transcribed records evidence in all suits at Law and Equity in this State. Whereupon the said bills were severally read the first time and passed, and the third mentioned bill, on motion of Mr. Bell, ordered to be laid upon the table.

Received also from the House of Commons a message, communicating a message from the Governor, transmitting the report of the Treasurer of the University of North Carolina, accompanied with a proposition from that House that the report be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating their concurrence in the amendments made by the Senate to the engrossed bill to repeal an act, passed in the year 1830, entitled an act to amend an act entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county. Whereupon the said bill was ordered to be enrolled.

The bill to give longer time for paying in entry money was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Sneed, ordered that John D. Toomer, the Senator from the county of Cumberland, have leave of absence from the services of the Senate for Monday and Tuesday next.

Mr. Cooper, of Martin, asked and obtained leave to withdraw from the files of the Senate the bill to incorporate a company to make a Turnpike road from Williamston Landing, in the county of Martin, towards Windsor, in Bertie county, and to intersect the public road leading from Oliver's ferry to Windsor, and for other purposes.

On motion of Mr. Martin, of Rockingham, the Senate proceeded to consider the bill to establish a bank on the funds of the State; and the bill being read the third time, Mr. Martin, of Rockingham, moved to amend the bill by inserting at the end of the eighteenth section, to wit: "that it shall be the duty of the president and directors aforesaid to make an annual report to the Legislature, stating its debits and credits, and faithfully exhibit its exact situation;" which amendment was agreed to. The question then recurring on the passage of the bill the third time as amended, it was decided in the affirmative—ayes 32, noes 29. The ayes and noes being demanded by Mr. Moyer, of Greene, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Bateman, Bell, Caldwell, Cooper of M., Cowper of G., Davenport, Dishongh, Dobson, Gilmore, Guinn, Hall, Hill, Hoke, Hoover, Kendall, M'Daniel, M'Entire, M'Farland, Marshall of A., Martin of R., Massey, Montgomery of O., Parham, Pool, Rencher, Sherard, Skinner, Tyson, Underwood, Vanhook, Wilson.

Those who voted in the negative, are Messrs. Askew, Brittain, Brownrigg, Campbell, Dick, Elliott, Hawkins, Hayley, Howell, Kerr, Lindsay, Marshall of C., Martin of W., Melchor, Miller, Montgomery of H., Mosely, Moyer of G., Moyer of P., Ray, Rowland, Spaight, Seawell, Selby, Simmons, Sneed, Thomson, Toomer, Williams.

Ordered that the said bill be engrossed.

Received from the House of Commons the resignation of Lemuel Perkins, of the county of Pitt; the resignation of Joseph Gillespie, of the county of Duplin; and the resignation of Josiah Holder, of the county of Johnston, justices of the peace for their respective counties, endorsed in that House

“read and accepted;” and which were read and accepted by the Senate. And the Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 26, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to establish a Bank on the funds of the State; and a bill to give longer time for paying in entry money; in which they ask the concurrence of that House.

Mr. Seawell, from the committee on the Judiciary, to whom was referred the bill to authorise judges to grant writs of ne exeat in certain cases therein mentioned, reported the same with an amendment; which was read and agreed to, and the bill as amended was read the second time and passed, and, on motion of Mr. Seawell, ordered to be printed.

Mr. Seawell, from the same committee, to whom was referred the bill to amend an act, passed in 1777, entitled an act declaring what fences are sufficient, and to provide a remedy for abuses, reported the same with sundry amendments; which were read and agreed to. Mr. Seawell moved further to amend the bill by adding the following proviso, to wit: “*Provided nevertheless*, that in all cases where proceedings shall be had in counties in which no jury trials are had in the Court of Pleas and Quarter Sessions, that the appeal of either party, under the several provisions of this act, shall be to the Superior Court of such county;” which amendment was also agreed to, and the bill as amended was read the second time and passed.

Mr. Seawell, from the same committee, to whom was referred the resolution instructing the committee to inquire into the expediency of so amending the law, as to make five commissioners a competent number to lay off widows’ dower and roads, reported a bill, entitled “a bill altering the laws in respect to the allotment of widows’ dower;” which was read the first time and passed.

On motion of Mr. M’Farland,

*Resolved*, That the committee of Finance be instructed to inquire into the expediency of compelling all persons in this State to give in all the stock owned by them in bank or company corporations, at a fair valuation, under the same rules as govern other taxable property in this State; and that they report by bill or otherwise.

Mr. Seawell presented a bill the better to enforce the payment of fines in cases of State prosecutions, and for the better explanation of the law in such cases; which was read the first time and passed.

Mr. Gilmore presented a bill to authorise the commissioned officers of a regiment to alter and divide captains’ districts; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill for the better regulation of the County Courts of Buncombe; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first, second and third times and passed, and ordered to be enrolled.

The engrossed bill to authorise the County Court of the county of New Hanover to have the records of said county transcribed, and to make copies of transcribed records evidence in all suits at Law and Equity in this State, was read the second time. Mr. Campbell moved to amend the bill by inserting after the word “records,” in the second line of the second section, the following words: “or that may have been transcribed by order of said court;” which amendment was agreed to, and the bill, as amended, was

read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick, was read the second time. Mr. Hall moved to amend the bill by adding the following as an additional section, to wit: "*And be it further enacted, That the law now in force requiring a majority of the acting justices of said county to be present, when the sheriff's bonds are to be taken or renewed, shall be so construed as to mean the justices residing in the county at the time the bonds are to be taken; and in any case where a majority of the said justices are required and do not attend, those who are present may proceed to take the sheriff's bonds and do any other business that a majority is required to do, which shall be as valid as if done by a majority of said justices, and the justices absent shall be equally responsible for insufficient security as if they were present, provided they are not prevented from attending by sickness or other accidental causes;*" which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill to incorporate a company styled the Guilford County Gold Mining Company, was read the second time and passed; and, on motion of Mr. Seawell, ordered that the said bill, together with the bill to incorporate the Mecklenburg Gold Mining Company and the bill to incorporate the Catawba Gold Mining Company, be committed to a committee of the whole House, and made the order of the day for Wednesday next.

The engrossed bill to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes, was read the second time and passed.

The bill to prevent the circulation of seditious pamphlets was read the third time. Mr. Bateman moved that the bill be laid upon the table; which was not agreed to. Mr. Bateman moved to amend the bill by adding the following proviso at the end thereof, to wit: "*Provided, that the provisions of this act shall not extend to any vessel over twenty tons burden.*" Mr. Brittain moved that the bill and amendment be indefinitely postponed; which was agreed to—ayes 37, noes 22. The ayes and noes being demanded by Mr. Skinner, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Bateman, Brittain, Brownrigg, Caldwell, Cooper of Martin, Cowper of Gates, Davenport, Dick, Dishongh, Dobson, Elliott, Guinn, Hoke, Hoover, Howell, Kerr, Kendall, M'Daniel, M'Entire, M'Farland, Martin of Rockingham, Martin of Wilkes, Matthews, Massey, Melchor, Montgomery of Orange, Mosely, Pool, Ray, Rencher, Simmons, Skinner, Sneed, Tyson, Vanhook, Williams.

Those who voted in the negative, are Messrs. Askew, Bell, Campbell, Gilmore, Hall, Hawkins, Hayley, Lindsay, Marshall of Anson, Marshall of Carteret, Miller, Montgomery of Hertford, Moye of Greene, Moye of Pitt, Rowland, Spaight, Seawell, Selby, Sherard, Thomson, Underwood, Wilson.

The resolution in favor of Bynum W. Bell was read the third time. Mr. Spaight moved that the resolution be laid upon the table; which was not agreed to. Mr. Sneed called for a division of the question; it was thereupon taken on the first branch of the resolution as follows, to wit:

*Resolved*, That the Public Treasurer pay to Bynum W. Bell, sheriff of Macon county, the sum of eleven dollars and fifty-one cents, that amount having been paid into the Public Treasury as the taxes on lands held by John Brown, agent of Cathcart and others, which lands were listed and the taxes paid in Haywood county."

Which was decided in the affirmative. Mr. Wilson moved that the remaining part of the resolution, together with the report and accompanying papers, be committed to the committee on the Judiciary; which was not agreed to. The question then recurring on the passage of the second branch of the resolution as follows:

"Also the sum of thirty-three dollars and thirty-one cents, the amount paid into the Public Treasury as the taxes on Holdeman's & Esselman's speculation lands, which were afterwards sold by said Bell and purchased for the State."

It was decided in the affirmative—ayes 52, Noes 5. The ayes and noes being demanded by Mr. Seawell, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Bateman, Brittain, Bell, Brownrigg, Caldwell, Campbell, Cooper of M., Cowper of G., Davenport, Dick, Dishongh, Elliott, Gilmore, Guinn, Hall, Hawkins, Hayley, Hoke, Hoover, Howell, Kerr, Kendall, M<sup>d</sup>Daniel, M<sup>d</sup>Entire, M<sup>d</sup>Farland, Marshall of A., Marshall of C., Martin of R., Martin of W., Matthews, Massey, Melchor, Miller, Montgomery of H., Montgomery of O., Moseley, Moye of G., Moye of P., Pool, Ray, Rencher, Rowland, Selby, Sherard, Simmons, Skinner, Thomson, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Dobson, Lindsay, Seawell, Sneed, Underwood. The question then recurring on the passage of the last branch of the resolution, as follows: "Also the sum of twelve dollars, the expenses incurred in valuing, selling and conveying said lands to the Governor," it was decided in the affirmative, and the resolution was ordered to be engrossed.

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

#### TUESDAY, DECEMBER 27, 1831.

A message was sent to the House of Common, stating that the Senate have passed the engrossed resolution in favor of Bynum W. Bell; in which they ask the concurrence of that House.

The Speaker laid before the Senate a communication from the Public Treasurer, transmitting a statement of the affairs of the Bank of Cape Fear. Mr. Sneed moved that the Senate now proceed to consider the message from the House of Commons, transmitting similar statements from the State Bank of North Carolina and the Bank of Newbern, and proposing that the said statements be printed; which motion was agreed to. Whereupon the proposition of the House of Commons was concurred in; and, on motion of Mr. Sneed, ordered that the statement communicated by the Public Treasurer in relation to the affairs of the Cape Fear Bank be printed therewith, and the House of Commons was informed thereof by message.

Mr. Boddie presented the resignation of Granberry Vick, a justice of of the peace for the county of Nash; which was read and accepted, and sent to the House of Commons.

Mr. M<sup>d</sup>Entire presented the resignation of Samuel P. Wilson and Daniel Watson, justices of the peace for the county of Rutherford; which were read and accepted, and sent to the House of Commons.

Mr. Wilson presented the memorial of Spier Whitaker, colonel commandant of the regiment of Halifax militia, praying indemnity for certain expenses incurred in calling out his regiment to suppress a supposed insurrection among the slaves of that county, in the months of August and September last. On motion of Mr. Wilson, ordered that the said memorial, together with the accompanying papers, be referred to the committee on Claims.



Mr. Sneed, from the committee on Finance, to whom was referred the resolution instructing them to inquire into the expediency of compelling all persons in this State to give in all the stock owned by them in bank or company corporations, at a fair valuation, under the same rules as govern other taxable property in this State, reported that it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Sneed, from the same committee, to whom was referred the resolution instructing the Public Treasurer to transfer the claim of this State against the United States (so soon as it shall be adjusted and settled) to the Literary Fund, reported that it is inexpedient to legislate upon the subject, and ask to be discharged from its further consideration; in which report the Senate concurred, and the committee were discharged accordingly.

Mr. Sneed, from the same committee, to whom was referred the bill for the relief of the citizens of this State, together with the proposed amendment, reported unfavorably thereon; and, on motion of Mr. Dobson, ordered that the bill and amendment be laid upon the table.

Mr. Guinn, from the select committee, to whom was referred the resolution directing them to inquire into the expediency of so arranging some of the courts in the sixth judicial circuit as to lengthen Haywood Superior Court, reported that it is inexpedient to legislate upon the subject; in which report the Senate concurred.

Mr. Gilmore presented the following resolution, to wit:

*Resolved*, That the Adjutant General is hereby authorised to deliver to the commanding officer of the county of Bladen, upon application made by said officer, one hundred stand of arms, or such other number, should said officer not apply for so many; and that he be further authorised to deliver in like manner unto the commanding officer of Sampson county, one hundred stand of arms.

Which was read, and, on motion of Mr. Wilson, ordered to be referred to the committee on Military Affairs.

On motion of Mr. Montgomery, of Hertford,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of passing a law for the purpose of securing to the citizens owning lands in the county of Hertford their titles to the same, now rendered insecure in consequence of the destruction of the records of the said county, by the burning of the court house of the said county some time since.

Mr. Parham presented a bill to authorise Wm. M. Davidson to erect a gate or gates on his land across the road leading through his plantation on Jonathan's creek, in Haywood county; which was read the first time and passed.

Mr. Montgomery, of Hertford, presented a bill in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford; which was read the first time and passed, and, on motion of Mr. Montgomery, of Hertford, ordered to be referred to the committee on the Judiciary.

Mr. Allen presented a bill to appoint commissioners to superintend the improvement and repair of the court house, jail and public square, in the county of Buncombe; which was read the first time and passed.

Mr. Elliott presented a bill prescribing the duty of sheriffs, constables and other officers in certain cases; which was read the 1st time and passed.

Mr. Brittain presented a bill to repeal an act, passed in the year 1827, entitled an act to compel the sheriff of Burke county to give written summons to the jurors of said county; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Gilmore presented a bill to repeal the inspection laws upon staves and heading, so far as relates to the port of Wilmington; which was read the first time and passed.

The bill to regulate the time of holding the Superior Courts of Law and Equity in the third judicial circuit, was read the third time, and, on motion of Mr. Wilson, ordered to be laid upon the table.

The bill to amend an act, passed in 1777, entitled an act declaring what fences are sufficient, and to provide a remedy for abuses, was read the third time. Mr. Boddie moved to amend the bill by striking out the words "cattle or hogs," wherever they occur, and insert the words "mules or other stock;" which amendment was agreed to. Mr. Seawell moved further to amend the bill by inserting after the word "be," in the 17th line of the first section, the words "good and sufficient;" which amendment was also agreed to. Mr. Gilmore moved further to amend the bill by striking out the words "whose fence be adjudged insufficient," in the second line of the third section; which amendment was not agreed to. Mr. Guinn moved further to amend the bill by adding the following as an additional section, to wit:

*"Be it further enacted,* That where any complainant's fence is five feet high, as this act directs, and the vacuum between the rails is so wide that young stock hogs under six months old passes between such insufficiency of the closeness of the fence, and in that case the complainant may have such stock hog valued by the provisions of this act, and he shall pay the valuation over to the justice and notify the owner of such stock at least one day; and if the owner does not keep his hogs from trespassing as aforesaid, then the complainant shall have full power and authority to take into his possession such stock as his own property and retain them until compensation be made by the owner for the trespass and feeding such hogs."

Mr. Dishongh moved that the bill, together with the amendment, be re-committed to the committee on the Judiciary; which was not agreed to. The question then recurring on agreeing to the amendment proposed by Mr. Guinn, it was decided in the negative; and the bill was thereupon read the third time, as amended, and passed, and ordered to be engrossed.

The following bills, to wit: The bill the better to enforce the payment of fines in cases of State prosecutions, and for the better explanation of the law in such cases; the bill to repeal the 8th section of an act passed in the year of our Lord 1828, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace; the engrossed bill to authorise the filing of petitions in vacation to hold defendants in petitions to bail, and authorise the County Courts to issue process to several counties at the same time; and the engrossed bill to limit the time within which actions may be brought against bail, were severally read the second time and passed.

Received from the House of Commons a message, stating their concurrence in the amendment made by the Senate to the engrossed bill to incorporate the trustees of the Ravenscroft Academy of Fayetteville. Whereupon the said bill was ordered to be enrolled.

The engrossed bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside, was read the third time. Mr. Seawell moved to amend the bill by adding the following as an additional section, to wit:

*"Be it further enacted,* That if any free negro or free person of color shall offend against this act, he or she shall be subject to indictment."

Which amendment was agreed to. Mr. Seawell moved further to amend the bill by adding the following proviso:

*“Provided nevertheless, That nothing in this act shall be construed so as to allow such persons coming from another State to peddle in this State.”*

Which amendment was also agreed to. Mr. Mosely moved further to amend the bill by adding the following as an additional section, to wit:

*“And be it further enacted, That this act shall not be in force until the first day of March, one thousand eight hundred and thirty two.”*

Which amendment was also agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes, was read the third time and passed, and ordered to be enrolled; and the bill for the relief of co-securities was read the third time and passed, and ordered to be engrossed.

The bill providing for the assignment of dower and for the partition of the whole real estate of deceased persons, where a part thereof lies in North Carolina and part in other States; the bill to amend an act, passed in the year 1805, entitled an act to prevent vice and immorality, by declaring the offences therein contained to be the subject of indictment; and the bill altering the law in respect to the allotment of widows' dower, were severally read the second time and passed.

The resolution in favor of Samuel W. W. Vick, sheriff of Nash county, and the resolution in favor of Luke G. Lamb, sheriff of Camden county, were read the 2nd and 3rd times and passed, and ordered to be engrossed.

Received from the House of Commons the resignation of Adam G. Banks, major of the 1st regiment of Wake county militia, and the resignation of H. G. Hampton, major of the 2nd regiment of Surry county militia, endorsed in that House “read and accepted;” and which were read and accepted by the Senate.

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

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WEDNESDAY, DECEMBER 28, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: A bill to amend an act, passed in the year 1777, entitled an act declaring what fences are sufficient, and to provide a remedy for abuses; a bill for the relief of co-securities; a bill to repeal an act, passed in the year 1827, entitled an act to compel the sheriff of Burke county to give written summons to the jurors of said county; a resolution in favor of Luke G. Lamb, sheriff of Camden county; and a resolution in favor of Samuel W. W. Vick, sheriff of Nash county; in which they ask the concurrence of that House.

On motion of Mr. Mosely, ordered that a message be sent to the House of Commons, proposing to ballot on to-morrow for colonel of cavalry of the third brigade and sixth division, and stating that Gabriel Holmes is in nomination for the appointment.

Received from the House of Commons a message of the date of yesterday, proposing to ballot on this day for five trustees of the University of this State, and stating that the following persons are in nomination for the

appointment, to wit: Thomas G. Polk, John Bragg, John B. Tate, David L. Swain, William M. Green, Thomas S. Singleton and Wm. D. Mosely; which proposition was agreed to, and, on motion of Mr. Spaight, the name of Bedford Brown was added to the nomination; and Messrs. Tyson and Cowper, of Gates, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Mosely, ordered that a message be sent to the House of Commons, proposing to ballot on to-morrow for lieutenant colonel of cavalry of the second brigade and eighth division, and stating that William M. Albritton, of the county of Greene, is in nomination for the appointment.

Mr. Montgomery, of Hertford, presented the memorial of Cha's Spiers, colonel of the 10th regiment of North Carolina militia, praying indemnity for certain expenses incurred in calling out his regiment to suppress a supposed insurrection among the slaves of Hertford county, in the month of August last. On motion of Mr. Montgomery, of H., ordered that the said memorial be referred to the committee on Claims.

Mr. Sneed, from the committee on Finance, who were directed by a joint resolution of the Legislature to count and burn such amount of Treasury notes as may be on hand on the 25th of December, 1831, reported the following resolution, to wit:

*Resolved*, That William S. Mhoon, Public Treasurer, be allowed the sum of one thousand four hundred and sixteen dollars and eighty cents, (\$1416 80,) which is the amount of Treasury notes counted and burnt by the committee of Finance on the 27th December, 1831, in pursuance of an order of the two Houses for that purpose.

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

Mr. Sneed presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to David L. Swain, Esq. the sum of ninety dollars, and to Romulus M. Saunders, Esq. the sum of twenty dollars, for their services in holding and attending a Court of Oyer and Terminer, which was called and held in the month of November last, for the trial of certain slaves charged with insurrection and conspiracy in the county of Franklin.

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

Received from the House of Commons a message, stating that Messrs. Crump and Moore attend the Senate to conduct the balloting on the part of that House for trustees of the University, and informing that Benjamin Sumner, of Person, and Joseph A. Hill, of Wilmington, are added to the nomination.

Mr. Montgomery, of Hertford, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the county of Craven, praying the passage of an act to restore to the rights and privileges of a citizen, William Simkins, of said county, made a favorable report thereon, accompanied by a bill, entitled a bill for the relief of Wm. Simkins, of Craven county; which was read the first time and passed.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of Elisha Harrell, of Darlington district, South Carolina, praying compensation for services rendered during the revolutionary war, made an unfavorable report thereon, recommending the rejection of the said petition; in which report the Senate concurred.

The bill for the relief of William Simkins, of Craven county, was read the second time and passed—ayes 45, noes 12. The ayes and noes being demanded by Mr. Askew, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Boddie, Brownrigg, Caldwell, Cooper

of M., Cowper of G., Davenport, Dick, Dishongh, Dobson, Elliott, Gilmore, Guinn, Hall, Hawkins, Hill, Hoover, Howell, Kerr, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of A, Martin of R., Martin of W., Matthews, Miller, Montgomery of H., Montgomery of O., Moye of G., Moye of P., Parham, Pool, Rencher, Rowland, Spaight, Selby, Sherard, Simmons, Skinner, Thomson, Underwood, Vanhook, Wilson.

Those who voted in the negative, are Messrs, Askew, Bateman, Brittain, Campbell, Hoke, Kendall, Melchor, Mosely, Ray, Seawell, Sneed, Williams.

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

Mr. Brownrigg, from the committee on the Militia and better defence of the State, to whom was referred the resolution instructing them to inquire whether any and what amendments are necessary to the laws prescribing the mode of ordering out the militia of this State in cases of insurrection or invasion, reported a bill, entitled a bill pointing out the mode whereby the militia of this State shall hereafter be called into service, in cases of insurrection or invasion and outlawed and runaway negroes; which was read the first time and passed, and, on motion of Mr. Wilson, ordered to be printed.

Mr. Hall 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 five members on the part of each House, to inquire into the expediency of altering the days of Election, so that it shall come on different days in each county throughout the State.

Which was read, and the question on the adoption thereof was decided in the negative.

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

Whereas many of the good people of North Carolina entertain the opinion that the Constitution of the State is defective in some of its fundamental provisions, and requires amendment, more especially in the present mode of representation, which, instead of being on the just and equitable basis of taxation and population, is according to counties unequal in size and greatly disproportionate in wealth and numbers. And whereas local jealousies and divisions, growing out of this state of things, have for many years existed among us, creating dissensions among the people, distracting the councils of the State, and obstructing all liberal and wholesome legislation—a condition of things which the character and prosperity of the State plainly require should be removed from among us, that we may become *one people*, possessing common rights and influenced by a common principle. And whereas many of the good people of this State entertain the opinion that the seat of government should be removed to some place uniting more advantages than the city of Raleigh: Therefore, with a view of removing these difficulties on principles of compromise and mutual concession, and to restore good feeling among the people and harmony in the counsels of the Legislature.

*Be it resolved by the General Assembly of the State of North Carolina*, That it is expedient to call a Convention of the freemen of North Carolina, for the purpose of considering the propriety of amending the Constitution of the State, and also of removing the seat of government.

*Resolved further*, That it shall be the duty of the sheriffs of the several counties in this State, on the day of next, after twenty days' notice, to open polls at the places where elections are usually held in their respective counties, under the same rules and regulations as are required in the elections of members to the General Assembly; and all free white men over the age of twenty-one years, having been citizens of the State twelve months immediately preceding the day of election, are requested to attend said polls and vote for delegates to a Convention.

*And be it further resolved*, That the delegates to be chosen shall be distributed among the several counties as follows, the same being on the basis of federal numbers, that is to say, the counties of Ashe, Bladen, Brunswick, Columbus, Carteret, Currituck, Chowan, Camden, Gates, Greene, Hertford, Hyde, Haywood, Jones, Lenoir, Macon, Martin, Nash, Onslow, Pasquotank, Perquimons, Robeson, Tyrrell and Washington, each, shall elect one delegate only. The counties of Anson, Bertie, Beaufort, Cabarrus, Chatham, Cumberland, Caswell, Craven, Duplin, Davidson, Edgecomb, Franklin, Halifax, Johnston, Moore, Montgomery, New Hanover, Northampton, Person, Pitt, Randolph, Rockingham, Richmond, Sampson, Surry, Wilkes, Warren and Wayne, each, shall elect two delegates only. And the counties of Buncombe, Burke, Granville, Guilford, Iredell, Mecklenburg, Rutherford, Stokes and Wake shall each elect three delegates only. And the counties of Lincoln, Orange and Rowan shall each elect four delegates, and no more.

*Be it further resolved,* That the delegates so chosen shall meet in Convention on the Monday of next; and when duly organized shall proceed to consider the propriety of adopting the following articles as a part of the Constitution of the State; and said Convention shall be limited to the consideration of the propriety of adopting the following articles, and no others:

*Article 1st.* The Senate shall be composed of members biennially chosen, one from each county in this State. Both senators and electors shall possess the same qualifications as are now required of each respectively by the Constitution.

*Article 2nd.* The House of Commons shall be composed of members biennially chosen by the free white men of the State, in the manner hereinafter prescribed; and the members and their electors shall possess respectively the same qualifications as now required by the Constitution. Representation in the House of Commons shall be equal and uniform, and shall be regulated and ascertained by the General Assembly once in every ten years, on the basis of federal numbers, that is, three-fifths of the black population added to the whole amount of the white population. The ratio on which the representatives shall be distributed among the several counties at the period of every ten years, shall be so fixed by law as not to give fewer than ninety, nor more than one hundred members to the House of Commons, over and above the representation from the towns, if the borough system be retained. When a county may not contain a sufficient amount of federal numbers to entitle it to a member, and when the fractions of the adjacent counties added thereto are still less than the ratio, then two or more counties may be joined together for the purpose of sending one or more members, according to what they may be entitled to send by the settled ratio. When there are two or more counties adjacent to each other having fractions over and above the ratio fixed on, if such fractions, when added together, will amount to the ratio, then one member shall be added to the county having the largest fraction. The first arrangement on this principle shall be made by the General Assembly in the year 1841; and until then the House of Commons shall be composed of members from the several counties as follows, to wit: Anson two, Ashe one, Buncombe three, Bertie two, Bladen one, Brunswick one, Beaufort two, Burke three, Cabarrus two, Columbus one, Carteret one, Currituck one, Chowan one, Cumberland two, Caswell two, Duplin two, Edgecomb two, Granville three, Greene one, Halifax two, Hyde one, Iredell three, Jones one, Lenoir one, Moore two, Meckleburg three, New Hanover two, Northampton two, Orange four, Pasquotank one, Perquimons one, Randolph two, Robeson one, Rutherford three, Surry two, Tyrrell one, Wilkes two, Wayne two, Chatham two, Camden one, Craven two, Davidson two, Franklin two, Gates one, Guilford three, Hertford one, Haywood one, Johnston two, Lincoln four, Macon one, Montgomery two, Martin one, Nash one, Onslow one, Person two, Pitt two, Rowan four, Rockingham two, Richmond two, Sampson two, Stokes three, Washington one, Warren two, Wake three.

*Article 3rd.* The General Assembly shall meet once in every two years, but should the public interest require it, the Governor may, in the interim, call an extra session.

*Article 4th.* The Governor, Public Treasurer and the Secretary of State shall be biennially chosen by joint ballot of the two Houses; and no person shall be eligible to the office of Governor longer than four years in eight successive years.

*Article 5th.* No higher taxes shall be imposed on the slave than on the white poll; and slaves shall not be taxed at an earlier age than twelve, nor at a later age than fifty years.

*Article 6th.* Whenever any town in this State, not now entitled to representation, shall possess a population of souls, such town shall become entitled to send one member to the House of Commons; and when any town now represented, or hereafter to be represented, shall cease to possess a population of souls, then such town shall forfeit the right of representation.

Mr. Montgomery, of Orange, moved to amend the resolutions by adding the following, to wit:

“All appointments made and offices held under this constitution, shall be for a limited term of years only, not exceeding ten; and shall be removed from office at any time by a concurrence of two-thirds of the appointing power.”

The resolutions and amendment having been read, on motion of Mr. Wilson, ordered that they be committed to a committee of the whole House, and made the order of the day for Tuesday next; and, on motion of Mr. Dick, ordered that they be printed, five copies for each member of the Legislature.

Mr. Simmons presented the following resolution, to wit:

*Resolved,* That the Public Treasurer pay to Col. Marmaduke Powell, a member of the House of Commons from the county of Columbus, during the last Legislature, the sum of forty eight dollars, it being at the rate of three dollars per day for sixteen days he was detained at Raleigh, after the rise of the last Legislature, by sickness; and that the same be allowed the Public Treasurer in the settlement of his accounts.

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

Mr. Sherard presented a bill for the better regulation of the town of Waynesboro', and for other purposes; which was read the first, second and third times and passed, and ordered to be engrossed.

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

Whereas the justices of the peace for the Court of Pleas and Quarter Sessions for the county of Duplin, having recommended to the attention of the General Assembly of the State of North Carolina, Levin Armwood, a free negro residing in said county, as a man of good moral character, and as having rendered signal services to the State in having developed and made known to the citizens of the county of Duplin a deep laid plot among the slaves of the counties of Duplin, Sampson and New Hanover, to conspire, rebel and make insurrection against their lawful owners and the laws and sovereignty of the State; and whereas it is certain that the citizens of the said counties were saved from the most brutal murders by the timely information of the said Levin Armwood:

*Be it therefore resolved,* That the Public Treasurer pay to the said Levin Armwood the sum of \_\_\_\_\_ dollars, as a reward for his fidelity in making known a deep laid plot of conspiracy, rebellion and insurrection among the slaves of this State; and that the same be allowed the Public Treasurer in the settlement of his public accounts.

Which was read the first time and passed.

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

Whereas the good citizens of the State of North Carolina are now convinced that the present tariff laws of the United States are unequal in their operation, unconstitutional in their spirit and vacillating in their effect upon all the cotton growing States; and whereas the confederation of the States was formed in the spirit of mutual compromise, conciliation and protection, and therefore every law that is subversive of the fundamental principles and spirit of that holy compact, is destructive to the permanency and duration of the Union, by cooling the ardor of the republican spirit that cements the States together, by engendering jealousies among the different States, alienating the love and affections of the people from their Government, and, if persevered in, will gradually estrange the spirit of reciprocity and brotherly love, without which no people can be prosperous and happy, and which will expose this boasted palladium of liberty to the will of rapacious tyrants: it is therefore confidently believed that a mere mention of these principles will awaken a spirit of justice in those who enacted those obnoxious and oppressive laws, and who have the power to enforce obedience to them:

*Be it therefore resolved,* by the General Assembly of the State of North Carolina, That we, the Representatives of the people, do believe that the present Tariff is an indirect tax upon the Southern States, uncalled for at this time, unwarranted by the spirit of the constitution, and if not speedily repealed will impoverish our citizens, and stern necessity will drive us into measures, at the very thought of which all our better feelings revolt.

*Be it further resolved,* That our Senators in Congress be instructed, and our Representatives requested to make the most strenuous exertions and to use all proper means in their power to bring about a repeal of the most obnoxious of the tariff laws.

*Be it further resolved,* That the foregoing preamble and resolutions be signed by the Speakers of the Senate and House of Commons, and that a copy of them be transmitted to our Senators and Representatives in Congress.

The resolutions having been read, Mr. Allem moved that they be postponed indefinitely. Mr. Mosely moved that they be laid upon the table; which motion having precedence, the question thereon was first taken and decided in the affirmative. Mr. Wilson moved that the resolutions be referred to the committee on so much of the Governor's message as relates to the Tariff; which was not agreed to. On motion of Mr. M<sup>r</sup>Farland, ordered that a message be sent to the House of Commons, proposing to refer the said resolutions to a joint select committee. Whereupon Messrs. Dishongh, Seawell, Wilson, M<sup>r</sup>Farland, Brownrigg and Spaight were appointed to form said committee on the part of the Senate.

Mr. Tyson, from the committee appointed to conduct the balloting for trustees of the University, reported that Thos. G. Polk, Wm. D. Mosely, Jos. A. Hill and David L. Swain, having each received a majority of the whole number of votes, are duly elected, and that no other person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr Hayley presented a bill to amend an act, entitled an act to authorise the justices of the Court of Pleas and Quarter Sessions of the county of Northampton to employ a suitable person to transcribe a part of the records of said county; which was read the first time and passed.

Mr. Selby presented a bill to authorise the sheriff of Hyde county to execute warrants and collect executions for sums less than one hundred dollars; which was read the first time and passed.

Received from the House of Commons a message, proposing to ballot on to-morrow for cavalry officers attached to the ninth brigade, and stating that William P. Witherspoon is in nomination for colonel, Joel Vannoy for lieutenant colonel, and James P. Waugh for major. On motion of Mr. Martin, of Wilkes, ordered that the message be laid upon the table.

On motion of Mr. M'Farland, the Senate proceeded to consider the message of the House of Commons, proposing certain amendments to the engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson; and the amendments having been read, they were severally agreed to by the Senate, except that which proposes to strike out the county of Richmond; which was not agreed to, and a message was sent to the House of Commons informing them thereof.

On motion of Mr. Dick, the Senate entered upon the orders of the day, and resolved itself into a committee of the whole House, Mr. Spaight in the Chair, to take into consideration three several bills, to wit: the bill to incorporate the Guilford County Gold Mining Company, the bill to incorporate the Mecklenburg Gold Mining Company, and the bill to incorporate the Catawba Gold Mining Company; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Spaight reported that the committee of the Whole had, according to order, had the said bills under consideration, and had made some progress therein, and instructed him to ask leave to sit again on to-morrow; and on the question shall the committee have leave to sit again on the said bills on to-morrow? it was decided in the negative. Whereupon, on motion of Mr. Spaight, ordered that the committee of the whole House be discharged from the further consideration of the said bills; and, on motion of Mr. Montgomery, of Orange, ordered that they be referred to a select committee, with instructions to report a general bill, if they should deem the same expedient. Ordered that Messrs. Seawell, Montgomery, of Orange, Sneed, Brownrigg and Dick compose said committee.

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

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THURSDAY, DECEMBER 29, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolutions, to wit: A bill for the better regulation of the town of Waynesboro', in Wayne county; a resolution in favor of Marmaduke Powell; a resolution in favor of the Public Treasurer; and a resolution in favor of David L. Swain and Romulus M. Saunders; in which they ask the concurrence of that House.



Mr. Martin, of Rockingham, from the committee on Claims, to whom was referred the memorial of sundry citizens of Johnston county, praying indemnity for expenses incurred in calling out the militia of that county to suppress a supposed insurrection of the slaves, made an unfavorable report thereon; which was read, and, on motion of Mr. Wilson, ordered to be laid upon the table.

Mr. Martin, of Rockingham, from the same committee, to whom was referred the memorial of Charles Spiers, of the county of Hertford, praying indemnity for expenses incurred in calling out the militia of that county to suppress a supposed insurrection among the slaves, stated that he was instructed by the committee to return the said memorial and ask to be discharged from its further consideration. Ordered that the committee be discharged accordingly, and that the memorial be laid upon the table.

Mr. Martin, from the same committee, to whom was referred the resolution in favor of John R. Bledsoe, of the county of Wayne, stated that he was instructed by the committee to return the said resolution, and ask to be discharged from its further consideration. Ordered that the committee be discharged accordingly, and that the resolution be laid upon the table.

Mr. Brownrigg, from the committee on the Militia and better defence of the State, to whom was referred the resolution instructing them to inquire into the expediency of allowing compensation to the militia ordered into service by the commanding officer of New Hanover county, for the purpose of suppressing an insurrection, stated that he was instructed by the committee to return the resolution, and ask to be discharged from its further consideration. Ordered that the committee be discharged accordingly. Mr. Brownrigg moved that the memorial be referred to the committee on Claims. Mr. Martin, of R., moved that it be laid upon the table; which motion having precedence, the question thereon was first taken and decided in the affirmative.

Mr. Brownrigg, from the same committee, to whom was referred the bill to incorporate three Light Infantry companies and one company of Cavalry in the county of Edgecomb, and one company of Light Infantry in the county of Pitt, reported the same with an amendment; which was agreed to, and the bill as amended was read the second time and passed.

Mr. Brownrigg, from the same committee, to whom was referred sundry resolutions in relation to distributing the public arms to the different Volunteer companies of the State, made a report thereon, accompanied by a bill, entitled a bill for the distribution of a part of the public arms among the several counties of the State, and for the preservation and accounting for of the same; which was read the first time and passed, and, on motion of Mr. Matthews, ordered to be printed.

Received from the House of Commons a message, agreeing to ballot for lieutenant colonel of cavalry in the second brigade and sixth division, and stating that Messrs. Wadsworth and Fleming attend the Senate to conduct the balloting on their part. Whereupon Messrs. M'Daniel and Moye, of Greene, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Sneed, ordered that a message be sent to the House of Commons, proposing to ballot immediately for one trustee of the University yet to be elected; and, on motion of Mr. Montgomery, of Orange, the name of Bedford Brown was withdrawn from the nomination. Whereup-

on a message was received from the House of Commons, agreeing to ballot as proposed, and stating that Messrs. Toole and Thomas attend the Senate to conduct the balloting on their part. Messrs. Hawkins and Marshall, of Anson, were thereupon appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, agreeing to ballot for colonel of cavalry of the third brigade and sixth division, and stating that Messrs. Long and Davidson attend the Senate to conduct the balloting on their part. Whereupon Messrs. Campbell and Hall were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Montgomery, of Orange, from the select committee to whom was referred the bill to incorporate the Guilford Gold Mining Company, reported the same with an amendment; which was read and agreed to. Mr. Wilson moved further to amend the bill by adding the following as an additional section, to wit:

*“And be it further enacted,* That the holders of the stock shall be liable in their private and individual capacity for all debts created by said corporation in proportion to the stock they may respectively hold; and that every part and provision of this act shall be subject to be altered, amended or modified by any future Legislature, as to them shall seem necessary and proper: *And provided also,* that the rights of property, real and personal, acquired by the said company under this act, shall not be taken away or impaired by any future Legislature.”

Mr. Dick moved to amend the amendment by striking out the first paragraph thereof; which was agreed to. The question then recurring on the amendment as amended, it was decided in the negative. Mr. Seawell moved further to amend the bill by adding the following as an additional section, to wit:

*“And be it further enacted by the authority aforesaid,* That in case the corporation hereby created, or any corporation heretofore created, or which may hereafter be created, shall abuse the powers conferred, or shall be guilty of misbehavior in respect to the purposes for which the same shall have been created, it shall be competent for the General Assembly, or the Governor, or the Attorney General, to authorise proceeding to be instituted for the purpose of dissolving the same; and the Supreme Court shall in such cases have original jurisdiction, and such proceedings may be by bill in the name of the Attorney General; and said court may prescribe the manner in which such proceedings shall be had, and have power to call in a jury when it shall deem it necessary; and upon a proper case being made out, the court shall have power to decree a dissolution of such corporation, and to make such provision for winding up the affairs of the same as may be just and necessary.”

Mr. Montgomery, of Orange, moved to amend the amendment by adding the following as an additional section, to wit:

*“Be it further enacted,* That on a dissolution declared by the Supreme Court of any corporation within this State, on the ground of fraud, all the corporators shall be bound for all the debts due by the said corporation in their individual property.”

Which amendment was not agreed to. Mr. Guinn moved further to amend the amendment by striking out the following words, to wit: “or any corporation heretofore created;” which was not agreed to. The question then recurring on agreeing to the original amendment, it was decided in the affirmative—ayes 50, noes 6. The ayes and noes being demanded by Mr. Wilson, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Bateman, Boddie, Brownrigg, Caldwell, Cooper of Martin, Cowper of Gates, Dick, Dobson, Gilmore, Hawkins, Hayley, Hill, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of Anson, Marshall of Carteret, Martin of Rockingham, Martin of Wilkes, Matthews, Massey, Miller, Montgomery of Hertford, Montgomery of Orange, Moyer of Greene, Moyer of Pitt, Parham, Pool, Ray, Rencher, Rowland, Seawell, Selby, Sherard, Simmons, Skinner, Thomson, Tyson, Underwood, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Elliott, Guinn, Melchor, Mosely, Sneed, Toomer.

Mr. Seawell moved further to amend the bill by adding the following words at the end of the title, to wit: "and to provide a mode in which corporations may be dissolved for misbehaviour;" which amendment was agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed.

Mr. Montgomery, of Orange, from the same committee, to whom was referred the bill to incorporate the Catawba Gold Mining Company, reported the same with an amendment; which was read and agreed to, and the bill as amended was read the second and third times and passed, and ordered to be engrossed.

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

Mr. M'Daniel, from the committee appointed to conduct the balloting for lieutenant colonel of cavalry of the second brigade and eighth division, reported William M. Albritton having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Williams presented a communication from Richard F. Yarbrough, on the subject of amending the laws in relation to the punishment of slaves for offering violence to white persons, accompanied with the following resolution, to wit:

*Resolved*, That this communication be referred to the joint select committee on slaves, free negroes, free persons of color and incendiary publications; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons sundry messages, stating that they have passed the following engrossed bills and resolution; in which they ask the concurrence of the Senate, to wit: a bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 45, entitled an act concerning those persons who are interested in the beach and marshy lands lying in the county of Currituck; a bill to authorise the County Courts of Haywood to appoint commissioners to make alterations or lay out new roads in said county; a bill to amend the 5th section of an act, passed A. D. 1816, chapter 912, entitled an act for the more speedy trial of slaves in capital cases; a bill to prevent obstructions to the passage of fish up Tar river; a bill to amend an act, passed in the year 1820, entitled an act to repeal an act, passed in the year 1796, entitled an act to punish persons for removing debtors out of one county to another and out of the State, and for other purposes; a bill to provide for having the militia laws of this State digested, amended and published; a bill for the better regulation of pilotage on vessels trading within the Cape Fear Inlets; a bill to incorporate the United Brothers' Library Society, in the county of Lenoir; a bill to authorise William Chambers to erect gates across a public road; a bill to abolish the punishment of cutting off the ears; a bill to extend to the teachers and scholars of all the schools within this State the same privileges which are enjoyed by the students of the University and all other seminaries of learning particularly established by law; and a resolution in favor of the heirs of Colin M'Rae. Whereupon the said bills were severally read the first time and passed; and the resolution was read and adopted, and ordered to be enrolled.

Mr. Campbell, from the committee appointed to conduct the balloting for colonel of cavalry in the third brigade and sixth division, reported that

Gabriel Holmes, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating their concurrence in the amendment made by the Senate to the engrossed bill to authorise the County Court of the county of New Hanover to have the records of said county transcribed, and to make copies of said transcribed records evidence in all suits at law and equity in this State; also the amendment to the engrossed bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside. Ordered that the said bills be enrolled.

A message was also received from the House of Commons, stating that they have postponed indefinitely the engrossed bill to establish a bank on the funds of the State.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Thomss Bragg, with an amendment, to wit: After the word "five," insert "and the sum expended for the board of himself and his hands, while engaged in said work;" which amendment was not agreed to—ayes 20, noes 33. The ayes and noes being demanded by Mr. M'Farland, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Bateman, Brittain, Caldwell, Dick, Gilmore, Hawkins, Hayley, Hill, M'Daniel, Marshall of C., Massey, Montgomery of H., Mosely, Rowland, Spaight, Seawell, Selby, Sneed.

Those who voted in the negative, are Messrs. Beddie, Brownrigg, Cooper of M., Cowper of G., Dobson, Elliott, Guinn, Hall, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Entire, M'Farland, Marshall of A., Martin of W., Melchor, Montgomery of O., Moye of G., Moye of P., Parham, Pool, Ray, Simmons, Skinner, Toomer, Tyson, Underwood, Vanhook, Williams, Wilson.

Ordered that a message be sent to the House of Commons, informing them thereof.

Received from the House of Commons the resignation of James Graham, a justice of the peace for the county of Orange, endorsed in that House "read and accepted," and which was read and accepted by the Senate.

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



FRIDAY, DECEMBER 30, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to incorporate the Guilford Gold Mining Company, and to provide a mode in which corporations may be dissolved for misbehaviour; a bill to incorporate a company styled the Catawba Gold Mining Company; and a bill for the relief of Wm. Simpkins, of Craven county; in which they ask the concurrence of that House.

On motion of Mr. Hawkins, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for a trustee of the University yet to be elected.

Mr. Sneed, from the committee of Finance, whose duty it is to examine into the state and condition of the Treasury, and in general into the situation of the funds of the State, made a detailed report, accompanied by the following preamble and resolution, to wit:

Whereas it appears that much confusion exists in the accounts of purchasers of Cherokee lands, on the books of the Public Treasurer, and that many discrepancies exist between the bonds given for purchases of Cherokee lands and the entries made in those books; and it also appears that some errors occurred in making out the list of those bonds in December, 1830, for the purpose of transferring them to the present Public Treasurer: Therefore,

*Be it resolved,* That the Public Treasurer be, and he is hereby directed to have a new set of

books opened in his office, in which he shall cause to be entered a true and accurate statement and account of all the bonds for the purchase of Cherokee lands, which came to his possession on the 29th December, 1830; so that it may clearly appear what was the total amount due, and what was due on each bond on that day; and that he enter on these books all sums which may have been since paid to him, or which may hereafter be paid, so as to exhibit at all times the true amount due on these bonds.

*Resolved further*, That the Public Treasurer make out and sign a correct list of these bonds, as they existed at the time he came into office, and deposit the same in the office of the Comptroller, for the examination and action of the committee of Finance at the next session of the General Assembly; and it shall be the duty of the Comptroller to receive and preserve said list; but he shall not be required to open accounts with the several purchasers of Cherokee lands, as heretofore required.

*Resolved lastly*, That the Public Treasurer pay out of the Treasury the sum necessary to carry the object of the foregoing resolution into effect, provided the same shall not exceed one hundred dollars.

Which were read the first time and passed.

Mr. Martin, of Rockingham, from the committee on Claims, to whom was referred the memorial of Spier Whitaker, colonel commandant of the Halifax militia, returned the same, and asked that the committee might be discharged from the further consideration of the subject. Ordered that the committee be discharged accordingly, and that the memorial be laid upon the table.

Mr. Brownrigg, from the committee on the militia and better defence of the State, to whom was referred the bill to establish a militia company in the county of Buncombe, with instructions to inquire into the expediency of reporting a general bill upon the subject, made a report thereon, accompanied by a bill, entitled a bill giving the power to regimental courts martial of laying off and altering the several captains' districts within their regiment; which was read the first time and passed.

Mr. Guinn presented the following resolutions, to wit:

*Resolved*, That this General Assembly, speaking the feelings and opinions of the people of North Carolina, do approve of the administration of General Andrew Jackson, President of the United States.

*Resolved further*, That this General Assembly, knowing that the confidence reposed by the people of the State of North Carolina in the integrity and patriotism of General Andrew Jackson, President of the United States, so far from being diminished, has increased, do, and in this they only respond to the feelings and wishes of their fellow citizens of the State, recommend him to the people of the United States for re-election to the high and elevated situation which he now holds with so much honor to himself and benefit to his country.

And the resolutions having been read, on motion of Mr. Wilson, ordered that they be laid upon the table and be printed.

Received from the House of Commons a message, agreeing to ballot as proposed for a trustee of the University, and stating that Messrs. Gwyn and Glass attend the Senate to conduct the balloting on their part. Whereupon Messrs. Simmons and Selby were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The bill to authorise the sheriff of Hyde county to execute warrants and collect executions for sums less than one hundred dollars, was read the second and third times and passed, and ordered to be engrossed.

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

The bill to regulate the time of holding the Superior Courts of Law and Equity in the third judicial circuit, was read the third time. Mr. Boddie moved to amend the bill by striking out the whole thereof, except the enacting clause, and to insert a substitute; which was read and agreed to,

and the bill as amended was read the third time and passed, and ordered to be engrossed—ayes 30, noes 27. The ayes and noes being demanded by Mr. Moye, of Pitt, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Brittain, Boddie, Brownrigg, Caldwell, Davenport, Dishongh, Dobson, Elliott, Hawkins, Hayley, Hill, Hoover, Kerr, Kendall, M'Entire, M'Farland, Martin of W., Mathews, Massey, Miller, Montgomery of O., Mosely, Rencher, Spaight, Seawell, Sneed, Thomson, Toomer, Vanhook, Williams.

Those who voted in the negative, are Messrs. Allen, Askew, Cooper of M., Cowper of G., Guinn, Hall, Hoke, Howell, Lindsay, M'Daniel, Marshall of A., Martin of R., Melchor, Montgomery of H., Moye of G., Moye of P., Parham, Pool, Ray, Rowland, Selby, Sherard, Simmons, Skinner, Tyson, Underwood, Wilson.

Ordered that the title of the said bill be amended, so as to correspond with the substitute proposed by Mr. Boddie and adopted.

Received from the House of Commons a message, proposing a further balloting for a trustee of the University; which proposition was agreed to; and, on motion of Mr. Miller, the name of Thomas S. Singleton was withdrawn from the nomination, and a message sent to the House of Commons, informing them thereof, and stating that Messrs. Sherard and Underwood attend that House to conduct the balloting on the part of the Senate. Whereupon a message was received from the House of Commons, stating that Messrs. Jarvis and M'Queen attend the Senate to conduct the balloting on their part.

On motion of Mr. Dobson, the Senate proceeded to consider the bill for the relief of the citizens of this State; and the question pending being on the adoption of the amendment proposed by Mr. Toomer, it was withdrawn. Whereupon Mr. Dobson moved to strike out the whole of the bill, except the title, and to insert in lieu thereof a substitute; which was read and adopted, and the bill as amended was read the second time and passed—ayes 31, noes 22. The ayes and noes being demanded by Mr. Seawell, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bateman, Brittain, Caldwell, Cooper of Martin, Dick, Dobson, Elliott, Gilmore, Guinn, Hall, Hawkins, Hill, Hoke, Hoover, Howell, Kerr, Kendall, M'Entire, M'Farland, Martin of Rockingham, Martin of Wilkes, Massey, Melchor, Montgomery of Orange, Mosely, Parham, Ray, Simmons, Toomer, Tyson, Vanhook.

Those who voted in the negative, are Messrs. Askew, Brownrigg, Cowper of Gates, Lindsay, M'Daniel, Mathews, Miller, Montgomery of Hertford, Moye of Greene, Moye of Pitt, Pool, Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Sneed, Thomson, Underwood, Williams, Wilson.

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

On motion of Mr. Gilmore, the Senate proceeded to consider the report of the committee of Finance on the resolution directing the Public Treasurer to procure a quantity of specie change; and the question pending being on concurring in the amendments proposed by the committee, they were severally read and agreed to; and the resolution as amended was read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act, passed in the year 1805, entitled an act to prevent vice and immorality, by declaring the offences therein contained to be the subject of indictment, was read the third time, and resolved that the same shall not pass.

The bill altering the laws in respect to the allotment of widows' dower, was read the third time. Mr. Sneed moved to amend the bill, by inserting, after the word "freeholders," in the fifth line of the first section, the following words: "unconnected with the parties, either by consanguinity or af-

finity;" which amendment was agreed to. Mr. Hawkins moved further to amend the bill, by inserting after the foregoing amendment, the following words: "to be expressly named and appointed by the court;" which amendment was not agreed to. Mr. Sneed moved further to amend the bill, by inserting, after the word "shall," in the fourth line, the following words: "by consent of the parties interested;" which was not agreed to. Mr. Seawell moved further to amend the bill, by adding the following proviso at the end thereof, to wit:

*"Provided always, that the said commissioners, before entering into the performance of their duties, shall be sworn (which oath the sheriff or any justice of the peace may administer) to do impartial justice between the parties: and provided further, that every writ or order for dower, under this act, shall be on petition filed as is already prescribed by law."*

Which amendment was agreed to; and the bill as amended was read the third time and passed, and ordered to be engrossed—ayes 47, noes 13. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Bateman, Brittain, Boddie, Caldwell, Cooper of M., Cowper of G., Davenport, Dick, Dishongh, Dobson, Elliott, Gilmore, Guinn, Hall, Hill, Hoke, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of A., Marshall of C., Martin of W., Massey, Melchor, Montgomery of H., Montgomery of O., Mosely, Moye of G., Moye of P., Parham, Pool, Ray, Rencher, Rowland, Seawell, Selby, Sherard, Skinner, Thomson, Toomer, Tyson, Underwood, Vanhook.

Those who voted in the negative, are Messrs. Askew, Campbell, Hawkins, Hoover, Howell, Martin of R., Matthews, Miller, Spaight, Simmons, Sneed, Williams, Wilson.

On motion of Mr. Toomer, ordered that William M. Sneed, the Senator from the county of Granville, have leave of absence from the services of the Senate for Monday next.

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

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SATURDAY, DECEMBER 31, 1831.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: A bill to regulate the time of holding the Superior Courts of Law and Equity for the counties of Martin and Pitt; a bill altering the laws in respect to the allotment of widows' dower; a bill to authorise the sheriff of Hyde county to execute warrants and collect executions for sums less than one hundred dollars; and a resolution for the Public Treasurer; in which they ask the concurrence of that House.

On motion of Mr. Vanhook, ordered that a message be sent to the House of Commons, proposing to ballot immediately for a trustee of the University; and, on motion of Mr. Marshall, of Anson, the name of Hugh M'Queen, of Chatham, was added to the nomination.

Mr. Dick, from the committee on the Judiciary, to whom was referred the bill extending the provisions of an act, entitled an act securing to the widows of intestates the surplus of the personal estate of their deceased husbands, where no kindred claim the same, passed in the year of our Lord 1823, reported the same with sundry amendments; which were read and agreed to, and the bill as amended was read the second time and passed.

Mr. Martin, of Rockingham, from the committee on Claims, to whom was referred the memorial of John Byson, praying remuneration for certain losses sustained in the purchase of a tract of land sold by the commissioners appointed to superintend the sales of the Cherokee lands, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected; in which report the Senate concurred.

Mr. Spaight, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of altering and amending, or entirely repealing the act of 1828, chapter 8, regarding executors and administrators, reported that a bill embracing the object of the resolution having already passed the Senate, it was unnecessary to legislate further upon the subject. Ordered that the committee be discharged from the further consideration of the said resolution.

Mr. Spaight, from the same committee, to whom was referred the resolution instructing them to inquire into the propriety of altering or amending the patrol laws of this State, reported that the subject embraced by the resolution having been referred to another committee, it was unnecessary to legislate upon the subject, and ask to be discharged from the further consideration of the subject. Ordered that the committee be discharged accordingly.

Mr. Dick, from the committee on the Judiciary, to whom was referred the petition of sundry citizens of the county of Guilford, praying the passage of an act further to restrain the practice of peddling and retailing spiritous liquors, made a report thereon, accompanied by a bill, entitled a bill to prevent the sale of spiritous liquors in less quantities than one gallon at public places; which was read the first time and passed.

Mr. Montgomery, of Orange, from the select committee to whom was referred the engrossed bill to incorporate the Mecklenburg Gold Mining Company, reported the same with an amendment; which was read and agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Mr. Hall, from the joint select committee on Fuel, to whom was referred the resolution instructing them to inquire into the propriety of changing the mode of furnishing the same, made a report thereon, accompanied by the following resolution, to wit:

*Resolved*, That the Secretary of State be, and he is hereby directed to contract annually, under sealed proposals, for such oak or hickory wood as may be necessary for the use of the General Assembly; which contract shall include the cutting of the wood of a proper length for the different fire places used in the several rooms and offices, during the session; and that the Secretary offer the contract in the State Gazette at least sixty days before the meeting of the General Assembly.

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

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: Resolution instructing the Board of Internal Improvement; resolution for Board of Internal Improvements; in which they ask the concurrence of the Senate. Whereupon the first mentioned resolution was read, and, on motion of Mr. Montgomery, of Orange, ordered to be laid upon the table; and the last mentioned resolution was read, amended, on motion of Mr. Brownrigg, and adopted, and a message sent to the House of Commons, asking their concurrence in the amendment.

Received also from the House of Commons a message, stating that they recede from the amendment proposed by that House to the engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson; also from the amendment proposed by that House to the engrossed resolution in favor of Thomas Bragg. Ordered that the said bill and resolution be enrolled.



A message was also received from the House of Commons, agreeing to ballot again as proposed for a trustee of the University, and stating that Messrs. Cherry and Jackson attend the Senate to conduct the balloting on their part. Whereupon Messrs. Gilmore and Underwood were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution in favor of William Austin and David Carson; in which they ask the concurrence of the Senate. Whereupon the said resolution was read and adopted, and ordered to be enrolled.

A message was also received from the House of Commons, agreeing to refer Mr. Dishongh's resolutions on the subject of the Tariff, to a joint select committee; and stating that Messrs. Henry, Outlaw, Bragg, Sawyer and Faddis compose said committee on the part of that House.

Received also from the House of Commons a message, proposing to ballot immediately for colonel commandant and lieutenant colonel of cavalry, of the tenth brigade and fifth division; and stating that Henry Fullenwider is in nomination for colonel, and John D. Hoke for lieutenant colonel; which proposition was agreed to, and Messrs. M<sup>r</sup> Daniel and Hoover were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon a message was received from that House, stating that Messrs. Abernathy and Webb attend the Senate to conduct the balloting on their part.

Mr. Gilmore, from the committee appointed to conduct the balloting for a trustee of the University, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred. On motion of Mr. Marshall, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for one trustee of the University.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: a bill directing the manner in which constables shall hereafter be elected in the county of Wilkes; a bill to incorporate the North Carolina Central Rail Road Company; a bill to incorporate the Cape Fear and Yadkin Rail Road Company; and a bill to authorise the erection of mills on Big Ivey creek, in the county of Buncombe. Whereupon the said bills were severally read the first time and passed.

The engrossed bill to authorise the erection of mills on Big Ivey creek, in the county of Buncombe, was read the second time. Mr. Hoke moved to amend the bill, by striking out the words "seven justices," in the ninth line of the first section, and inserting the following words, to wit: "a majority of the justices of said county;" which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Guinn, the Senate proceeded to consider the bill directing the Governor to convey certain lands to the county of Macon, and to establish Franklin Academy. Whereupon the bill was read the second time and passed, and being read the third time, on motion of Mr. Williams, ordered that the further consideration thereof be postponed until Monday next.

On motion of Mr. Montgomery, of Orange, ordered that a message be sent to the House of Commons, respectfully requesting that House to return to the Senate the engrossed "bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Martin and Pitt." Whereupon Mr. Montgomery, of Orange, moved that the vote taken on yesterday on the final passage of the said bill be reconsidered. Mr. Moseley moved that the motion for reconsideration be laid upon the table; which was agreed to.

Mr. Hoover, from the committee appointed to conduct the balloting for colonel commandant and lieutenant colonel of cavalry for the tenth brigade and fifth division, reported that Henry Fullenwider, having received a majority of the whole number of votes, is duly elected colonel commandant; and that John D. Hoke, having also received a majority of the whole number of votes, is duly elected lieutenant colonel; in which report the Senate concurred.

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

MONDAY, JANUARY 2, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed resolution, on the subject of fuel for the use of the Legislature; in which they ask the concurrence of that House.

Mr. Howell presented the resignation of Joseph Regan, a justice of the peace for the county of Robeson, and Mr. Montgomery, of Orange, presented the resignation of Wm. M. Ballard, a justice of the peace for the county of Orange; which were read and accepted and sent to the House of Commons.

Mr. Caldwell presented the memorial of Absalom Simonton, of the county of Iredell, stating that he holds a part of a large tract of land in said county, granted by the State to David Caldwell on the 11th day of May, 1795, the grant for which land does not appear to have been countersigned by the then Secretary of State; and praying such relief in the premises as the General Assembly may deem just and proper. On motion of Mr. Caldwell, ordered that the said memorial, together with the accompanying papers, be referred to the committee on Claims.

Mr. Toomer, from the committee on Internal Improvement, to whom was referred the bill to establish an entry office in the county of Macon, made a detailed report thereon, stating that it is inexpedient to pass the said bill. On motion of Mr. Guinn, ordered that the bill and report be laid upon the table; and, on motion of Mr. Wilson, ordered that the report be printed.

Mr. Guinn presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to John Bryson, jun. the sum of fourteen dollars and fifty three cents, that amount having been paid by him into the Public Treasurer's office by mistake on his bond given as the purchase money for the second instalment of a tract of land in district No. 7, and section No. 16; and that the Public Treasurer be allowed a credit for the same in the settlement of his public accounts.

Which was read the first time and passed, and, on motion of Mr. Guinn, ordered to be referred to a select committee. Ordered that Messrs. Guinn, Dick and Sherard form the said committee.

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

Whereas it appears from two receipts of the Comptroller, that Neven Clark, of the county of Moore, did, on the 21st day of November, 1816, pay into the Treasury the purchase money for an entry of land of twenty acres, which entry is No. 1020; also the purchase money of an entry of thirty acres, No. 1021, and failed to take grants for the same; Therefore,

*Resolved*, That the Secretary of State be authorised to issue grants to the said Neven Clark, for the aforesaid entries of land.

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

Mr. Allen 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 twelve, six from each House, and three of each House to be eastern members, and three to be western members, so as to make six of eastern members, and six of western members; and for said committee to take the resolutions for a convention as introduced in each House, and report some plan that will be agreeable to all.

And the resolution having been read, Mr. M'Farland moved that it be laid upon the table; which was not agreed to. Mr. Wilson moved that the said resolution be committed to a committee of the Whole House, with the resolutions on the subject of a convention; which motion was not agreed to. Mr. Matthews moved that the resolution be indefinitely postponed. Mr. M'Farland renewed the motion to lay the resolution on the table; which was not agreed to. The question then recurring on the motion to postpone the resolution indefinitely, it was decided in the affirmative—ayes 41, noes 15. The ayes and noes being demanded by Mr. Wilson, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bateman, Brittain, Bell, Brownrigg, Caldwell, Cooper of M., Cowper of G., Davenport, Dishongh, Dobson, Hawkins, Hayley, Hill, Hoke, Hoover, Kerr, Lindsay, M'Daniel, M'Farland, Marshall of C. Martin of R., Martin of W., Matthews, Miller, Montgomery of H., Mosely, Moye of G., Moye of P., Pool, Ray, Rencher, Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Allen, Campbell, Elliott, Gilmore, Guinn, Kendall, M'Entire, Marshall of A., Massey, Montgomery of O., Parham, Simmons, Toomer, Tyson, Underwood.

Received from the House of Commons a message, agreeing to ballot again for a trustee of the University as proposed by the Senate on Saturday; and stating that Messrs. Edmonston and Tatham attend the Senate to conduct the balloting on their part, and informing that Benjamin Sumner is withdrawn from the nomination. Whereupon Messrs. Melchor and Howell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Kendall presented the following resolution, to wit:

*Resolved*, That John M. Allen, sheriff of Montgomery county, be allowed the sum of twelve dollars and eighty cents, (\$12 80,) for sixty-four insolvent polls allowed by the court of said county, and that the Public Treasurer pay the same to said Allen.

Which was read the first time and passed, and, on motion of Mr. Kendall, ordered to be referred, together with the accompanying papers, to the committee on Finance.

Mr. Seawell presented a bill concerning corporations, the officers and managers of corporations and trustees of funds for public purposes; which was read the first time and passed. On motion of Mr. Seawell, ordered that the twelfth rule of the Senate, which requires all public bills upon their second reading to be noted as having been read one day previous, be suspended so far as regards this bill. Whereupon the said bill was read the second time and passed, and being read the third time, Mr. Montgomery, of Orange, moved to amend the bill by adding the following proviso, to wit:

*"Provided always*, That in cases of gross fraud by the president, directors, managers or the stockholders in any corporation, the said courts shall have full power to render personally liable to creditors and others injured thereby such of the directors, managers and stockholders as may have been concerned in such fraud."

Which amendment was agreed to, and the bill as amended was read third time and passed, and ordered to be engrossed.

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

Received from the House of Commons a message, stating their concurrence in the amendments made by the Senate to the engrossed bill to incorporate the Wilkes County Volunteer Artillery Company, and the engrossed bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick. Whereupon the said bills were ordered to be enrolled.

On motion of Mr. Montgomery, of Hertford, the Senate proceeded to the consideration of the resolution reported by the committee of Propositions and Grievances in favor of Wilkings & Co. of the town of Fayetteville; and the resolution being read, it was agreed to by the Senate, and ordered to be engrossed.

Mr. Guinn presented a bill to amend and explain an act, passed in the year 1828, chapter 50, entitled an act to erect that section of country, commonly called the Cherokee Purchase, into a separate county; which was read the first time and passed.

On motion of Mr. Kendall, ordered that a message be sent to the House of Commons, proposing to ballot again immediately for a trustee of the University.

Received from the House of Commons a message, stating that they have passed sundry engrossed resolutions on the public lands of the United States; in which they ask the concurrence of the Senate. Whereupon the said resolutions were read, and, on motion of Mr. Seawell, ordered to be laid upon the table.

Received from the House of Commons a message, accompanied by a communication from the Governor, transmitting an account of the expenditures incurred in preparing the Government House for the reception of the Legislature, and proposing that the said communication be referred to the committee on Finance; which proposition was agreed to, and the House of Commons was informed thereof by message.

The engrossed bill to incorporate the North Carolina Central Rail Road Company was read the second time and passed. Mr. Dishongh moved that the said bill be printed; which was not agreed to.

The engrossed bill to incorporate the Cape Fear and Yadkin Rail Road Company, and the bill giving the power to Regimental Courts Martial of laying off and altering the several captains' districts within their regiment, were read the second time and passed.

The bill to repeal an act to reduce the number of petty musters to two in a year, passed in the year 1827, was read the second time. Mr. Montgomery, of Orange, moved that the further consideration of the said bill be postponed until to-morrow; which was not agreed to. Mr. Wilson moved to amend the bill by adding the following proviso, to wit: "*Provided*, that the captains shall not be compelled to muster more than two hours at each time;" which amendment was agreed to. The question then recurring on the passage of the bill the second time as amended, it was resolved that the same shall not pass—ayes 25, noes 26. The ayes and noes being demanded by Mr. Skinner, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Boddie, Brownrigg, Caldwell, Campbell, Cowper of Gates, Dishongh, Guinn, Hawkins, Hayley, Hill, Hoke, Kendall, M'Farland, Marshall of Carteret, Matthews, Massey, Melchor, Montgomery of Hertford, Montgomery of Orange, Moyer of Greene, Moyer of Pitt, Parham, Underwood, Vanhook, Wilson.

Those who voted in the negative, are Messrs. Allen, Askew, Bateman, Cooper of Martin, Davenport, Dick, Dobson, Elliott, Gilmore, Hoover, Howell, Kerr, M'Daniel, Marshall of

Anson, Martin of Rockingham, Martin of Wilkes, Mosely, Pool, Ray, Spaight, Selby, Sherard, Simmons, Skinner, Thomson, Toomer.

Received from the House of Commons a message, agreeing to ballot again for a trustee of the University, and stating that Messrs. Grandy and Broadhurst attend the Senate to conduct the balloting on their part. Whereupon Messrs. Brittain and Rowland were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The bill pointing out the mode whereby the militia of this State shall hereafter be called into service in cases of insurrection or invasion and outlawed and runaway negroes, was read the second time. Mr. Matthews moved to amend the bill by adding, at the end of the first section, the following words, to wit: "and the commanding officer may dismiss in like manner;" which amendment was agreed to. Mr. Hawkins moved further to amend the bill by inserting after the word "brigadier," in the third line of the third section, the words "or major," and in the same line after the word "brigade," insert the words "or division;" which amendments were also agreed to. Mr. Elliott moved further to amend the bill, in the second line of third section, by striking out the word "county," and inserting the word "regiment," and in the eighth line of the first section, after the word "officer," insert the words "or officers;" which amendments were also agreed to, and the bill as amended was read the 2nd time and passed—ayes 45, noes 7. The ayes and noes being demanded by Mr. Underwood, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Boddie, Brownrigg, Caldwell, Cooper of M., Cowper of G., Davenport, Dick, Dishongh, Dobson, Gilmore, Hawkins, Hayley, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M<sup>r</sup> Daniel, M<sup>r</sup> Farland, Marshall of C., Martin of W., Matthews, Massey, Montgomery of H., Montgomery of O., Mosely, Moye of G., Moye of P., Pool, Rencher, Rowland, Spaight, Seawell, Selby, Sherard, Simmons, Skinner, Thomson, Toomer, Underwood, Vanhook, Wilson.

Those who voted in the negative, are Messrs. Brittain, Elliott, Guinn, Martin of R., Melchor, Parham, Ray.

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

The bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c. was read the second time. Mr. M<sup>r</sup> Farland moved that the bill be laid upon the table; which was not agreed to. The question then recurring on the passage of the bill the 2nd time, it was decided in the affirmative; and the bill was read the third time and passed, and ordered to be engrossed.

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

#### TUESDAY, JANUARY 3, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: A bill concerning corporations, the officers and managers of corporations and trustees of funds for public purposes; a resolution in favor of Neven Clark, of Moore county; and a resolution in favor of Wilkings & Co.; in which they ask the concurrence of that House.

Mr. Dick, from the select committee, to whom was referred the resolution in favor of John Bryson, of Macon county, made a favorable report thereon, recommending the passage of the said resolution. Whereupon

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

Mr. Seawell, from the committee on the Judiciary, to whom was referred the bill to secure the more perfect administration of justice in certain cases, reported the same with an amendment; which was read and agreed to, and the bill, as amended, was read the second time and passed.

Mr. Dick presented a bill to incorporate the Salisbury Gold Mining Company; 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; in which they ask the concurrence of the Senate, to wit: A bill to amend an act, passed in 1819, entitled an act to create a fund for Internal Improvements and establish a board for the management thereof, and a bill to exempt from execution a certain portion of the lands of the citizens of North Carolina. Whereupon the first mentioned bill was read the first time and passed, and the last mentioned bill being read the first time, Mr. Allen moved that the further consideration thereof be postponed indefinitely; which was not agreed to—ayes 21, noes 40. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Brittain, Bell, Dishongh, Hoke, Kerr, Kendall, Lindsay, M'Farland, Marshall of A., Matthews, Melchor, Mosely, Moye of G., Moye of P., Parham, Pool, Selby, Sherard, Simmons, Skinner.

Those who voted in the negative, are Messrs. Askew, Bateman, Boddie, Brownrigg, Caldwell, Campbell, Cooper of M., Cowper of G., Davenport, Dick, Dobson, Elliott, Gilmore, Guinn, Hawkins, Hayley, Hill, Hoover, Howell, M'Daniel, M'Entire, Marshall of C., Martin of R., Martin of W., Massey, Miller, Montgomery of H., Montgomery of O., Ray, Rencher, Rowland, Spaight, Seawell, Thomson, Toomer, Tyson, Underwood, Vanhook, Williams, Wilson.

The question then recurring on the passage of the bill the first time, it was decided in the affirmative.

Received also from the House of Commons a message, proposing to ballot again immediately for a trustee of the University, and stating that the name of William M. Green is withdrawn from the nomination; which proposition was agreed to, and Messrs. Rencher and Kerr were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon a message was received from that House, stating that Messrs. Speight and Holder are appointed to conduct the balloting on their part.

The following bills, to wit: the bill providing for the assignment of dower and for the partition of the whole real estate of deceased persons, where a part thereof lies in North Carolina and part in other States; the bill to repeal the 8th section of an act, passed in the year of our Lord 1828, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace; and the bill extending the provisions of an act, entitled an act securing to the widows of intestates the surplus of the personal estate of their deceased husbands, where no kindred claim the same, passed in the year of our Lord 1823, were severally read the third time and passed, and ordered to be engrossed.

The Senate then entered upon the orders of the day, and proceeded to take up the resolutions proposing to call a convention, when Mr. Spaight moved that the further consideration of the said resolutions be postponed until to-morrow; which was agreed to.

The bill for the better regulation of the conduct of free negroes, slaves and free persons of color, was read the second time. Mr. Seawell moved that the bill be committed to a committee of the whole House; which was not agreed to. Mr. Allen moved that the further consideration thereof be indefinitely postponed. Mr. Kendall moved that the bill be laid upon the table; which motion having precedence, the question thereon was first taken and decided in the affirmative.

Mr. Kerr, from the committee appointed to conduct the balloting for a trustee of the University, reported that John Bragg, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The bill more effectually to suppress and prevent the running away of slaves in this State, was read the second time. Mr. Williams moved to amend the bill by striking out the word "ten," in the 8th line of the first section, and insert the word "thirty." Mr. Allen moved to strike out the whole of the first section. Mr. Matthews moved to postpone the bill indefinitely. Mr. Mosely moved that the bill be committed to a committee of the whole House and be made the order of the day for Thursday next; which motion having precedence, the question thereon was first taken and decided in the affirmative; and, on motion of Mr. Kendall, ordered that the bill for the better regulation of the conduct of free negroes, slaves and free persons of color be committed to the same committee and be made the order of the day for Thursday next.

The bill to prevent slaves from attending general reviews, regimental, battalion and company musters, camp meetings and election grounds, was read the second time, and, on motion of Mr. Mosely, ordered to be committed to a committee of the whole House and be made the order of the day for Thursday next.

The bill prescribing the duty of sheriffs, constables and other officers, in certain cases, was read the second time and passed.

The resolution in favor of Leven Armwood being read the second time, Mr. Miller moved that the blank in the resolution be filled with the words "one hundred." Mr. Mosely moved that the blank be filled with the words "five hundred;" which motion having precedence, the question thereon was first taken, and decided in the negative. Mr. Mosely then moved to fill the blank with the words "two hundred and fifty." Mr. Brownrigg moved to fill the blank with the words "four hundred;" which motion having precedence, the question thereon was first taken and decided in the affirmative; and the resolution as amended was read the second time and passed, and being read the third time, Mr. Campbell moved to amend the resolution by striking out the words "four hundred," and inserting the words "two hundred and fifty;" which amendment was agreed to, and the resolution as amended was read the third time and passed, and ordered to be engrossed.

The engrossed bill to amend the 5th section of an act, passed in the year of our Lord 1816, chapter 912, entitled an act for the more speedy trial of slaves in capital cases, was read the second time. Mr. Toomer moved to amend the bill by striking out the word "conspiracy," in the fourth line of the first section, and after the word "rebellion," in the fifth line, to insert the following words: "or of conspiracy to make insurrection or to murder

or rebel;" which amendment was agreed to, and the bill as amended was read the second time and passed.

The resolution in relation to the Cherokee bonds was read the second and third times and passed, and ordered to be engrossed.

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

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WEDNESDAY, JANUARY 4, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: A bill giving longer time to register grants of lands in this State, deeds of mesne conveyance, powers of attorney, &c.; a bill to repeal the 8th section of an act, passed in the year of our Lord 1828, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace; a bill extending the provisions of an act, entitled an act securing to the widows of intestates the surplus of the personal estate of their deceased husbands, where no kindred claim the same, passed in the year of our Lord 1823; a bill providing for the assignment of dower and for the partition of the whole real estate of deceased persons, where a part thereof lies in North Carolina and part in other States; a resolution in favor of John Bryson; a resolution in favor of Leven Armwood; and a resolution in relation to the Cherokee bonds; in which they ask the concurrence of that House.

Mr. Moyer, of Pitt, presented a bill to incorporate two companies of Light Infantry in the county of Pitt; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Seawell presented the following resolution, to wit:

*Resolved*, That the Public Treasurer pay to Robert Ray the sum of ten dollars and eighty cents, for three days' services and mileage, as one of the doorkeepers of the Senate at the present session; and that he be allowed the same in the settlement of his public accounts.

Which was read the first and second times and passed, and being read the third time, Mr. Sneed moved that the further consideration thereof be postponed until to-morrow; which was not agreed to. Mr. Brittain moved that the resolution be indefinitely postponed; which was not agreed to—ayes 4, noes 54. The ayes and noes being demanded by Mr. Brittain, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Brittain, Bell, Sneed, Underwood.

Those who voted in the negative, are Messrs. Allen, Askew, Boddie, Brownrigg, Caldwell, Campbell, Cooper of M., Cowper of G., Davenport, Dick, Dishongh, Dobson, Elliott, Guinn, Hall, Hawkins, Hayley, Hill, Hoke, Hoover, Howell, Kendall, Lindsay, M'Daniel, M'Entire, Marshall of A., Marshall of C., Martin of R., Martin of W., Matthews, Massey, Melchor, Miller, Montgomery of H., Montgomery of O., Mosely, Moyer of G., Moyer of P., Parham, Pool, Ray, Rencher, Rowland, Spaight, Seawell, Selby, Sherard, Simmons, Skinner, Toomer, Tyson, Vanhook, Williams, Wilson.

The question then recurring on the passage of the resolution the third time, it was decided in the affirmative, and the resolution was ordered to be engrossed.

On motion of Mr. Montgomery, of Hertford, ordered that a message be sent to the House of Commons, proposing to ballot immediately for cavalry officers of the 18th brigade, and stating that Thomas J. Harper is in nomination for colonel commandant, Nathaniel W. Fletcher for lieutenant colonel, and Joseph B. G. Roulhac for major.

Mr. Dick presented a bill to incorporate the Yadkin Manufacturing Company; which was read the first time and passed.



Mr. Campbell presented a bill prescribing the manner of taking the sheriff's bonds for the county of New Hanover; which was read the first time and passed.

Mr. Kerr presented a bill to establish a bank by the name and style of the Bank of North Carolina; which was read the first time and passed, and, on motion of Mr. Montgomery, of Hertford, ordered to be printed, and that it be committed to a committee of the whole House and be made the order of the day for Friday next.

Mr. Montgomery, of Orange, presented a bill to authorise citizens of this State to lease lands from the Cherokee Indians; which was read the first time and passed.

Mr. Thomson presented a bill giving additional fees to registers in certain cases; which was read the first time and passed.

Mr. Campbell presented a bill to alter the manner of appointing inspectors for the town of Wilmington; which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating their concurrence in the several amendments made by the Senate to the engrossed bill to incorporate the Mecklenburg Gold Mining Company; the engrossed bill to authorise the erection of mills on Big Ivey creek, in the county of Buncombe; and the engrossed resolution for Board of Internal Improvements. Whereupon the said bills and resolution were ordered to be enrolled.

The engrossed bill to incorporate the United Brothers' Library Society, in the county of Lenoir; and the engrossed bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter CLV, entitled an act concerning those persons who are interested in the beach and marshy lands lying in the county of Currituck, were read the 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 resolution in favor of Green B. Palmer; in which they ask the concurrence of the Senate. Whereupon the said resolution was read the first time and passed.

On motion of Mr. Dick, the Senate entered on the orders of the day, and resolved itself into a committee of the whole House, Mr. Wilson in the Chair, to take into consideration sundry resolutions on the subject of a convention; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Wilson reported that the committee of the whole House had, according to order, had the said resolutions under consideration and had made sundry amendments thereto; in which they ask the concurrence of the House. Whereupon Mr. Wilson moved that the said resolutions, together with the amendments, be postponed indefinitely. Mr. M'Farland moved to lay the resolutions and amendments on the table; which was not agreed to—ayes 17, noes 46. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Campbell, Elliott, Gilmore, Hall, Hoover, Howell, M'Entire, M'Farland, Marshall of Anson, Martin of Rockingham, Melchor, Parham, Ray, Toomer, Tyson, Underwood.

Those who voted in the negative, are Messrs. Askew, Bateman, Brittain, Bell, Boddie, Brownrigg, Caldwell, Cooper of Martin, Cowper of Gates, Davenport, Dick, Dishongh, Dobson, Guinn, Hawkins, Hayley, Hill, Hoke, Kerr, Kendall, Lindsay, M'Daniel, Marshall of Carteret, Martin of Wilkes, Matthews, Massey, Müller, Montgomery of Hertford, Montgomery of Orange, Mosely, Moye of Greene, Moye of Pitt, Pool, Rencher, Rowland, Spaight, Seawell, Selby, Sherard, Simmons, Skinner, Sneed, Thomson, Vashook, Williams, Wilson.

The question then recurring on Mr. Wilson's motion to postpone the resolutions indefinitely, it was decided in the affirmative—ayes 42, noes 21. The ayes and noes being demanded by Mr. Wilson, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bateman, Brittain, Bell, Boddie, Brownrigg, Caldwell, Cooper of M., Cowper of G., Davenport, Dishongh, Gilmore, Hall, Hawkins, Hayley, Hoke, Howell, Kendall, Lindsay, M'Daniel, M'Farland, Marshall of C., Matthews, Massey, Miller, Montgomery of H., Mosely, Moyer of G., Moyer of P., Pool, Rowland, Spaight, Seawell, Selby, Sherard, Simmons, Skinner, Sneed, Thomson, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Allen, Campbell, Dick, Dobson, Elliott, Guinn, Hill, Hoover, Kerr, M'Entire, Marshall of A., Martin of R., Martin of W., Melchor, Montgomery of O., Parham, Ray, Rencher, Toomer, Tyson, Underwood.

Mr. Gilmore, from the select committee, to whom was referred the resolution instructing them to inquire into the situation of the Cape Fear Navigation Company, what sums of money have been expended by said company in work done upon the Cape Fear river between Fayetteville and Wilmington; the rates of toll, and what amount of tolls have been received annually; whether the work done upon said river has been judiciously and profitably applied; whether the charter of said company has been complied with, and whether said charter be constitutional, made a detailed report thereon, accompanied by the following resolution, to wit:

*Resolved,* That the Attorney General of this State is hereby directed to institute a judicial inquiry to ascertain whether the said corporation has violated its charter, and to take such measures therein as he may deem expedient and necessary to disfranchise said corporation, if it has forfeited its charter by misconduct or otherwise.

On motion of Mr. Montgomery, of Orange, ordered that the reading of the report be dispensed with, and that it be printed, together with the accompanying documents.

The bill for the distribution of the public arms among the several counties within this State, and for the preservation and accounting for of the same, was read the second time. Mr. Hill moved to amend the bill by inserting after the word "Cumberland," in the ninth line of the first section, the words "and Stokes;" which amendment was agreed to. Mr. Hoke moved further to amend the bill by inserting after the word "Johnston," in the eleventh line of the same section, the words "Rutherford, Burke, Lincoln and Mecklenburg;" which amendment was also agreed to. Mr. Rencher moved further to amend the bill by inserting the word "Chatham," after the word "Wake," in the twelfth line of the same section; which amendment was not agreed to. Mr. Kerr moved further to amend the bill, by striking out the following words in the fifth and sixth lines of the same section, to wit: "excepting those now deposited at Fort Johnson," and insert in lieu thereof the following: "including such number of the arms now deposited at Fort Johnson as will be sufficient to complete the distribution herein directed, the residue remaining therein and not subject to distribution;" which amendment was also agreed to, and the bill as amended was read the 2nd time and passed.

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

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THURSDAY, JANUARY 5, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: A bill to incorporate two companies of Light Infantry in the county of Pitt; a bill to alter the manner of appointing inspectors for the town of Wilmington; and a resolution in favor of Robert Ray; in which they ask the concurrence of that House.

Received from the House of Commons a message, of the date of yesterday, agreeing to ballot as proposed by the Senate for cavalry officers of the 18th brigade, and stating that Messrs. Spruill and Smith attend the Senate to conduct the balloting on their part. Whereupon Messrs. Allen and Moye, of Pitt, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Campbell presented the resignation of John D. Jones, lieut. colonel of cavalry of the 3d brigade and 6th division; which was read and accepted, and sent to the House of Commons.

On motion of Mr. Campbell, ordered that a message be sent to the House of Commons, proposing to ballot immediately for lieutenant colonel of cavalry of the 3d brigade and 6th division, and stating that Robert H. Cowan is in nomination for the appointment.

Mr. Sneed, from the committee on Finance, to whom was referred the resolution in favor of John M. Allen, sheriff of Montgomery, reported the same with sundry amendments; which were read and agreed to, and the resolution as amended was read the second and third times and passed, and ordered to be engrossed.

Mr. Lindsay presented a bill to amend part of an act, passed in the year 1817, chapter 22, entitled an act to revise and amend the laws respecting wrecks and wrecked property in this State; which was read the first time and passed.

Mr. Hawkins presented a bill to repeal a part of the third section of the militia laws of 1831, relative to general officers; which was read the first time and passed.

Mr. M'Farland presented a bill authorising the Comptroller to allow sheriffs for insolvents; which was read the first time and passed.

The bill to amend an act, entitled an act to authorise the justices of the Court of Pleas and Quarter Sessions of the county of Northampton to employ a suitable person to transcribe a part of the records of said county, was read the second time. Mr. Hayley moved to amend the bill, by striking out the last section, and inserting in lieu thereof the following, to wit:

*"Be it further enacted,* That the record or records so transcribed, shall be considered as good and valid to all intents and purposes, as the original record would have been; any law, usage or custom to the contrary notwithstanding."

Which amendement was agreed to, and the bill as amended was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to ballot as proposed for lieutenant colonel of cavalry of the third brigade, and stating that Messrs. Bonner and Rand attend the Senate to conduct the balloting on their part. Whereupon Messrs. Guinn and Hoke were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The engrossed bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations, or lay out new roads in said county, was read the second time. Mr. Allen moved to amend the bill by inserting after the word "Haywood," in the seventh line of the first section, the word "Buncombe;" Mr. Brittain moved also to insert "Burke;" Mr. Davenport moved to insert "Washington;" Mr. Martin, of Wilkes, moved to insert "Wilkes;" Mr. Skinner moved to insert "Perquimons;" Mr. Vanhook moved to insert "Person;" Mr. Bateman moved to insert

“Tyrrell;” Mr. Cowper, of Gates, moved to insert “Gates;” Mr. Bell moved to insert “Camden;” Mr. Lindsay moved to insert “Currituck;” Mr. M’Entire moved to insert “Rutherford;” Mr. Pool moved to insert “Pasquotank;” which several amendments were agreed to. Mr. Bell moved further to amend the bill by striking out the following words from the preamble, to wit: “and more especially in a mountainous county;” which amendment was also agreed to. Mr. Bell moved further to amend the bill by inserting, after the word “out,” in the title of the bill, the words “alter or straighten;” which amendment was also agreed to. Mr. Seawell moved further to amend the bill by adding the following proviso at the end thereof, to wit: “*Provided always*, that no road shall be laid out or altered under the provisions of this act, except where the persons through whose land the same shall pass, shall signify their consent to the County Court in writing;” which amendment was also agreed to. Mr. Hawkins moved that the bill be indefinitely postponed; which was not agreed to. Mr. Brownrigg moved that the provisions of the bill be extended to the county of Chowan; which amendment was also agreed to. Mr. Bell moved further to amend the bill by striking out the words “three or,” in the tenth line of the first section; which was also agreed to. Mr. Hawkins moved further to amend the bill by striking out the word “five,” in the same line, and to insert the words “seven or a majority;” which was not agreed to. Mr. Bell moved further to amend the bill by striking out the word “new,” in the title; which was also agreed to. Mr. Davenport moved further to amend the bill by striking out the following words, in the eleventh line of the first section, to wit: “as to them may seem proper,” and insert in lieu thereof the word “disinterested;” which amendment was also agreed to; and the bill as amended was read the second time and passed, and, on motion of Mr. Davenport, ordered to be laid upon the table.

Mr. Guinn, from the committee appointed to conduct the balloting for a lieutenant colonel of cavalry of the third brigade and sixth division, reported that Robert H. Cowan, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Moyer, of Pitt, from the committee appointed to conduct the balloting for cavalry officers of the 18th brigade, reported that Thomas J. Harper is duly elected colonel commandant, Nathaniel W. Fletcher, lieutenant colonel, and Joseph B. G. Roulhac, major; in which report the Senate concurred.

On motion of Mr. Dick, ordered that the bill to raise a fund for the removal of free persons of color from this State to Liberia be committed to a committee of the whole House, and that it be made the order of the day for this day.

The bill to repeal the inspection laws upon staves and heading, so far as relates to the port of Wilmington, was read the second time. Mr. Gilmore moved to amend the bill by striking out the whole thereof except the enacting clause, and insert in lieu thereof a substitute; which was read. Mr. Campbell moved that the bill, together with the amendment, be indefinitely postponed; which motion was agreed to.

The engrossed resolution in favor of Green B. Palmer was read the 2nd time. Mr. Seawell moved that the resolution be laid upon the table; which was not agreed to. The question then recurring on the passage of the resolution the 2nd time, it was decided in the affirmative; and the resolution

being read the third time, Mr. Montgomery, of Orange, moved that the further consideration thereof be postponed until to-morrow; which was not agreed to. And the question recurring on the passage of the resolution the third time, it was decided in the affirmative—ayes 49, noes 14. The ayes and noes being demanded by Mr. Seawell, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Bateman, Brittain, Bell, Brownrigg, Caldwell, Campbell, Cowper of G., Davenport, Dick, Dishongh, Dobson, Elliott, Gilmore, Guinn, Hawkins, Hayley, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of A., Marshall of C., Martin of R., Martin of W., Massey, Melchor, Miller, Montgomery of H., Mosely, Moye of G., Moye of P., Parham, Pool, Ray, Rencher, Rowland, Selby, Sherard, Simmons, Sneed, Toomer, Vanhook.

Those who voted in the negative, are Messrs. Boddie, Cooper of M., Hall, Hill, Matthews, Montgomery of O., Spaight, Seawell, Skinner, Thomson, Tyson, Underwood, Williams, Wilson.

Ordered that the said resolution be enrolled.

On motion of Mr. Allen, ordered that Green B. Palmer have leave to withdraw from the files of the Senate the papers accompanying his petition presented at the present session.

Mr. Sherard asked and obtained leave to withdraw from the files of the Senate the account and accompanying papers of John R. Bledsoe, presented at the present session.

Mr. Guinn asked and obtained leave to withdraw from the files of the Senate the petition and accompanying papers of John Bryson, sen., presented at the present session.

The bill prescribing the manner of taking the sheriff's bonds for the county of New Hanover, was read the second time. Mr. Askew moved to amend the bill by extending its provisions to the county of Bertie; which amendment was agreed to. Mr. Dishongh moved further to amend the bill by extending its provisions to the county of Onslow; which amendment was also agreed to, and the bill as amended was read the second and third times and passed, and ordered to be engrossed.

The bill to incorporate three Light Infantry companies and one company of Cavalry in the county of Edgecomb, and one company of Light Infantry in the county of Pitt, was read the third time. Mr. Moye, of Pitt, moved to amend the bill by striking out the following words, in the first section, to wit: "and the company of Light Infantry in the county of Pitt, commanded by Robert F. J. H. Williams, is hereby incorporated under the title of the Tar River Blues;" which amendment was agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed.

The engrossed bill directing the manner in which constables shall hereafter be elected in the county of Wilkes, was read the second time, and, on motion of Mr. Martin, of Wilkes, ordered to be laid upon the table.

The engrossed bill to authorise William Chambers to erect gates across a public road, and the bill to authorise William M. Davidson to erect a gate or gates on his land across the public road leading through his plantation on Jonathan's creek, in Haywood county, were read the second and third times and passed; the former ordered to be enrolled, and the latter to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to incorporate the Oxford Volunteer Company; a bill to incorporate the Charlotte Gold Mining Company; a bill to incorpo-

rate Tick Creek Academy in the county of Chatham; a bill to incorporate a volunteer company, called the Beard's Creek Guards; and a bill to restore to credit John Taylor, of the county of Cumberland. Whereupon the said bills were severally read the first time and passed.

The engrossed bill to incorporate the Oxford Volunteer Company, and the engrossed bill to incorporate the Charlotte Gold Mining Company, were read the second time and passed.

The engrossed bill to incorporate a volunteer company, called the Beard's Creek Guards, and the engrossed bill to restore to credit John Taylor, of the county of Cumberland, were read the 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, in which they ask the concurrence of the Senate, to wit: A bill to prevent the falling of timber in, or otherwise obstructing the channel of Hunting creek, in the counties of Rowan and Iredell; a bill for the better regulation of a light infantry company in the county of Beaufort, called the Washington Guards; a bill for the better regulation of the militia of Haywood county; a bill for the better government of the Washington Toll Bridge Company; a bill to incorporate the Bertie Legion; and a bill to incorporate the Lenoir Volunteer Guards. Whereupon the said bills were severally read the first time and passed.

The following engrossed bills, to wit: The bill to incorporate the Bertie Legion; the bill for the better government of the Washington Toll Bridge Company; the bill for the better regulation of the militia of Haywood county; and the bill to prevent the falling of timber in, or otherwise obstructing the channel of Hunting creek, in the counties of Rowan and Iredell, were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to incorporate the Lenoir Volunteer Guards was read the second time and passed, and being read the third time, Mr. Brownrigg moved to amend the title of the bill by striking out the words "the Lenoir Volunteer Guards," and inserting the words "three companies of Light Infantry in the county of Lenoir;" which amendment was agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to authorise the building of a toll bridge over Roanoke river at the town of Weldon, and to incorporate a company for that purpose; and a bill to repeal part of an act, passed in the year 1827, entitled an act to prevent the obstruction of fish up the Roanoke and Cashie rivers and their waters. Whereupon the first mentioned bill was read the first time, and, on motion of Mr. Sherard, ordered to be laid upon the table; and the last mentioned bill being read the first time, Mr. Cooper, of Martin, moved that it be indefinitely postponed; which was not agreed to. The question then recurring on the passage of the bill the first time, it was decided in the affirmative, and the bill was thereupon read the second time and passed.

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

FRIDAY, JANUARY 6, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: A bill to authorise William M. Davidson to erect a gate or gates on his own land across the road leading through his plantation on Jonathan's creek, in Haywood county; a bill to incorporate three Light Infantry companies and one company of Cavalry in the county of Edgecomb; a bill prescribing the manner of taking sheriffs' bonds for the counties of New Hanover, Bertie and Onslow; a bill to amend an act, entitled an act to authorise the justices of the Court of Pleas and Quarter Sessions of the county of Northampton to employ a suitable person to transcribe part of the records of said county; and a resolution in favor of John M. Allen, sheriff of Montgomery; in which they ask the concurrence of that House.

Mr. Askew presented the certificate of the clerk of the County Court of Bertie, setting forth that certain individuals therein named had incurred sundry expenses for furnishing the militia of that county with provisions, &c. while called out to suppress the late supposed insurrection among the slaves. On motion of Mr. Askew, ordered that the certificate be referred to the committee on Claims.

Mr. Martin, of Rockingham, from the committee on Claims, to which was referred the memorial of Absalom Simonton, returned the same, and asked that the committee might be discharged from the further consideration of the subject. Ordered that the committee be discharged accordingly, and that the memorialist have leave to withdraw his papers.

Mr. Hoke, from the committee on Roads, reported a bill to prevent the unnecessary erection of bars or gates across cart or waggon ways; which was read the first time and passed.

Mr. Cowper, of Gates, presented the following resolution, to wit:

*Resolved*, That the Governor of this State transmit immediately the act of Assembly to reenact and extend the provisions of the act of 1829, incorporating the Lake Drummond and Orapeake Canal Company, and to repeal the act of 1830, entitled an act to amend an act, passed at the last session, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, to the Governor of the State of Virginia, at their present session, and request a confirmation by the Legislature of said State.

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

Mr. Askew presented a bill respecting the harboring of runaway slaves; which was read the first time and passed.

Mr. Dick presented a bill to incorporate the North Carolina Gold Mining Company; which was read the first time and passed.

On motion of Mr. Wilson, the Senate proceeded to consider the resolutions approving the administration of Gen'l Andrew Jackson, President of the United States, and recommending him for re-election; and the resolutions having been read, Mr. M'Farland moved to amend the first resolution by striking out the following words, to wit: "speaking the feelings and opinions of the people of North Carolina." Mr. Allen moved that the resolutions, together with the amendment, be laid upon the table; which was not agreed to—ayes 13, noes 50. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Caldwell, Campbell, Davenport, Elliott, Hoover, Martin of R., Melchor, Moye of G., Moye of P., Selby, Simmons, Toomer.

Those who voted in the negative, are Messrs. Askew, Bateman, Brittain, Bell, Boddie, Brownrigg, Cooper of M., Cowper of G., Dick Dishongh, Dobson, Gilmore, Guinn, Hali, Hawkins, Hayley, Hill, Hoke, Howell, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of A., Marshall of C., Martin of W., Matthews, Massey, Miller,

Montgomery of H., Montgomery of O., Mosely, Parham, Pool, Ray, Rencher, Rowland, Spaight, Seawell, Sherard, Skinner, Sneed, Thomson, Tyson, Underwood, Vanhook, Williams, Wilson.

Mr. Mosely moved to amend the resolution by striking out the following words, to wit: "the feelings and opinions of the people of North Carolina," and insert in lieu thereof the following, to wit: "as they believe the feelings and opinions of a large majority of the people of this State;" which amendment was agreed to. Mr. Brownrigg moved further to amend the resolutions by striking out the whole of the second resolution, and to insert in lieu thereof the following, to wit:

*Resolved further*, That this General Assembly, relying with a firm confidence in the known integrity and tried patriotism of General Andrew Jackson, President of the United States, and believing that the best interests of the *Union* will be preserved and promoted by his re-election; do recommend him to the people of these United States for the elevated station he now holds with so much honor to himself and benefit to his country."

Mr. Allen moved to amend the amendment by inserting after the word "that," the following words: "a majority;" which was not agreed to. Mr. M'Farland moved further to amend the amendment by striking out all that part of the resolution which recommends Gen. Jackson for re-election; which was not agreed to. The question then recurring on agreeing to the amendment proposed by Mr. Brownrigg, it was decided in the affirmative. The question then recurring on the adoption of the resolutions as amended, Mr. Martin, of Rockingham, called for a division of the question; it was therefore taken on the first resolution, and decided in the affirmative—ayes 56, noes 7. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Bateman, Brittain, Bell, Boddie, Brownrigg, Caldwell, Campbell, Cooper of M., Cowper of G., Davenport, Dick, Dishongh, Dobson, Gilmore, Guinn, Hall, Hawkins, Hayley, Hill, Hoke, Howell, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of A., Marshall of C., Martin of R., Martin of W., Matthews, Massey, Miller, Montgomery of H., Montgomery of O., Mosely, Moye of G., Parham, Pool, Rencher, Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Sneed, Thomson, Tyson, Underwood, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Elliott, Hoover, Melchor, Moye of P., Ray, Simmons, Toomer.

The question then recurring on the adoption of the second resolution, it was also decided in the affirmative—ayes 42, noes 20. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bateman, Brittain, Brownrigg, Cooper of Martin, Cowper of Gates, Davenport, Dishongh, Gilmore, Guinn, Hawkins, Hayley, Hill, Hoke, Howell, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, Marshall of Anson, Marshall of Carteret, Martin of Wilkes, Matthews, Montgomery of Orange, Massey, Miller, Moye of Greene, Mosely, Parham, Rencher, Spaight, Seawell, Sherard, Skinner, Sneed, Thomson, Tyson, Underwood, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Allen, Bell, Caldwell, Campbell, Dick, Dobson, Elliott, Hall, Hoover, M'Farland, Martin of Rockingham, Melchor, Montgomery of Hertford, Moye of Pitt, Pool, Ray, Rowland, Selby, Simmons, Toomer.

Ordered that the said resolutions be engrossed.

On motion of Mr. Montgomery, of Orange, ordered that John H. Hawkins, the Senator from the county of Warren, have leave of absence from the services of the Senate for Monday next.

Mr. Montgomery, of Hertford, moved that the Senate do now resolve itself into a committee of the whole House, to take into consideration the bill to establish the Bank of North Carolina; which was not agreed to.

The bill pointing out the mode whereby the militia of this State shall hereafter be called into service in cases of invasion or insurrection, outlawed and runaway negroes; the bill to secure the more perfect administration



of justice in certain cases; and the bill giving the power to regimental courts martial of laying off and altering the several captains' districts within their regiment, were severally read the third time and passed, and ordered to be engrossed.

The engrossed bill to limit the time within which actions may be brought against bail, was read the third time and passed, and ordered to be enrolled; and the engrossed bill to amend the 5th section of an act, passed A. D. 1816, chapter 912, entitled an act for the more speedy trial of slaves in capital cases, was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Cabarrus Gold Mining Company; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

The bill prescribing the duty of sheriffs, constables and other officers, in certain cases, was read the third time, and resolved that the same shall not pass—ayes 21, noes 28. The ayes and noes being demanded by Mr. Cooper, of Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Bell, Brownrigg, Dick, Dobson, Elliott, Gilmore, Guinn, Hoke, Hoover, Kerr, M'Farland, Martin of Wilkes, Massey, Melchor, Montgomery of Orange, Parham, Pool, Ray, Tyson, Vanhook.

Those who voted in the negative, are Messrs. Bateman, Boddie, Caldwell, Campbell, Cooper of Martin, Davenport, Dishongh, Hall, Howell, Kendall, Lindsay, M'Daniel, Marshall of Carteret, Matthews, Montgomery of Hertford, Mosely, Moye of Greene, Moye of Pitt, Spaight, Selby, Sherard, Simmons, Skinner, Thomson, Toomer, Underwood, Williams, Wilson.

The bill for the relief of the citizens of this State was read the third time. Mr. Hoke moved that the further consideration thereof be indefinitely postponed. Mr. M'Farland moved that the bill be laid upon the table; which motion having precedence, the question thereon was first taken and decided in the negative. The question then recurring on the indefinite postponement of the bill, it was decided in the negative—ayes 20, noes 41. The ayes and noes being demanded by Mr. Seawell, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bell, Boddie, Hayley, Hoke, Lindsay, M'Daniel, Matthews, Massey, Melchor, Moye of G., Spaight, Seawell, Selby, Sherard, Skinner, Sneed, Thomson, Underwood, Williams, Wilson.

Those who voted in the negative, are Messrs. Allen, Bateman, Brittain, Brownrigg, Caldwell, Campbell, Cooper of M., Davenport, Dick, Dishongh, Dobson, Elliott, Gilmore, Guinn, Hall, Hawkins, Hill, Hoover, Howell, Kerr, Kendall, M'Entire, M'Farland, Marshall of A., Marshall of C., Martin of R., Martin of W., Miller, Montgomery of H., Montgomery of O., Mosely, Moye of P., Parham, Pool, Ray, Rencher, Rowland, Simmons, Toomer, Tyson, Vanhook.

Mr. Allen moved to amend the bill by adding the following proviso at the end thereof, to wit: "Provided, That nothing herein contained shall be construed to extend to the county of Buncombe;" which amendment was not agreed to. The question then recurring on the passage of the bill the third time, it was decided in the affirmative, and the bill was ordered to be engrossed—ayes 38, noes 23. The ayes and noes being demanded by Mr. Seawell, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bateman, Brittain, Brownrigg, Caldwell, Campbell, Cooper of M., Davenport, Dick, Dobson, Elliott, Gilmore, Guinn, Hall, Hawkins, Hill, Hoover, Howell, Kerr, Kendall, M'Entire, M'Farland, Marshall of A., Marshall of C., Martin of R., Martin of W., Miller, Montgomery of H., Montgomery of O., Mosely, Moye of P., Parham, Pool, Ray, Rencher, Simmons, Toomer, Tyson, Vanhook.

Those who voted in the negative, are Messrs. Allen, Bell, Boddie, Dishongh, Hayley, Hoke, Lindsay, M'Daniel, Matthews, Massey, Melchor, Moye of G., Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Sneed, Thomson, Underwood, Williams, Wilson.

Mr. Seawell presented the petition of Edward Rigsby, praying longer indulgence for the payment of the last instalment of the purchase money of a tract of land purchased by him at the sale of the property of the late John Haywood, dec. On motion of Mr. Seawell, ordered that the petition be referred to the committee on Propositions and Grievances.

And the Senate then adjourned until this afternoon, 4 o'clock.

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FRIDAY AFTERNOON, 4 O'CLOCK.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to regulate the time of holding the Superior Courts of Law and Equity for the counties of Martin and Pitt.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to amend in part an act, passed in the year 1829, entitled an act to compel the trustees of Moore, Chowan and Robeson to pay the jurors in preference to other claims, so far as respects the county of Moore; a bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Chatham; a bill to incorporate a Light Infantry Company in the town of Plymouth; a bill to prevent obstructions to the passage of fish up Aranuse creek, in Camden county; and a bill concerning the County Courts of Orange county. Whereupon the said bills were severally read the first time and passed.

The engrossed bill to prevent obstructions to the passage of fish up Aranuse creek, in Camden county, and the engrossed bill concerning the County Court of Orange county, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Chatham, was read the second time and passed.

The engrossed bill to incorporate a Light Infantry company in the town of Plymouth was read the second time. Mr. Brownrigg moved to amend the bill by striking out the whole of the fourth section; which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they have passed the engrossed bill to give longer time for paying in entry money, with an amendment; in which they ask the concurrence of the Senate. Whereupon the said amendment was read and concurred in, and a message sent to the House of Commons, informing them thereof.

The bill to amend part of an act, passed in the year 1817, chapter 22, entitled an act to revise and amend the laws respecting wrecks and wrecked property in this State, was read the second and third times and passed; and ordered to be engrossed.

The engrossed bill to incorporate the Cabarrus Gold Mining Company, was read the second time and passed.

The engrossed bill to incorporate the North Carolina Central Rail Road Company was read the third time. Mr. Hill moved to amend the bill by inserting the following in the first section, to wit:

"At Caswell Court House, under the direction of Paul A. Harelson, Quinton Anderson, Dr. Willie Jones, Littleton A. Gwyn and Henry Cobb, or any three of them; at Huntsville, in

the county of Surry, under the direction of Peter Clingman, Nicholas Williams and Henry P. Poindexter; at the town of Statesville, in the county of Iredell, under the direction of Theophilus Falls, John Mushat and William F. Cowan; at Germantown, in Stokes county, under the direction of Thomas T. Armstrong, John L. Biting, John F. Poindexter, John Pepper, John Hill and Reuben D. Golding, or any three of them."

Which amendment was agreed to. The question then recurring on the passage of the bill the third time, as amended, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendment; and, on motion of Mr. Montgomery, of Hertford, ordered that a message be also sent to the House of Commons, proposing that three copies of the said bill shall be printed for each member of the Legislature.

A motion was made by Mr. Toomer to reconsider the vote taken on yesterday on the passage of the engrossed bill to restore to credit John Taylor, of the county of Cumberland; and on the question will the Senate reconsider the said vote? it was decided in the affirmative. Whereupon, on motion of Mr. Toomer, ordered that the said bill be laid upon the table.

The engrossed bill to incorporate the Cape Fear and Yadkin Rail Road Company was read the third time and passed, and ordered to be enrolled; and, on motion of Mr. Toomer, ordered that a message be sent to the House of Commons, proposing that three copies of the said bill be printed for each member of the Legislature.

Mr. Sneed presented the following resolution, to wit:

*Resolved*, That the President and Directors of the Literary Fund be requested to make the annual report of such sums of money as may belong to said fund, with such recommendations for the improvement of the same as to them may seem expedient, as is required by law.

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

The engrossed bill to incorporate the Cabarrus Gold Mining Company, and the engrossed bill to incorporate the Charlotte Gold Mining Company, were read the third time and passed, and ordered to be enrolled.

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

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SATURDAY, JANUARY 7, 1832.

Mr. Thomson asked and obtained leave to withdraw from the files of the Senate the memorial of sundry citizens of the county of Johnston, together with the accompanying documents, presented at the present session.

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

*Resolved*, That the Clerk of the Senate be instructed to state the hour of adjournment on the journals of the Senate.

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

Mr. Seawell, from the committee on the Judiciary, to whom was referred the bill in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford, reported the same with an amendment; which was read and agreed to, and the bill as amended was read the second time and passed.

On motion of Mr. Rowland, the Senate proceeded to consider the engrossed bill for the better regulation of a light infantry company in the county of Beaufort, called the Washington Guards; and the bill being read the second time, Mr. Brownrigg moved to amend the bill by striking out the whole of the second section; which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they have passed the engrossed bill directing the manner in which constables shall be elected in the county of Stokes; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first, second and third times and passed, and ordered to be enrolled.

The engrossed bill to incorporate the Oxford Volunteer Company was read the third time. Mr. Sneed moved to amend the bill by striking out the word "twenty," in the sixteenth line of the third section, and to insert the word "eight;" also, in the the seventeenth line of the same section, strike out the word "ten," and insert the word "four;" also, in the nineteenth line of the same section, strike out the words "fifteen" and "seven," and insert the words "five" and "three;" and, in the last line of the same section, strike out the word "five," and insert the word "two;" which several amendments were agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Davenport, the Senate proceeded to consider the engrossed bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations or lay out new roads in said county; and the bill being read the third time, Mr. Davenport moved to amend the bill by striking out the whole thereof except the words "A bill," and to insert in lieu thereof a substitute; which was read and agreed to. Mr. Hall moved to amend the bill, by adding the following as an additional section, to wit: "*Be it further enacted*, That the provisions of this act shall extend to the county of Brunswick;" which amendment was agreed to. The question then recurring on the passage of the bill the third time as amended, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to repeal part of an act, passed in the year 1827, entitled an act to prevent the obstruction of fish up the Roanoke and Cashie rivers and their waters, was read the third time, and resolved that the same shall not pass.

The engrossed bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Chatham was read the third time and passed, and ordered to be enrolled.

The engrossed bill to amend in part an act, passed in the year 1829, entitled an act to compel the trustees of Moore, Chowan and Robeson to pay the jurors in preference to other claims, so far as respects the county of Moore, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to prevent obstructions to the passage of fish up Tar river was read the second time. Mr. Rowland moved to amend the bill in the 1st section, by striking out the words "from 12 o'clock at noon on Saturday, till 12 o'clock at noon on Monday," and to insert the following words: "from sunrise on Saturday, until sunrise on Monday;" which amendment was agreed to, and the bill as amended was read the second time and passed, and being read the third time, Mr. Wilson moved further to amend the bill by inserting after the word "Tar," in the title, the words "or Pamlico;" which amendment was agreed to. The question then recurring on the passage of the bill the third time as amended, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

The bill for the distribution of the public arms among the several counties in this state, and for the preservation and accounting for of the same, was read the third time. Mr. Brownrigg moved to amend the bill by inserting after the word "fit," in the seventh line of the third section, the following words: "giving to volunteer light infantry companies the preference;" which amendment was agreed to. Mr. M'Farland moved further to amend the bill by inserting the word "Richmond," after the word "Warren," in the seventeenth line of the first section; which amendment was not agreed to. Mr. M'Farland moved further to amend the bill by adding the following proviso at the end thereof, to wit: "*Provided*, That this act shall not prevent the Governor from furnishing the volunteer companies with arms, as heretofore provided by law;" which amendment was not agreed to. Mr. Rencher moved further to amend the bill by adding the following proviso at the end thereof, to wit: "*Provided*, That nothing herein contained shall be so construed as to take from the county of Chatham the arms now in the possession of the militia of that county;" which amendment was not agreed to. The question then recurring on the passage of the bill the third time as amended, it was decided in the affirmative—ayes 47, noes 2. The ayes and noes being demanded by Mr. M'Farland, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Bateman, Bell, Boddie, Brownrigg, Cooper of M., Cowper of G., Dick, Dishongh, Dobson, Elliott, Gilmore, Guinn, Hall, Hayley, Hill, Hoke, Hoover, Howell, Kerr, Kendall, M'Daniel, Marshall of A., Martin of R., Martin of W., Massey, Melchor, Montgomery of H., Montgomery of O., Moye of G., Moye of P., Parham, Pool, Rowland, Spaight, Seawell, Selby, Sherard, Simmons, Sneed, Thomson, Tyson, Underwood, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. M'Farland and Rencher.

Ordered that the said bill be engrossed.

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

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#### MONDAY, JANUARY 9, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: A bill to secure the more perfect administration of justice in certain cases; a bill pointing out the mode whereby the militia of this State shall hereafter be called into service in cases of insurrection or invasion and outlawed and runaway negroes; a bill for the relief of the citizens of this State; a bill for the distribution of a part of the public arms among the several counties in this State, and for the preservation and accounting for of the same; a bill to amend an act, passed in the year 1817, chapter 22, entitled an act to revise and amend the laws respecting wrecks and wrecked property in this State; a bill giving the power to regimental courts martial of laying off and altering the several captains' districts within their regiment; resolution respecting Literary Fund; resolution for the Governor; and a resolution approbatory of the administration of Andrew Jackson; in which they ask the concurrence of that House.

On motion of Mr. Mosely, ordered that Luke R. Simmons, the Senator from the county of Columbus, have leave of absence from the services of the Senate, from and after to-morrow, for the remainder of the session.

Mr. Toomer, from the committee on Internal Improvement, to whom was referred the bill to admit to entry the vacant marsh and swamp lands, except the marsh and swamp lands hereinafter excepted, made an unfavorable report thereon, recommending the rejection of the said bill. Where-

upon the bill was read the second time, and resolved that the same shall not pass.

Mr. Toomer, from the same committee, to whom was referred the petition of Andrew Welch, of the county of Haywood, made an unfavorable report thereon, recommending that the prayer of the said petitioner be rejected; in which report the Senate concurred.

Mr. Seawell, from the committee on the Judiciary, to whom was referred the bill to amend an act, entitled an act, passed in the year 1830, to authorise and direct the Public Treasurer to sell the public lands therein named belonging to the State, reported the same with an amendment; which was read and agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed.

Mr. Thomson presented a bill to raise a fund to establish free schools in the county of Johnston, and for the government thereof; which was read the first time and passed.

Mr. Hayley presented a bill to compel the clerk of the Superior Court in the county of Northampton, and the register of said county, to keep their offices at the court house in the town of Jackson; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Sneed presented a bill to provide for rebuilding the Capitol on Union Square in the city of Raleigh. Mr. Toomer rose and objected to the reading of the bill, on the ground that it was not in order to introduce it, a similar one having already been acted on by the Senate at the present session, and its further consideration postponed till the third Monday in November next. The Speaker decided that it was in order to introduce the bill. From this decision Mr. Gilmore appealed to the Senate. The ayes and noes upon the decision of the appeal having been demanded by Mr. Guinn, are as follows:

Those who voted in favor of confirming the decision of the Chair, are Messrs. Askew, Bateman, Bell, Boddie, Brownrigg, Cooper of M., Cowper of G. Davenport, Dick, Dishongh, Hayley, Lindsay, M'Daniel, Marshall of C., Martin of R., Martin of W., Matthews, Massey, Miller, Montgomery of H. Montgomery of O., Mosely, Moyer of P., Moyer of G. Pool, Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Sneed, Thomson, Vanhook, Williams, Wilson—36.

Those who voted in the negative, are Messrs. Allen, Brittain, Caldwell, Campbell, Dobson, Elliott, Gilmore, Guinn, Hall, Hill, Hoke, Hoover, Howell, Kerr, Kendall, M'Entire, M'Farland, Marshall of A. Melchor, Parham, Ray, Rensher, Simmons, Toomer, Tyson, Underwood—26.

On motion of Mr. Wilson, ordered that the further consideration of the said bill be postponed until to-morrow.

The engrossed bill to authorise the filing of petitions in vacation to hold defendants in petitions to bail, and authorise the County Courts to issue process to several counties at the same time, was read the third time and passed, and ordered to be enrolled.

The bill the better to enforce the payment of fines in cases of State prosecutions, and for the better explanation of the law in such cases, was read the third time. Mr. Seawell moved to amend the bill by adding the following proviso, to wit: "*Provided further*, That the same justices in the County Court, or a majority, who imposed the fine, and the same judge in the Superior Court, shall have the same power, after the adjournment of the court which imposed such fine, and the respective clerks shall in all cases record the names of the justices present." Mr. Guinn moved that the bill, together with the amendment, be indefinitely postponed; which was

not agreed to—ayes 30, noes 31. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Bateman, Brittain, Cooper of M., Dishongh, Dobson, Gilmore, Guinn, Hall, Hill, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Farland, Marshall of A., Martin of R., Martin of W., Massey, Montgomery of O., Mosely, Parham, Ray, Simmons, Underwood, Vanhook, Wilson.

Those who voted in the negative, are Messrs. Bell, Boddie, Brownrigg, Caldwell, Campbell, Cowper of G., Davenport, Dick, Elliott, Hayley, M'Daniel, M'Entire, Marshall of C., Matthews, Miller, Montgomery of H., Moye of G., Moye of P., Pool, Rencher, Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Sneed, Thomson, Toomer, Tyson, Williams.

The question then recurring on agreeing to the amendment, it was decided in the affirmative. Mr. Guinn moved that the bill be laid upon the table; which was not agreed to. The question then recurring on the passage of the bill the third time, it was decided in the negative—ayes 27, noes 34. The ayes and noes being demanded by Mr. Hoke, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Boddie, Brownrigg, Caldwell, Campbell, Cowper of G. Davenport, Dick, Elliott, Gilmore, Hayley, M'Daniel, Marshall of C., Matthews, Miller, Montgomery of H., Moye of G., Moye of P., Pool, Rencher, Spaight, Seawell, Selby, Sherard, Skinner, Thomson, Toomer, Tyson.

Those who voted in the negative, are Messrs. Allen, Askew, Bateman, Brittain, Bell, Cooper of M., Dishongh, Dobson, Guinn, Hall, Hill, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Entire, M'Farland, Marshall of A., Martin of R., Martin of W., Massey, Melchor, Montgomery of O., Mosely, Parham, Ray, Rowland, Simmons, Sneed, Underwood, Vanhook, Wilson.

The bill in addition to an act, passed the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford, was read the third time. Mr. Montgomery, of Hertford, moved to amend the bill by adding the following as an additional section, to wit: "*And be it further enacted, That this act shall be in force from and after its ratification;*" which amendment was agreed to. The question then recurring on the passage of the bill the third time as amended, it was decided in the affirmative, and the bill was ordered to be engrossed.

A motion was made by Mr. Pool, to reconsider the vote taken on Saturday on the the rejection of the engrossed bill to repeal part of an act, passed in the year 1827, entitled an act to prevent the obstruction of fish up the Roanoke and Cashie rivers and their waters; and on the question will the Senate reconsider the said vote? it was decided in the affirmative, and, on motion of Mr. Askew, ordered that the bill be laid upon the table.

And the Senate then adjourned until this afternoon, 4 o'clock.

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 {MONDAY AFTERNOON, 4 O'CLOCK.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to alter the name of Edwin Stokes, and to legitimate him.

Received also 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 Lenoir Volunteer Guards, with an amendment, to wit: strike out the word "company," wherever it occurs, and insert the word "companies;" which amendment was concurred in by the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the engrossed bill for the better regulation of the town of

Waynesboro', in Wayne county, and for other purposes, with an amendment; in which they ask the concurrence of the Senate. Whereupon the said amendment was read and concurred in, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the engrossed bill concerning corporations, the officers and managers of corporations and trustees of funds for public purposes, with an amendment; in which they ask the concurrence of the Senate. Whereupon the amendment was read and concurred in by the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to authorise the County Court of Richmond county to transcribe and record certain papers in the office of the County Court clerk; a bill to alter the mode of keeping in repair the streets in the village of Chapel Hill; a bill to appoint an additional place of public sale in the county of Rutherford; a bill to incorporate the Jackson Mounted Guards of Sampon county. Whereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

The bill to incorporate the Salisbury Gold Mining Company was read the second time and passed.

The bill to incorporate the North Carolina Gold Mining Company was read the second time and passed; and being read the third time, Mr. Dick moved to amend the bill by striking out the words "North Carolina," in the fourth section, and to insert the word "Greensborough," and to make the title of the bill correspond therewith; which amendment was agreed to. The question then recurring on the passage of the bill the third time as amended, it was decided in the affirmative, and the bill was ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution, in which they ask the concurrence of the Senate, to wit: A bill to authorise Wilson Reed, of Perquimons county, to erect two gates across the public road leading through his plantation along the bank of the Albemarle sound; a bill to change the disposition of the money constituting the Agricultural Fund; and a resolution in favor of Jacob Caler. Whereupon the said bills and resolution were severally read the first time and passed.

The engrossed bill to authorise Wilson Reed, of Perquimons county, to erect two gates across the public road leading through his plantation along the bank of the Albemarle sound, was read the second and third times and passed, and ordered to be enrolled.

The engrossed resolution in favor of Jacob Caler was read the second time and passed; and being read the third time, Mr. Guinn moved to amend the resolution by adding the following words at the end thereof, to wit: "and that he be allowed a credit for the same in the settlement of his public accounts;" which amendment was agreed to, and the resolution as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Mr. Guinn asked and obtained leave to withdraw from the files of the Senate the papers accompanying the engrossed resolution in favor of Jacob Caler.



The bill to raise a fund to establish free schools in the county of Johnston, and for the government thereof, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to increase the liability of sheriffs, and to provide more effectually for the collection of taxes; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed.

Received from the House of Commons the resignation of Calvin R. Blackman, lieutenant colonel, and Calvin Coor, major, of the fortieth regiment of North Carolina militia, endorsed in that House "read and accepted;" and which were read and accepted by the Senate.

Mr. Montgomery, of Hertford, from the committee on Propositions and Grievances, to whom was referred the petition of Edward Rigsby, made a favorable report thereon, accompanied by the following resolution, to wit:

*Resolved*, by the General Assembly of the State of North Carolina, That Edward Rigsby, who became a purchaser of a portion of the lands conveyed to the State by the heirs of the late John Haywood, dec'd, and who executed bonds for the payment in three annual instalments, have the further time of twelve months, from the first day of January, 1832, for paying the third and last instalment of the said bonds.

Which was read: Mr. Spaight moved to amend the resolution by adding the following proviso, to-wit: "Provided he give such sureties for the payment of the same as may be satisfactory to the Public Treasurer;" which amendment was agreed to, and the resolution as amended was read and adopted, and ordered to be engrossed.

The bill to incorporate the Yadkin Manufacturing Company was read the second time. Mr. Dick moved to amend the bill by inserting the following, after the word "that," in the first line of the eighth section, to wit:

"The funds of the company shall not be applied to any other purposes than the manufacturing of cotton and wool, and to the growing of wool, and to articles connected therewith."

Which amendment was agreed to. The question then recurring on the passage of the bill the second time as amended, it was decided in the affirmative.

The bill to incorporate the Salisbury Gold Mining Company was read the third time and passed, and ordered to be engrossed.

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

#### TUESDAY, JANUARY 10, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: A bill to amend an act, entitled an act, passed in the year 1830, to authorise and direct the Public Treasurer to sell the public lands therein named belonging to the State; a bill to raise a fund to establish free schools in the county of Johnston, and for the management thereof; a bill to compel the clerk of the Superior Court in the county of Northampton, and the register of said county, to keep their offices at the court house in the town of Jackson; a bill to incorporate a Gold Mining Company, called the Greensborough Gold Mining Company; a bill in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford; a bill to incorporate the Salisbury Gold Mining Company; and a resolution in favor of Edward Rigsby; in which they ask the concurrence of that House.

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

the resolution instructing them to inquire whether by the existing law of the State a slave can be indicted for perjury, reported a bill, entitled a bill to render slaves liable to indictment for perjury; which was read the first time and passed.

Mr. Kendall asked and obtained leave to withdraw from the files of the Senate the papers accompanying the resolution in favor of Tamer Pemberton, presented at the present session.

Mr. Montgomery, of Hertford, moved that the Senate do now resolve itself into a committee of the whole House, to take into consideration the bill to establish a bank by the name and style of the Bank of North Carolina; which motion was agreed to—ayes 32, noes 29. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bateman, Bell, Boddie, Brownrigg, Cooper of M., Cowper of G., Davenport, Dishongh, Hall, Hayley, Kerr, Lindsay, M'Daniel, Marshall of C., Matthews, Miller, Montgomery of H., Mosely, Moye of G., Parham, Pool, Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Sneed, Thomson, Williams, Wilson.

Those who voted in the negative, are Messrs. Allen, Brittain, Caldwell, Campbell, Dick, Dobson, Elliott, Gilmore, Guinn, Hill, Hoke, Hoover, Howell, Kendall, M'Entire, M'Farland, Marshall of A., Martin of R., Martin of W., Massey, Melchor, Montgomery of O., Parham, Ray, Rencher, Toomer, Tyson, Underwood, Vanhook.

Whereupon Mr. Spaight was called to the Chair, and after some time spent therein, the Speaker resumed the Chair, and Mr. Spaight reported that the committee of the whole House had, according to order, had the said bill under consideration, and had made an amendment thereto, and had instructed him to report the bill to the Senate and ask their concurrence in the amendment. Whereupon the amendment was read, and, on motion of Mr. Martin, of Rockingham, the further consideration of the bill, together with the amendment, was ordered to be indefinitely postponed—ayes 34, noes 27. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bateman, Brittain, Caldwell, Campbell, Cooper of Martin, Cowper of Gates, Davenport, Dishongh, Dobson, Gilmore, Hall, Hayley, Hill, Hoke, Hoover, Howell, Kendall, Lindsay, M'Entire, M'Farland, Marshall of Anson, Martin of Rockingham, Massey, Mosely, Moye of Greene, Moye of Pitt, Parham, Ray, Rencher, Sherard, Tyson, Underwood, Wilson, Williams.

Those who voted in the negative, are Messrs. Allen, Askew, Bell, Boddie, Brownrigg, Dick, Elliott, Guinn, Kerr, M'Daniel, Marshall of Carteret, Martin of Wilkes, Matthews, Melchor, Miller, Montgomery of Hertford, Montgomery of Orange, Pool, Rowland, Spaight, Seawell, Selby, Skinner, Sneed, Thomson, Toomer, Vanhook.

Mr. Seawell moved that the Senate now resolve itself into a committee of the whole House, to take into consideration the bill for the better regulation of the conduct of free negroes, slaves and free persons of color; the bill more effectually to suppress and prevent the running away of slaves in this State; the bill to prevent slaves from attending general reviews, regimental, battalion and company musters, camp meetings and election grounds; and the bill to raise a fund for the removal of free persons of color from this State to Liberia. Mr. Allen moved that the said bills be laid upon the table; which was not agreed to—ayes 29, noes 32. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Brittain, Caldwell, Campbell, Dobson, Elliott, Gilmore, Guinn, Hall, Hill, Hoke, Hoover, Howell, Kerr, Kendall, M'Entire, M'Farland, Marshall of A., Martin of R., Martin of W., Massey, Melchor, Montgomery of O., Parham, Ray, Rencher, Toomer, Tyson, Underwood.

Those who voted in the negative, are Messrs. Askew, Bateman, Bell, Boddie, Brownrigg, Cooper of M., Cowper of G., Davenport, Dick, Dishongh, Hayley, Lindsay, M'Daniel, Marshall of C., Matthews, Miller, Montgomery of H., Mosely, Moye of G., Moye of P., Pool, Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Sneed, Thomson, Vanhook, Williams, Wilson.

The question then recurring on Mr. Seawell's motion, it was decided in the affirmative—ayes 31, noes 30. The ayes and noes being demanded by Askew, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bateman, Bell, Boddie, Brownrigg, Cooper of M., Cowper of G., Davenport, Dick, Dishongh, Hayley, Liudsay, M'Daniel, Marshall of C., Matthews, Miller, Montgomery of H., Mosely, Moyer of G., Moyer of P., Pool, Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Sneed, Thomson, Williams, Wilson.

Those who voted in the negative, are Messrs. Allen, Brittain, Caldwell, Campbell, Dobson, Elliott, Gilmore, Guinn, Hall, Hill, Hoke, Hoover, Howell, Kerr, Kendall, M'Entire, M'Farland, Marshall of A., Martin of R., Martin of W., Massey, Melchor, Montgomery of O., Parham, Ray, Rencher, Toomer, Tyson, Underwood, Vanhook.

Whereupon Mr. Sneed was called to the Chair; and after some time spent therein, the Speaker resumed the Chair, and Mr. Sneed reported that the committee of the whole House had, according to order, had the said bills under consideration, and had made sundry amendments to the first mentioned bill; in which they ask the concurrence of the Senate; but not having sufficient time to go through the whole of the said bills, had instructed him to ask leave to sit again; and on the question shall the committee of the whole House have leave to sit again on the said bills? it was decided in the affirmative.

A motion was made by Mr. Martin, of Rockingham, to reconsider the vote taken on yesterday on the appeal from the decision of the Chair on the point of order raised by Mr. Toomer, on the introduction of the bill to provide for rebuilding the Capitol on Union Square in the city of Raleigh. Mr. M'Farland moved that the motion for reconsideration be laid upon the table; which was not agreed to. Whereupon, on motion of Mr. Askew, the Senate adjourned until to-morrow morning, 10 o'clock.

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WEDNESDAY, JANUARY 11, 1832.

On motion of Mr. Matthews, the Senate proceeded to take up the engrossed bill to authorise the building of a toll bridge over Roanoke river, at the town of Weldon, and to incorporate a company for that purpose. Whereupon the said bill was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of John M'Rae; in which they ask the concurrence of the Senate. Whereupon the said resolution was read and adopted and ordered to be enrolled.

On motion of Mr. Guinn, the Senate proceeded to take up the bill directing the Governor to convey certain lands to the county of Macon, and to establish Franklin Academy; and the bill being read the third time, Mr. Guinn moved to amend the bill by striking out the whole thereof, except the two last sections, and to insert in lieu thereof a substitute; which was read. Mr. Sneed moved to amend the substitute by striking out the following words, to wit: "that upon the payment to the Public Treasurer of this State the sum of ten dollars, and a receipt obtained from him therefor;" which amendment was not agreed to. The question then recurring on agreeing to the substitute proposed by Mr. Guinn, it was decided in the affirmative, and the bill as amended was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Wilson, the Senate proceeded to take up the bill to provide for rebuilding the Capitol on Union Square in the city of Raleigh; and the bill being read the first time, it was resolved that the same shall not pass—ayes 31, noes 31; the Speaker voting in the negative. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bateman, Bell, Boddie, Brownrigg, Cooper of M., Cowper of G., Davenport, Dishongh, Hawkins, Hayley, Lindsay, M'Daniel, Marshall of C., Matthews, Miller, Montgomery of H., Mosely, Moye of G., Moye of P., Pool, Rowland, Spaight, Seawell, Selby, Skinner, Sneed, Thomson, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Allen, Brittain, Caldwell, Campbell, Dick, Dobson, Elliott, Gilmore, Guinn, Hall, Hill, Hoke, Hoover, Howell, Kerr, Kendall, M'Entire, M'Farland, Marshall of A., Martin of R., Martin of W., Massey, Melchor, Montgomery of O., Parham, Ray, Rencher, Sherard, Toomer, Tyson, Underwood.

On motion of Mr. Martin, of Rockingham, the Senate proceeded to consider the motion made by him on yesterday, to reconsider the vote taken on Monday last, on the appeal from the decision of the Chair, on the question of order made by Mr. Toomer on the introduction of the bill for rebuilding the Capitol on Union Square, in the city of Raleigh; and on the question will the Senate reconsider the said vote? it was decided in the affirmative. The question then pending being on the appeal taken from the decision of the Chair on the question of order aforesaid, and the ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in favor of the decision of the Chair, are Messrs. Askew, Bateman, Bell, Brownrigg, Cooper of M., Cowper of G., Davenport, Dick, Hawkins, Hayley, Lindsay, M'Daniel, Marshall of C., Matthews, Miller, Mosely, Moye of G., Moye of P., Pool, Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Sneed, Thomson, Vanhook, Williams, Wilson.—30.

Those who voted against the decision of the Chair, are Messrs. Allen, Brittain, Caldwell, Campbell, Dishongh, Dobson, Elliott, Gilmore, Guinn, Hall, Hill, Hoke, Hoover, Howell, Kerr, Kendall, M'Entire, M'Farland, Marshall of A., Martin of R., Martin of W., Massey, Melchor, Montgomery of H., Montgomery of O., Parham, Ray, Rencher, Toomer, Tyson, Underwood—31.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate to the engrossed bill to incorporate the North Carolina Central Rail Road Company, with an amendment, to wit: strike out the name of "Littleton A. Gwyn;" which amendment was agreed to by the Senate, and the bill was ordered to be enrolled.

Received also from the House of Commons a message, stating their agreement to the proposition of the Senate to print three copies for each member of the bill to incorporate the North Carolina Central Rail Road Company, and the bill to incorporate the Cape Fear and Yadkin Rail Road Company.

A message was also received from the House of Commons, stating their concurrence in the amendment made by the Senate to the engrossed bill to amend the 5th section of an act, passed A. D. 1816, chapter 912, entitled an act for the more speedy trial of slaves in capital cases, and the engrossed bill to incorporate a Light Infantry Company in the town of Plymouth. Ordered that the said bills be enrolled.

On motion of Mr. Wilson, the Senate proceeded to consider the bill for the better regulation of the conduct of free negroes, slaves and free persons of color; and the question pending being on agreeing to amendments reported by the committee of the whole House, the said amendments were severally read and concurred in. Mr. Guinn moved further to amend the bill by adding the following, as an additional section, to wit: "*Be it further enacted*, That the provisions of this act shall not extend to the counties of Macon, Buncombe, Haywood, Perquimons, Davidson, Robeson, Mecklenburg, Randolph and Ashe." Mr. Seawell moved to amend the amendment by striking out the word "Perquimons;" which was agreed to. The question then recurring on agreeing to the amendment as

amended, it was decided in the negative—ayes 20, noes 38. The ayes and noes being demanded by Mr. Sneed, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Bateman, Brittain, Campbell, Dick, Elliott, Gilmore, Guinn, Hoover, Howell, Marshall of A., Martin of R., Massey, Montgomery of O., Parham, Ray, Rencher, Seawell, Skinner, Underwood.

Those who voted in the negative, are Messrs. Askew, Bell, Brownrigg, Caldwell, Cooper of M., Cowper of G., Davenport, Dishongh, Dobson, Hall, Hawkins, Hayley, Hill, Hoke, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of C., Martin of W., Matthews, Melchor, Montgomery of H., Mosely, Moye of G., Moye of P., Pool, Spaight, Sherard, Sneed, Thomson, Toomer, Tyson, Vanhook, Williams, Wilson.

Mr. Allen moved that the further consideration of the bill be indefinitely postponed; which was not agreed to—ayes 17, noes 39. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Caldwell, Elliott, Gilmore, Guinn, Hill, Hoke, Hoover, Howell, Martin of R., Massey, Montgomery of O., Parham, Ray, Rencher, Skinner, Underwood.

Those who voted in the negative, are Messrs. Askew, Bateman, Bell, Brownrigg, Campbell, Cooper of M., Cowper of G., Davenport, Dick, Dishongh, Dobson, Hall, Hawkins, Hayley, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of A., Marshall of C., Martin of W., Matthews, Montgomery of H., Mosely, Moye of G., Moye of P., Pool, Spaight, Seawell, Sherard, Sneed, Thomson, Toomer, Tyson, Vanhook, Williams, Wilson.

Mr. Dick moved to amend the bill, by inserting the following in the first section, to wit: "any free negro or free person of color shall, for the first offence, be required to give bond for his good behavior; and a slave, guilty of the first offence, his master shall be required to give security for his good behavior;" which amendment was not agreed to. The question then recurring on the passage of the bill the second time, it was decided in the affirmative—ayes 39, noes 17. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bateman, Bell, Brownrigg, Campbell, Cooper of M., Cowper of G., Davenport, Dishongh, Dobson, Hall, Hawkins, Hayley, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of A., Marshall of C., Martin of W., Matthews, Miller, Montgomery of H., Mosely, Moye of G., Moye of P., Pool, Spaight, Seawell, Sherard, Sneed, Thomson, Toomer, Tyson, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Allen, Caldwell, Dick, Elliott, Guinn, Hill, Hoke, Hoover, Howell, Martin of R., Massey, Melchor, Montgomery of O., Parham, Ray, Rencher, Skinner.

On motion of Mr. Brownrigg, ordered that the committee of the whole House be discharged from the further consideration of the several bills for the better regulation and government of slaves and free persons of color. Whereupon the bill to raise a fund for the removal of free persons of color from this State to Liberia, was read the second time. Mr. Dick moved to amend the bill by striking out the whole thereof, and inserting a substitute; which was read and agreed to. Mr. Allen moved that the bill be indefinitely postponed; which was agreed to—ayes 31, noes 29. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Brittain, Campbell, Cowper of G., Dishongh, Guinn, Hawkins, Hill, Howell, Kerr, Kendall, M'Daniel, M'Entire, M'Farland, Marshall of A., Martin of R., Matthews, Massey, Miller, Montgomery of O., Moye of G., Moye of P., Parham, Ray, Rencher, Rowland, Sherard, Thomson, Tyson, Vanhook.

Those who voted in the negative, are Messrs. Bateman, Bell, Brownrigg, Caldwell, Cooper of M., Davenport, Dick, Dobson, Elliott, Gilmore, Hall, Hayley, Hoke, Hoover, Lindsay, Marshall of C., Martin of W., Melchor, Montgomery of H., Mosely, Pool, Spaight, Seawell, Selby, Skinner, Sneed, Toomer, Williams, Wilson.

The bill to prevent slaves from attending general reviews, regimental, battalion and company musters, camp meetings and election grounds, was read the second time, and, on motion of Mr. Brownrigg, ordered be indefinitely postponed.

The bill more effectually to suppress and prevent the running away of slaves in this State was read the second time, and, on motion of Mr. Allen, ordered to be indefinitely postponed.

The bill for the better regulation of the conduct of free negroes, slaves and free persons of color, was read the third time and passed, and ordered to be engrossed—ayes 43, noes 17. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative, are messrs. Askew, Bateman, Brittain, Bell, Brownrigg, Campbell, Cooper of M., Cowper of G., Davenport, Dishongh, Dobson, Hall, Hawkins, Hayley, Kerr, Kendall, Lindsay, M'Daniel, M'Entire, M'Farland, Marshall of C., Martin of W., Matthews, Miller, Montgomery of H., Montgomery of O., Mosely, Moyer of G., Moyer of P., Pool, Rencher, Rowland, Spaight, Seawell, Selby, Sherard, Sneed, Thomson, Toomer, Tyson, Vanhook, Williams, Wilson.

Those who voted in the negative, are messrs. Allen, Caldwell, Dick, Elliott, Guinn, Hill, Hoke, Hoover, Howell, Marshall of A., Martin of R., Massey, Melchor, Parham, Ray, Skinner, Underwood.

And the Senate then adjourned until this afternoon, 4 o'clock.

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WEDNESDAY AFTERNOON, 4 O'CLOCK.

Received from the House of Commons a message, proposing that the two House adjourn sine die on Saturday next, and that the clerks of the Houses make out the estimates to that day inclusive. Mr. Montgomery, of Orange, moved that the message be laid upon the table; which was not agreed to—ayes 16, noes 29. The ayes and noes being demanded by Mr. M'Entire, are as follows, to wit:

Those who voted in the affirmative are messrs. Askew, Brownrigg, Campbell, Davenport, Dick, Dobson, Elliott, Gilmore, Hawkins, M'Daniel, Martin of W., Montgomery of O., Mosely, Rencher, Sneed, Thomson.

Those who voted in the negative, are messrs. Brittain, Bell, Caldwell, Cooper of M., Guinn, Hall, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Entire, M'Farland, Marshall of C., Martin of R., Massey, Melchor, Miller, Moyer of P., Parham, Ray, Rowland, Seawell, Selby, Sherard, Skinner, Tyson, Vanhook.

The question then recurring on agreeing to the proposition of the House of Commons, it was decided in the affirmative—ayes 38, noes 9. The ayes and noes being demanded by Mr. M'Entire, are as follows, to wit:

Those who voted in the affirmative, are messrs. Askew, Brittain, Bell, Brownrigg, Caldwell, Cooper of M., Davenport, Dick, Dobson, Elliott, Guinn, Hall, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Entire, M'Farland, Marshall of C., Martin of R., Massey, Melchor, Miller, Moyer of P., Parham, Ray, Rencher, Rowland, Spaight, Seawell, Selby, Sherard, Skinner, Tyson, Vanhook, Wilson.

Those who voted in the negative, are messrs. Campbell, Gilmore, Hawkins, M'Daniel, Martin of W., Montgomery of O., Mosely, Sneed, Thomson.

On motion of Mr. Mosely, the Senate proceeded to consider the engrossed bill to prevent obstructions to the passage of fish up Neuse and Trent rivers; and the bill being read the second time, Mr. Spaight moved that the further consideration thereof be indefinitely postponed; which was not agreed to. The question then recurring on the passage of the bill the second time, it was decided in the affirmative; and the bill being read the third time, Mr. Spaight moved to amend it by striking out the words "set nets, weirs," wherever they occur. Mr. Kendall called for a division of the question: it was therefore first taken on striking out the word "weir;" which was agreed to. The question then recurring on striking out the words "set nets," it was decided in the negative. Mr. Dick moved further to amend the bill, in the fifth line, by inserting after the word "in," the words "the channel of," and after the word "Neuse," insert the

words "below Newbern;" which amendment was agreed to. Mr. Seawell moved to amend the bill by extending its provisions to Cobbs' mills in Wake county. Mr. Hoke moved that the bill and amendment be indefinitely postponed; which was not agreed to. Mr. Sherard moved to amend the amendment by adding the following: "that the seines, set nets, skimming nets, fish traps or slides, prohibited to be worked within the times above specified, shall be removed from the river during that time;" which was agreed to. The question then recurring on the amendment of Mr. Seawell as amended, it was not agreed to. Mr. Spaight moved further to amend the bill by striking out the words "Saturday sunrise" and "Monday sunrise," and to insert the words "Saturday sunset" and "Monday sunset;" which amendment was agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to incorporate Tick Creek Academy in the county of Chatham, was read the 2d & 3d times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating their concurrence in the amendments made by the Senate to the engrossed bill to incorporate the Oxford Volunteer Company, and the engrossed resolution in favor of Jacob Caler. Ordered that the said bill and resolution be enrolled.

Received also from the House of Commons sundry messages, stating that they have passed the following engrossed bills and resolution, with sundry amendments, in which they ask the concurrence of the Senate, to wit: The bill to incorporate a company, styled the Guilford Gold Mining Company, and to provide a mode in which corporations may be dissolved for misbehaviour; the bill to amend an act, entitled an act to authorise the justices of the Court of Pleas and Quarter Sessions of Northampton to employ a suitable person to transcribe part of the records of said county; a bill to authorise Wm. M. Davidson to erect a gate or gates across the road leading through his plantation on Jonathan's creek, in Haywood county; a bill to incorporate a company, styled the Catawba Gold Mining Company; and a resolution for the Governor. Whereupon the several amendments proposed by the House of Commons to the said bills and resolution were read and agreed to, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating their concurrence in the amendment made by the Senate to the engrossed bill for the better regulation of a light infantry company in the county of Beaufort, called the Washington Guards. Ordered that the said bill be enrolled.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, in which they ask the concurrence of the Senate, to wit: A bill to extend an act, passed in 1830, chapter 151, entitled an act to authorise Major J. Clark, or him and his associates, to build a toll bridge across Pungo river at Log House Landing; and a bill to authorise the County Courts of this State to appoint committees of Finance; a bill for the better regulation of the County Courts of Haywood; a bill to alter the time of holding the Superior Courts for the county of Haywood; a resolution authorising a grant to be issued to Wm. Brown, of Wilkes county; and a resolution in favor of John Black, sheriff of Cumberland county. Whereupon the said bills were severally read the first time and passed; and the resolution in favor of William Brown

was read and adopted and ordered to be enrolled; and the resolution in favor of John Black was read, and, on motion of Mr. Brownrigg, ordered to be laid upon the table.

The engrossed bill to alter the time of holding the Superior Courts for the county of Haywood was, on motion of Mr. Melchor, ordered to be laid upon the table.

The engrossed bill to extend an act, passed in 1830, entitled an act to authorise Major J. Clark, or him and his associates, to build a toll bridge across Pungo river at Log House Landing; and the engrossed bill for the better regulation of the County Courts of Haywood, were read the 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, in which they ask the concurrence of the Senate, to wit: A bill to extend the powers of the commissioners of the town of Washington; a bill for the better regulation of the town of Hillsborough; a bill to compel the clerks of the County and Superior Courts of the county of Moore to keep their respective offices at the court house of said county; a bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases; and a bill to incorporate the Rowan Troopers. Whereupon the said bills were severally read the first time and passed.

The engrossed bill to compel the clerks of the County and Superior Courts, and other officers, of the county of Moore, to keep their respective offices at the court house of said county; and the engrossed bill to extend the powers of the commissioners of the town of Washington, were read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to authorise the clerks of the Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases, was read the second time. Mr. Seawell moved to amend the bill by striking out the whole of the first and second sections; which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill to incorporate the Rowan Troopers was read the second time. Mr. Wilson moved to amend the bill by striking out the whole of the last section; which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

And then the Senate adjourned until to-morrow morning, half after 9 o'clock.

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THURSDAY, JANUARY 12, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill for the better regulation of the conduct of negroes, slaves and free persons of color, in which they ask the concurrence of that House.

Mr. Marshall, of Carteret, presented the resignation of Thomas Robinson, Anson Gaskell and William Wallace, commissioners of pilotage at Ocracoke bar; which was read and accepted and sent to the House of Commons.



Mr. Martin, of Rockingham, from the committee of Claims, to which was referred the certificate of the clerk of the County Court of Bertie setting forth the claim of sundry persons for expenses incurred in calling out the militia of that county to suppress a supposed insurrection, returned the same, and asked that the committee might be discharged from the further consideration thereof. Ordered that the committee be discharged accordingly, and that the certificate be laid upon the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to prevent the felling of timber in, or otherwise obstructing the run of Catharine creek and Warwick swamp, in Gates and Chowan counties; a bill to amend the law relative to malicious and unlawful maiming and wounding; a bill respecting the toll to be paid by horsemen for crossing Beard's bridge on the Yadkin river, in Rowan county. Whereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to appoint commissioners to lay off a road, from Neill Howard's mill, in Wilkes county, up Elk creek, to the Ashe county line; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first and second times and passed; and being read the third time, Mr. Martin, of Wilkes, moved to amend the bill by inserting after the word "off," in the second line of the second section, the words "cleared out;" which amendment was agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

A motion was made by Mr. Hoke to reconsider the vote taken on yesterday on the passage of the engrossed bill the third time to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases; and on the question will the Senate reconsider the said vote? it was decided in the affirmative. Mr. Dick moved to amend the bill by restoring the two first sections, which were stricken out on the 2d reading. Mr. McFarland moved that the bill, together with the amendment, be indefinitely postponed; which was not agreed to. The question then recurring on agreeing to the amendment proposed by Mr. Dick, it was decided in the affirmative. Mr. Gilmore moved further to amend the bill by adding the following proviso, to wit: "*Provided*, That nothing herein contained shall affect the provisions of the act of 1819, regulating the sale of the Cherokee lands; which amendment was agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to authorise the Governor to grant certain lands to the trustees of Franklin Academy in the county of Macon; in which they ask the concurrence of that House.

On motion of Mr. Askew, the Senate proceeded to consider the engrossed bill to repeal part of an act, passed in the year 1827, entitled an act to prevent the obstruction of fish up the Roanoke and Cashie rivers and their waters; and the bill being read the third time, Mr. Cooper, of Martin, moved that the further consideration thereof be indefinitely postponed; which was not agreed to. The question then recurring on the passage of

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

Received from the House of Commons a message, proposing that six additional members be added to the committee on enrolled bills, four on the part of the Commons and two from the Senate, and stating that Messrs. Sumner, Courts, L. Thompson and Crump are appointed on the part of that House; which proposition was agreed to, and Messrs. Gilmore and Brownrigg were appointed on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill for the better regulation of the town of Tarborough, in Edgecomb county; a bill making compensation to talis jurors in the county of Bladen. Whereupon the said bills were read the first time and passed.

On motion of Mr. Martin, of Rockingham, the Senate proceeded to consider the engrossed bill to exempt from execution a certain portion of the land of the citizens of this State; and the bill being read the second time, Mr. Hoke moved to amend the bill by striking out the words "or any cause of action arising," in the 3d line of the first section. Mr. Bell moved that the bill and amendment be indefinitely postponed; which was not agreed to—ayes 25, noes 30. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Brittain, Bell, Dishongh, Elliott, Hayley, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Farland, Melchor, Miller, Montgomery of O., Mosely, Moye of G., Moye of P., Parham, Pool, Rowland, Selby, Skinner, Vanhook.

Those who voted in the negative, are Messrs. Askew, Bateman, Brownrigg, Caldwell, Campbell, Cooper of M., Cowper of G., Davenport, Dick, Dobson, Gimore, Guinn, Hawkins, Hill, M'Daniel, M'Entire, Marshall of C., Martin of R., Martin of W., Massey, Montgomery of H., Rencher, Spaight, Seawell, Sherard, Sneed, Thomson, Tyson, Underwood, Wilson.

The question then recurring on agreeing to Mr. Hoke's amendment, it was decided in the affirmative. Mr. Thomson moved further to amend the bill by adding the following proviso at the end of the second section, to wit: "*And provided further*, That the homestead shall not include any saw or grist mill, or either of them, or any gold mine in operation or which may be valued or estimated to be worth at the time of laying off such homestead freehold one hundred dollars." Mr. Hoover moved to amend the amendment by adding the following at the end thereof: "*and provided further*, That the provisions of this act shall not be so construed as to exempt a freehold in any town in this State of the value of one thousand dollars;" which amendment was agreed to. The question then recurring on agreeing to the amendment as amended, it was decided in the affirmative. Mr. Wilson moved further to amend the bill by adding the following proviso at the end thereof, to wit: "*Provided always*, That this act shall not be in force until from and after the first day of March, one thousand eight hundred and thirty three;" which amendment was also agreed to. Mr. Martin, of Rockingham, moved further to amend the bill by striking out the words "before the same is gathered," in the second line of the third section. Mr. Lindsay moved that the bill, together with the amendment, be postponed until the fourth day of July next; which was not agreed to—ayes 24, noes 30. The ayes and noes being demanded by Mr. Martin, of Rockingham, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Brittain, Bell, Dishongh, Elliott, Hayley, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Farland, Melchor, Montgomery of Orange, Mosely, Moye of Greene, Moye of Pitt, Parham, Pool, Selby, Sherard, Skinner, Vanhook.

Those who voted in the negative, are Messrs. Askew, Bateman, Brownrigg, Caldwell, Campbell, Cooper of Martin, Cowper of Gates, Davenport, Dick, Dobson, Gilmore, Guinn, Hawkins, Hill, M'Daniel, M'Entire, Marshall of Carteret, Martin of Rockingham, Martin of Wilkes, Massey, Miller, Montgomery of Hertford, Rencher, Rowland, Spaight, Seawell, Sneed, Thomson, Underwood, Wilson.

The question then recurring on the amendment proposed by Mr. Martin, of Rockingham, it was decided in the affirmative. Mr. Seawell moved further to amend the bill by striking out the first, second and third sections, excepting the enacting clause, and inserting in lieu thereof the following, to wit:

"That every citizen of this State having a wife shall be entitled to a homestead freehold of his land, consisting of one hundred acres, which shall not include any gold mine then discovered, nor any grist or saw mill or other machinery, which, together with all crops and the products of the same, shall enure to the use of the wife during her life, and to her child or children, in case she leaves any, during their minority; and shall not be conveyed by the husband except by the consent of the wife, as in cases of conveying the wife's land; which homestead thus laid off shall not be subject to the payment of any debt of the husband created after ninety days from the registration thereof; and shall be excepted in the insolvent debtors' oath, if taken by any such husband during the life of his said wife."

Which amendment was not agreed to. Mr. Gilmore moved further to amend the bill by striking out the words "one hundred acres," in the tenth and eleventh lines of the first section, and, after the word "land," in the eleventh line, insert the words "not exceeding one thousand dollars in value;" which amendment was agreed to. The question then recurring on the passage of the bill the second time, it was decided in the negative—ayes 24, noes 31. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bateman, Caldwell, Campbell, Cooper of M., Cowper of G., Dick, Dobson, Gilmore, Guinn, Hawkins, Hill, M'Entire, Marshall of C., Martin of R., Martin of W., Massey, Rencher, Spaight, Sneed, Thomson, Tyson, Underwood, Wilson.

Those who voted in the negative, are Messrs. Allen, Brittain, Bell, Brownrigg, Davenport, Dishongh, Elliott, Hayley, Hoke, Hoover, Howell, Kerr, Kendall, Lindsay, M'Daniel, M'Farland, Melchor, Miller, Montgomery of H., Montgomery of O., Mosely, Moye of G., Moye of P., Parham, Pool, Rowland, Seawell, Selby, Sherard, Skinner, Vanhook.

The bill to repeal part of the third section of the militia laws of 1831, relative to general officers, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill for the better regulation of pilotage on vessels trading within the Cape Fear inlets, and the engrossed bill to abolish the punishment of cutting off the ears, were read the second and third times and passed, and ordered to be enrolled.

The bill to authorise citizens of this State to lease lands from the Cherokee Indians was read the second time. Mr. Montgomery, of Orange, moved to amend the bill by adding two additional sections; which were read. Mr. Campbell moved that the bill, together with the amendment, be indefinitely postponed; which was not agreed to. Mr. Brownrigg moved to amend the amendment by requiring the persons wishing to make leases from the Cherokee Indians to obtain permission from the County Court of Macon county, five justices being present; which amendment was not agreed to. Mr. Seawell moved to amend the amendment by striking out the word "white," in the third line, and to insert after the word "person," in the same line, the following, to wit: "or persons whatever, other

than Cherokee Indians resident in this State, either directly or indirectly;" which amendment was agreed to, and the amendment as amended was read and adopted. Mr. Gilmore moved further to amend the bill by striking out the whole of the first section except the enacting clause; which amendment was also agreed to, and the bill as amended was read the second time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution authorising the engrossing clerks to employ an assistant; in which they ask the concurrence of the Senate. Whereupon the said resolution was read the first, second and third times and passed, and ordered to be enrolled.

And the Senate then adjourned until this afternoon, half past 4 o'clock.

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THURSDAY AFTERNOON, HALF PAST 4 O'CLOCK.

On motion of Mr. Skinner, ordered that Richard T. Brownrigg, the Senator from the county of Chowan, have leave of absence, from and after tomorrow, for the remainder of the session.

The engrossed bill making compensation to talis jurors in the county of Bladen, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill for the better regulation of the town of Tarborough, in Edgecomb county, was read the second time. Mr. Wilson moved to amend the bill by striking out the whole of the last section; which amendment was agreed to. The question then recurring on the passage of the bill the second time as amended, it was decided in the affirmative, and the bill was read the third time and passed; and a message sent to the House of Commons asking their concurrence in the amendment.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to amend an act, passed in the year 1826, entitled an act to amend an act, passed in the year 1825, entitled an act directing the manner in which constables shall be hereafter appointed in the county of Sampson; and a bill allowing compensation to jurors of the County and Superior Courts of the county of Northampton. Whereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

Received from the House of Commons the resignation of William Bradshaw, a justice of the peace for the county of Orange; also the resignation of Robert Wooten, a justice of the peace for the county of Lenoir, endorsed in that House "read and accepted;" and which were read and accepted by the Senate.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill prescribing the manner of taking the sheriffs' bonds for the counties of New Hanover, Bertie and Onslow.

Received also from the House of Commons a message, stating their concurrence in the amendments to the engrossed bill, entitled a bill to prevent obstructions to the passage of fish up Tar river. Ordered that the said bill be enrolled.

The bill to incorporate the Yadkin Manufacturing Company was read the third time. Mr. Thomson moved to amend the bill by adding two additional sections, to be inserted at the end of the fifteenth section; which

were read and adopted, and the title of the bill amended so as to correspond therewith. The question then recurring on the passage of the bill the third time as amended, it was decided in the affirmative, and the bill was ordered to be engrossed.

Mr. Rencher presented a bill for the better regulation of the town of Pittsborough, in the county of Chatham; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, in which they ask the concurrence of the Senate, to wit: A resolution to provide for repairing and furnishing the Governor's House; a resolution in favor of James N. Forsythe's relatives; a resolution in favor of the militia of Onslow county; a resolution in favor of William T. Presswood; a resolution in favor of William Parker; a resolution to pay sundry persons for work and materials used for preparing for the accommodation of the General Assembly. Whereupon the said resolutions were severally read the first time and passed, except the resolution in favor of the militia of Onslow county; which was, on motion of Mr. Seawell, ordered to be laid upon the table; and the resolution in favor of William Parker was ordered to be enrolled.

The engrossed resolution to provide for repairing and furnishing the Governor's House was read the second time and passed, and, on motion of Mr. Askew, the further consideration thereof was postponed until tomorrow.

The engrossed resolution in favor James N. Forsythe's relatives was read the second time. Mr. Skinner moved to amend the resolution so as to require the Governor to transfer to the relatives of the said James N. Forsythe, the four shares of bank stock, held by him as guardian ex officio, instead of paying four hundred dollars in lieu thereof; which amendment was not agreed to. Mr. Brownrigg moved to amend the resolution by striking out the word "four," in the seventh line of the first section, and inserting the word "three;" which amendment was agreed to, and the resolution as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed resolution in favor of William T. Presswood was read the second time. Mr. Guinn moved to amend the resolution by striking out the words "Cherokee fund," and inserting the words "fund set apart for Internal Improvement;" which amendment was agreed to, and the resolution as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed resolution to pay sundry persons for work and materials used for preparing for the accommodation of the General Assembly, was read the second and third times and passed, and ordered to be enrolled.

The bill to render slaves liable to indictment for perjury was read the second time, and, on motion of Mr. Mosely, ordered to be indefinitely postponed.

A motion was made by Mr. Mosely to reconsider the vote taken on today on the passage of the engrossed bill to abolish the punishment of cutting off the ears; and on the question will the Senate reconsider the said vote? it was decided in the negative.

The bill to prevent the unnecessary erection of bars or gates across cart or wagon ways was read the second time, and resolved that the same shall not pass.

The bill respecting the harboring of runaway slaves was read the second time, and, on motion of Mr. Lindsay, ordered to be indefinitely postponed.

The bill to prevent the sale of spiritous liquors in less quantities than one gallon, at public places, was read the second time, and, on motion of Mr. Lindsay, ordered to be indefinitely postponed.

Mr. Cowper, of Gates, moved to reconsider the vote just taken on the indefinite postponement of the last mentioned bill; which was agreed to. Whereupon Mr. Dick moved to amend the bill by inserting after the word "gallon," in the seventh line, the following words, to wit: "in the counties of Guilford, Wayne, Hertford and Pasquotank," and to make the [title of the bill correspond therewith; which amendment was agreed to, and the bill as amended was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution, in which they ask the concurrence of the Senate, to wit: A bill to distribute the remaining tactics; a bill to incorporate Flea Hill Academy in the county of Cumberland; a bill to repeal the second section of an act, passed in the year 1823, entitled an act to amend the militia laws of this State relative to cavalry; a bill to allow appeals to the Supreme Court from interlocutory judgments, orders and decrees of the Superior Courts of Law and Courts of Equity; and the engrossed resolution to provide for a collection of the old journals and acts of the General Assembly from 1776 to 1830. Whereupon the said bills and resolution were severally read the first, second and third times and passed, and ordered to be enrolled.

The engrossed bill to provide for having the militia laws of this State digested, amended and published, was read the second time. Mr. Brownrigg moved to amend the bill by striking out the whole thereof, except the enacting clause, and to insert a substitute; which was read and agreed to, and being read the third time, Mr. Lindsay moved that the further consideration thereof be indefinitely postponed; which was agreed to.

And then the Senate adjourned until to-morrow morning, half past 9 o'clock.

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FRIDAY, JANUARY 13, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to incorporate the Yadkin and Neuse Manufacturing Companies; a bill to prevent the sale of spirituous liquors in less quantities than one gallon at public places in the counties therein named; and a bill to repeal a part of the third section of the militia laws of 1831, relative to general officers; in which they ask the concurrence of that House.

Mr. Dick, from the joint select committee on the Public Library, reported the following resolution, to wit:

*Resolved*, That the Secretary of State be required to collect the books belonging to the State, mentioned in the catalogue furnished by the former librarian, and preserve them for the use of the State.

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

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

the resolution instructing them to inquire into the expediency of taxing any estate in lands and tenements less than a freehold, made a report thereon, stating that it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject. Ordered that the committee be discharged accordingly.

Mr. Martin, of Rockingham, presented the following resolution, to wit: *Resolved*, That the Public Treasurer pay to each of the doorkeepers 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 to bring water and wood to the House during the present session; and that the rule of the House requiring resolutions to be read three times be dispensed with, so far as regards this resolution.

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

Mr. Wilson asked and obtained leave to withdraw from the files of the Senate the memorial and papers of Spier Whitaker, presented during the present session.

Mr. Guinn asked and obtained leave to withdraw from the files of the Senate the papers of Bynum W. Bell, presented at the present session.

On motion of Mr. Martin, of Rockingham, ordered that the committee of Claims be discharged from further services during this session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to extend the time within which the reports of the Supreme Court shall be published; a bill to alter the time of holding elections in the counties of Halifax and Northampton; a bill to establish the dividing line between Duplin and Wayne counties; a bill declaring valid all grants for land issued by this State where the owners have been chain carriers in surveying the same; a bill to regulate retailers of spirituous liquors; a bill to authorise a justice of the peace to take depositions in certain cases; a bill to amend an act, passed in the year 1812, entitled an act to amend the laws relative to the Supreme Court. Whereupon the said bills were severally read the first time and passed, except the bill to alter the time of holding elections in the counties of Halifax and Northampton; which was, on motion of Mr. Hawkins, ordered to be laid upon the table; and the bill declaring valid all grants for land issued by this State where the owners have been chain carriers in surveying the same; which was, on motion of Mr. Dick, ordered to be indefinitely postponed.

The engrossed bill to extend the time within which the reports of the Supreme Court shall be published was read the second time. Mr. Allen moved to amend the bill by adding the following as an additional section, to wit:

*“Be it further enacted*, That if the reporter fails to report all cases that shall have been decided, he shall be subject to a penalty of one hundred dollars for each and every such failure.”

Which amendment was agreed to, and the bill as amended was read the second time and passed.

The engrossed bill to regulate retailers of spirituous liquors was read the second time. Mr. Seawell moved to amend the bill by adding the following proviso at the end thereof, to wit: *“Provided*, That said fine shall in no case exceed ten dollars, nor the imprisonment thirty days;” which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The following engrossed bills, to wit: The bill to establish the dividing line between Duplin and Wayne counties; the bill to authorise a justice of the peace to take depositions in certain cases; and the bill to amend an act,

passed in the year 1812, entitled an act to amend the laws relative to the Supreme Court, were severally read the 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 resolution authorising the repairing of the Statue of Washington; in which they ask the concurrence of the Senate. Whereupon the said resolution was read the first time and passed, and being read the second time, Mr. Sherard moved that the further consideration of the said resolution be indefinitely postponed; which was not agreed to—ayes 18, noes 35. The ayes and noes being demanded by Mr. Sherard, are as follows, to wit:

Those who voted in the affirmative, are messrs. Britain, Hill, Hoover, Howell, Kerr, Kendall, M'Daniel, M'Farland, Martin of W., Moyer of G., Moyer of P., Parham, Ray, Sherard, Tyson, Underwood, Vanhook, Williams.

Those who voted in the negative, are messrs. Allen, Askew, Bateman, Bell, Caldwell, Campbell, Cooper of M., Cowper of G., Davenport, Dick, Dishongh, Dobson, Elliott, Guinn, Hawkins, Hoke, Lindsay, M'Entire, Marshall of C., Martin of R., Massey, Melchor, Miller, Mosely, Pool, Rencher, Rowland, Spaight, Seawell, Selby, Skinner, Sneed, Thomson, Wilson.

The question then recurring on the passage of the resolution the 2nd time, it was decided in the affirmative—ayes 29, noes 21. The ayes and noes being demanded by Mr. Brittain, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Askew, Bateman, Bell, Caldwell, Campbell, Cooper of M., Cowper of G., Davenport, Dick, Dobson, Elliott, Guinn, Hawkins, Hoke, Lindsay, Marshall of C., Martin of R., Melchor, Miller, Mosely, Pool, Rowland, Spaight, Seawell, Selby, Skinner, Sneed, Thomson, Wilson.

Those who voted in the negative, are Messrs. Allen, Brittain, Hill, Hoover, Howell, Kerr, Kendall, M'Daniel, M'Entire, M'Farland, Martin of W., Massey, Montgomery of O., Moyer of G., Moyer of P., Parham, Ray, Sherard, Tyson, Underwood, Vanhook.

And the resolution was thereupon read the third time and passed, and ordered to be enrolled.

On motion of Mr. Montgomery, of Orange, ordered that William W. Boddie, the Senator from the county of Nash, have leave of absence from the services of the Senate for the remainder of the session.

On motion of Mr. Sneed, ordered that John M. Dick, the Senator from the county of Guilford, have leave of absence from the services of the Senate, from and after this day, for the remainder of the session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution, in which they ask the concurrence of the Senate, to wit: A bill to create a fund for purchasing a Public Library for the State; a bill in aid of the North Carolina Central Rail Road, and Cape Fear and Yadkin Rail Road Company; a bill to aid in making the Tennessee River Road, in Macon county; a bill to exempt from execution growing crops, and to secure to debtors a certain portion of the same after they shall have been severed from the freehold; a bill to authorise the making of a turnpike from the top of the Smoky Mountain down the Oconalufly river, in Haywood county, and to incorporate a company for that purpose; and a resolution instructing the Public Treasurer. Whereupon the said bills were severally read the first time and passed, and the resolution was read and adopted, and ordered to be enrolled.

The engrossed bill to create a fund for purchasing a Public Library for the State was read the second time, and, on motion of Mr. Bell, ordered to be indefinitely postponed.

The engrossed bill in aid of the North Carolina Central Rail Road and



Cape Fear and Yadkin Rail Road Companies, was read the second time. Mr. Allen moved that the further consideration thereof be indefinitely postponed; which was not agreed to—ayes 21, noes 31. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative are messrs. Allen, Askew, Brittain, Hawkins, Hill, Hoke, Kendall, Lindsay, M'Entire, M'Farland, Melchor, Moyer of G., Moyer of P., Parham, Ray, Skinner, Tyson, Underwood, Vanhook, Williams, Wilson.

Those who voted in the negative, are messrs. Bateman, Bell, Caldwell, Campbell, Cooper of M., Cowper of G., Davenport, Dick, Dishongh, Dobson, Elliott, Guinn, Hoover, Howell, Kerr, M'Daniel, Marshall of C., Martin of W., Massey, Miller, Montgomery of O., Mosely, Pool, Rencher, Rowland, Spaight, Seawell, Selby, Sherard, Sneed, Thomson.

Mr. Cooper, of Martin, moved to amend the bill by striking out the word "Governor," wherever it occurs, and insert the word "corporation;" which amendment was not agreed to—ayes 22, noes 27. The ayes and noes being demanded by Mr. Cooper, of Martin, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Askew, Brittain, Bell, Cooper of M., Hawkins, Hoke, Howell, Kendall, Lindsay, M'Entire, M'Farland, Massey, Melchor, Parham, Ray, Selby, Skinner, Underwood, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Bateman, Caldwell, Cowper of G., Davenport, Dick, Dobson, Elliott, Guinn, Hoover, Kerr, M'Daniel, Marshall of C., Martin of W., Miller, Montgomery of O., Mosely, Moyer of G., Moyer of P., Pool, Rencher, Rowland, Spaight, Seawell, Sherard, Sneed, Thomson, Tyson.

The question then recurring on the passage of the bill the second time, it was decided in the affirmative—ayes 25, noes 25; the Speaker voting in the affirmative. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:

Those who voted in the affirmative, are messrs. Bateman, Caldwell, Campbell, Cowper of G., Davenport, Dick, Dobson, Elliott, Guinn, Hoover, Kerr, M'Daniel, Marshall of C., Martin of W., Miller, Montgomery of O., Mosely, Pool, Rencher, Rowland, Spaight, Seawell, Sherard, Sneed, Thomson.

Those who voted in the negative, are messrs. Allen, Askew, Brittain, Bell, Cooper of M., Hawkins, Hoke, Howell, Kendall, Lindsay, M'Entire, M'Farland, Massey, Melchor, Moyer of G., Moyer of P., Parham, Ray, Selby, Skinner, Tyson, Underwood, Vanhook, Williams, Wilson.

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

The engrossed bill to aid in making the Tennessee River Road, in Macon county, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to exempt from execution growing crops, and to secure to debtors a certain portion of the same, after they shall have been severed from the freehold, was read the second time, and, on motion of Mr. Montgomery, of Orange, ordered to be indefinitely postponed—ayes 26, noes 17. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative, are messrs. Bell, Cowper of G., Dobson, Elliott, Hoke, Hoover, Howell, Kerr, M'Farland, Massey, Melchor, Miller, Montgomery of O., Mosely, Moyer of P., Parham, Pool, Rencher, Rowland, Spaight, Selby, Sherard, Thomson, Tyson, Vanhook, Wilson.

Those who voted in the negative, are messrs. Allen, Askew, Caldwell, Cooper of M., Guinn, Hawkins, Kendall, M'Daniel, M'Entire, Marshall of C., Martin of W., Ray, Seawell, Skinner, Sneed, Underwood, Williams.

The engrossed bill to authorise the making of a turnpike road from the top of the Smoky Mountain down the Oconalufy river, in Haywood county, and to incorporate a company for that purpose, was read the second time and passed; and the engrossed bill to extend the time within which the re-

ports of the Supreme Court shall be published, was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed resolutions, to wit: a resolution concerning the Public Library; and a resolution in favor of the doorkeepers; in which they ask the concurrence of that House.

Received from the House of Commons sundry messages, stating their concurrence in the amendments made by the Senate to the following engrossed bills, to wit: the bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases; the bill to incorporate the Rowan Troopers; the bill to appoint commissioners to lay off a road from Neill Howard's mill, in Wilkes county, up Elk creek, to the Ashe county line; and the bill to prevent obstructions to the passage of fish up Neuse and Trent rivers. Ordered that the said bills be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to extend the provisions of an act, passed in the year 1828, entitled an act to establish a poor house in the county of Person, and the engrossed bill for the better regulation of the conduct of free negroes, slaves and free persons of color, with sundry amendments; in which they ask the concurrence of the Senate. Whereupon the said amendments were read and concurred in, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have postponed indefinitely the engrossed bill for the relief of the citizens of this State, and the engrossed resolution in favour of Levin Armwood.

Received also from the House of Commons the resignation of Tignall Jones, lieutenant colonel of the second Wake regiment, and the resignation of Warren Harris, a justice of the peace for the county of Halifax, endorsed in that House "read and accepted;" and which were read and accepted by the Senate.

And the Senate then adjourned until this afternoon, 4 o'clock.

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FRIDAY AFTERNOON, 4 O'CLOCK.

The engrossed bill to authorise the building of a toll bridge over Roanoke river at the town of Weldon, and to incorporate a company for that purpose, was read the third time. Mr. Matthews moved to amend the bill by striking out the last section; which amendment was agreed to, and a message sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Cowper, of Gates, ordered that a message be sent to the House of Commons, proposing that when the two Houses adjourn this evening, they adjourn to meet to-morrow morning at six o'clock.

Received from the House of Commons the resignations of Joseph Lorange and Daniel Conrad, of the county of Lincoln, and the resignation of Allen Richardson, of the county of Johnston, justices of the peace for their respective counties, endorsed in that House "read and accepted," and which were read and accepted by the Senate.

The engrossed resolution in favor of John Black, sheriff of Cumberland

county, was taken up, on motion of Mr. Caldwell, and read the first, second and third times and passed, and ordered to be enrolled.

The engrossed bill to alter the time of holding elections in the counties of Halifax and Northampton was taken up, on motion of Mr. Matthews, and read the first time, and, on motion of Mr. Lindsay, ordered to be indefinitely postponed.

The engrossed bill to alter the time of holding the Superior Courts for the county of Haywood was read the second time. Mr. Brittain moved to amend the bill by striking out the words "first Monday," in the seventh line of the bill, and to insert the words "second Tuesday;" which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed resolution in favor of the militia of Onslow county was read the first time, and, on motion of Mr. Lindsay, ordered to be indefinitely postponed—ayes 27, noes 21. The ayes and noes being demanded by Mr. Brittain, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Brittain, Bell, Cooper of M., Cowper of G., Davenport, Dobson, Elliott, Guinn, Hawkins, Hill, Hoke, Howell, Lindsay, Martin of W., Matthews, Massey, Melchor, Moyer of P., Parham, Seawell, Selby, Skinner, Tyson, Underwood, Vanhook, Williams, Wilson.

Those who voted in the negative, are Messrs. Allen, Bateman, Campbell, Dick, Dishongh, Gimore, Kerr, Kendall, M'Daniel, M'Farland, Marshall of C., Martin of R., Miller, Montgomery of O., Mosely, Moyer of G., Rowland, Spaight, Sherard, Sneed, Thomson.

Received from the House of Commons a message, proposing to ballot immediately for a colonel commandant of the lower regiment of Chatham county militia, and stating that John W. Bynum and Edwin Horton are in nomination for the appointment. On motion of Mr. Wilson, ordered that the message be laid upon the table.

Received from the House of Commons a message agreeing to the proposition of the Senate, that when the two Houses adjourn they adjourn to meet again on to-morrow morning, at six o'clock.

On motion of Mr. Dick, ordered that John Martin, the Senator from the county of Wilkes, have leave of absence from the services of the Senate, from and after this evening, for the remainder of the session.

The engrossed bill to amend an act, passed in 1819, entitled an act to create a fund for Internal Improvement, and to establish a board for the management thereof, was read the third time. Mr. Cooper, of Martin, moved that the said bill be indefinitely postponed; which was not agreed to. Mr. M'Farland moved to amend the bill by adding the following proviso at the end thereof, to wit: "Provided, That the compensation allowed to the agent to be appointed under this act, shall not exceed the sum of two hundred dollars per annum;" which amendment was agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill giving additional fees to registers in certain cases was read the second time. Mr. Bell moved that the bill be indefinitely postponed; which was not agreed to—ayes 14, noes 23. The ayes and noes being demanded Mr. Thomson, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Bell, Cooper of M., Hoke, Howell, Kendall, M'Farland, Martin of R., Massey, Montgomery of O., Parham, Seawell, Selby, Underwood, Wilson.

Those who voted in the negative, are Messrs. Campbell, Davenport, Dick, Dishongh,

Gilmore, Guion, Hawkins, Hill, Kerr, Lindsay, M'Daniel, Marshall of C., Martin of W., Melchor, Miller, Mosely, Rowland, Spaight, Sherard, Skinner, Sneed, Thomson, Vanhook.

The question then recurring on the passage of the bill the second time, it was decided in the affirmative, and the bill was thereupon read the third time and passed, and ordered to be engrossed.

On motion of Mr. Dick, ordered that a message be sent to the House of Commons, proposing to ballot immediately for an agent to take charge of the Internal Improvement affairs of the State, and stating that James Mebane is in nomination for the appointment. On motion of Mr. Skinner, the name of Tryam M'Farland was added to the nomination.

The engrossed bill to change the disposition of the money constituting the Agricultural Fund 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 have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to authorise the Superior and County Courts of this State to compel plaintiffs in certain cases to give security for the costs of suit; a bill amendatory of the act to authorise and point out the method how the road, commonly called the State Road, running through the county of Haywood, may hereafter be altered; and a bill to repeal in part an act, passed in the year 1830, regulating quarantine in this State. Whereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

And then the Senate adjourned until to-morrow morning, 6 o'clock.

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SATURDAY MORNING, 6 O'CLOCK, JANUARY 14, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill giving additional fees to registers in certain cases, in which they ask the concurrence of that House.

The engrossed resolution to provide for repairing and furnishing the Governor's House was 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 following engrossed resolutions, in which they ask the concurrence of the Senate, to wit: Resolution relating to the dredging machine; and a resolution in favor of Richard Roberts. Whereupon the first resolution was read and adopted, and ordered to be enrolled; and the last resolution was read the first, second and third times and passed, and ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to authorise the Governor to appoint commissioners to revise and digest the laws of this State as to administrators and executors, and the payment of debts of deceased persons; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time, and, on motion of Mr. Lindsay, ordered to be indefinitely postponed.

A message was also received from the House of Commons, stating that they have passed the engrossed bill to incorporate the Yadkin and Neuse Manufacturing Companies, with an amendment; in which they ask the concurrence of the Senate. Whereupon the amendment was read and agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have postponed indefinitely the following engrossed bills, to wit: The bill to prevent the sale of spirituous liquors in less quantities than one gallon at public places in the counties therein mentioned; and the bill to repeal a part of the third section of the militia laws of 1831, relative to general officers.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill supplemental to an act, passed in the year 1850, entitled an act to regulate the time of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson; a bill to authorise the County Court of Northampton county to lay a tax to defray the expenses of the militia called out during the late insurrection in Virginia; and a bill to alter the time of laying the county and poor taxes, and appointing constables in the county of Orange, and for other purposes. Whereupon the two first mentioned bills were read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned bill was read the first time, and, on motion of Mr. Lindsay, ordered to be indefinitely postponed.

The bill for the better regulation of the town of Pittsboro', in the county of Chatham, was read the second time, and, on motion of Mr. Skinner, ordered to be laid upon the table.

The engrossed bill to authorise the making of a Turnpike from the top of the Smoky Mountain down the Oconalufty river, in Haywood county, and to incorporate a company for that purpose, was read the third time and passed, and ordered to be enrolled.

Received from the House of Commons sundry messages, stating that they have passed the following engrossed bills and resolution, with amendments, in which they ask the concurrence of the Senate, to wit: The bill giving the power to regimental courts martial of laying off and altering the several captains' districts within their regiment; the bill to secure the more perfect administration of justice in certain cases; and the resolution to appoint an agent to collect evidence and attend to the surveying of the lands which are now the subject of a dispute, &c. Whereupon the said several amendments were read and concurred in, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating their concurrence in the amendments made by the Senate to the engrossed bill to authorise the building of a toll bridge over Roanoke river, at the town of Weldon, and to incorporate a company for that purpose; and the engrossed bill to alter the time of holding the Superior Courts for the county of Haywood. Ordered that the said bills be enrolled.

The engrossed bill to increase the liability of sheriffs and to provide more effectually for the collection of taxes, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill for the better regulation of the town of Hillsborough, was read the second time, and, on motion of Mr. Mosely, ordered to be laid upon the table.

Received from the House of Commons a message, stating that they do not concur in the amendments made by the Senate to the following engrossed bills and resolution, to wit: The bill to extend the time within which the reports of the Supreme Court shall be published; the bill to authorise and

empower the County Courts of Haywood to appoint commissioners to make alterations or to lay out new roads in said county; and the resolution in favour of James N. Forsythe's relatives. Whereupon the Senate receded from their said amendments, and the bills and resolution were ordered to be enrolled.

The bill to authorise citizens of this State to lease lands from the Cherokee Indians; and the bill to amend and explain an act, passed in the year 1828, entitled an act to erect that section of country commonly called the Cherokee purchase into a separate county, were read, the first bill the third time, and the last bill the second time, and, on motion of Mr. Guinn, ordered to be laid upon the table.

The bill authorising the Comptroller to allow Sheriffs for insolvents, was read the second and third times and passed, and ordered to be engrossed, and a message sent to the House of Commons, asking their concurrence.

Received from the House of Commons a message, stating their concurrence in the amendments made by the Senate to the following engrossed bills and resolution, to wit: The bill to regulate retailers of spirituous liquors; the bill for the better regulation of the town of Tarborough, in Edgecomb county; the bill to amend an act to create a fund for Internal Improvement, and to establish a board for the management thereof; and the resolution in favour of William T. Presswood. Ordered that the said bills and resolution be enrolled.

Received also from the House of Commons a message, stating that they do not concur in the amendment made by the Senate to the engrossed bill to provide for having the militia laws of this State digested, amended and published. Whereupon, on motion of Mr. Skinner, ordered that the said bill be laid upon the table.

The engrossed bill to authorise the County Courts of this State to appoint committees of Finance; and the engrossed bill to amend an act, passed in the year 1820, entitled an act to repeal an act passed in the year 1796, entitled an act to punish persons for removing debtors out of one county to another and out of the State, and for other purposes, were read the 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 incorporate the Tarborough and Hamilton Rail Road Company; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first time and passed; and being read the second time, Mr. Rowland moved that the further consideration thereof be indefinitely postponed; which was not agreed to—ayes 13, noes 28. The ayes and noes being demanded by Mr. Rowland, are as follows, to wit:

Those who voted in the affirmative, are Messrs. Allen, Brittain, Bell, Davenport, Guinn, Hill, M'Daniel, Melchor, Moye of G., Parham, Rowland, Selby, Sherard.

Those who voted in the negative, are Messrs. Bateman, Caldwell, Campbell, Cooper of M., Dishongh, Dobson, Elliott, Hawkins, Hoke, Hoover, Howell, Kerr, Kendall, Martin of R., Massey, Miller, Montgomery of O., Mosely, Moye of P., Pool, Ray, Rencher, Skinner, Sneed, Tyson, Underwood, Vanhook, Wilson.

The question then recurring on the passage of the bill the second time, it was decided in the affirmative. Whereupon the bill was read the third time. Mr. Wilson moved to amend the bill by inserting after the word "Hamilton," in the first section, the following words, to wit: "Hill's or Anthony's ferry, or any intermediate point;" which amendment was agreed

to. The question then recurring on the passage of the bill the third time as amended, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendment.

Mr. Campbell asked and obtained leave to withdraw from the files of the Senate the memorial of sundry citizens of the county of New Hanover, presented at the present session.

Mr. Seawell moved to reconsider the vote taken last evening on the engrossed resolution in favor of the militia of Onslow county; which was not agreed to.

Mr. Miller asked and obtained leave to withdraw from the files of the Senate the memorial, and accompanying papers, of the militia of Onslow county, presented at the present session.

Received from the House of Commons a message, proposing to ballot immediately for a superintendent of public works; which proposition was agreed to, and Messrs. Davenport and Hawkins were appointed to conduct the balloting on the part of the Senate. Whereupon a message was received from the House of Commons, stating that Messrs. Arrington and Rand are appointed to conduct the balloting on their part.

Received also from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill altering the laws in respect to the allotment of widows' dower.

The engrossed bill to extend to teachers and scholars of all the schools within this state the same privileges which are enjoyed by the students of the University, and all other seminaries of learning particularly established by law, was read the second time, and, on motion of Mr. Hawkins, ordered to be laid upon the table.

Received from the House of Commons a message, stating their concurrence in the amendment made by the Senate to the engrossed bill to incorporate the Tarborough and Hamilton Rail Road Company. Ordered that the said bill be enrolled.

On motion of Mr. Rencher, the Senate proceeded to consider the bill for the better regulation of the town of Pittsborough, in Chatham county; and the bill was read the second and third times and passed, and ordered to be engrossed, and a message sent to the House of Commons, asking their concurrence.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill authorising the Comptroller to allow sheriffs for insolvents.

Mr. Miller asked and obtained leave to withdraw from the files of the Senate the memorial, and accompanying papers, of sundry citizens of the county of Hertford, presented at the present session.

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

Received from the House of Commons a message, proposing another balloting for superintendent of public works; which proposition was agreed to, and Messrs. Dobson and Brittain were appointed to conduct the balloting on the part of the Senate; and, on motion of Mr. Hawkins, the name of Tryam M'Farland was withdrawn from the nomination, and the House of Commons was informed thereof by message. Whereupon a message was

received from that House, stating that Messrs. Cherry and Watson are appointed to conduct the balloting on their part.

Mr. Dobson, from the committee appointed to conduct the balloting for a superintendent of public works, reported that James Wyche, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill for the better regulation of the town of Pittsborough, in the county of Chatham.

Received from the House of Commons a message, informing the Senate that, having acted upon all the business before them, they are now ready to adjourn without day. Whereupon, on motion of Mr. Wilson, ordered that a message be sent to the House of Commons, informing that House that the Senate, having also acted upon all the business before them, are now ready to adjourn without day.

Whereupon, on motion of Mr. Martin, of Rockingham,

*Resolved unanimously,* That the thanks of this House are due to the honorable David F. Caldwell, Speaker thereof, for the able, dignified and impartial manner in which he has discharged the duties of the Chair, during the present session.

The Speaker thereupon made his acknowledgments to the Senate, and adjourned the same *sine die*.

D. F. CALDWELL, S. S.

By order.

SAML. F. PATTERSON,

*Clerk of the Senate.*



# JOURNAL OF THE HOUSE OF COMMONS.

At a General Assembly, begun and held in the City of Raleigh, on the third Monday of November, in the year of Lord one thousand eight hundred and thirty-one, and fifty-sixth year of the Independence of the United States of America, being the day appointed by law for the meeting of the General Assembly, the same being the first session thereof, the following members appeared, produced their credentials, were qualified according to law, and took their seats:

<i>Anson county</i> , William A. Morris.	<i>Montgomery</i> , George W. M'Cain, Pleasant M. Mask.
<i>Ashe</i> , James Calloway, Taliaferro Witcher.	<i>Moore</i> , William Wadsworth, Gideon Seawell.
<i>Beaufort</i> , Richard H. Bonner, David C. Freeman.	<i>Nash</i> , Joseph Arrington, George Boddie.
<i>Bertie</i> , Lewis Thompson, David Outlaw.	<i>New Hanover</i> , Wm. S. Larkins, William J. Wright.
<i>Bladen</i> , John J. M'Millan, Robert Lyon.	<i>Northampton</i> , Richard Crump, John M. Moody.
<i>Brunswick</i> , John P. Gause, Sam'l A. Laspoyre.	<i>Onslow</i> , John B. Thompson, George A. Thompson.
<i>Buncombe</i> , James Brevard, John Clayton.	<i>Orange</i> , James Mebane, Joseph Allison.
<i>Burke</i> , Alney Burgin, Francis P. Glass.	<i>Pasquotank</i> , Thomas Bell, John M. Skinner.
<i>Cabarrus</i> , Dan'l M. Barringer, Wm. M'Lean.	<i>Perquimans</i> , Joseph W. Townsend, Thomas Wilson.
<i>Camden</i> , Thomas Dozier, Abner H. Grandy.	<i>Person</i> , Benjamin Sumner, Thomas M'Gehee.
<i>Carteret</i> , <del>Wm. S. Larkins</del> .	<i>Pitt</i> , Henry Toole, Roderick Cherry.
<i>Caswell</i> , Littleton A. Gwyn, John T. Garland.	<i>Randolph</i> , Jonathan Worth, Alex'r Cunningham.
<i>Chatham</i> , Joseph J. Brooks, Hugh M'Queen.	<i>Richmond</i> , Walter F. Leak, Duncan M'Laurin.
<i>Chowan</i> , Joseph H. Skinner, William Jackson.	<i>Robeson</i> , William L. Miller, Alex'r Watson.
<i>Columbus</i> , Caleb Stepheas, Marmaduke Powell.	<i>Rockingham</i> , Wilson S. Hill, Benjamin Settle.
<i>Craven</i> , Abner Heartly, Willie M. Nelson.	<i>Rowan</i> , Thomas G. Polk, Richmond Pearson.
<i>Cumberland</i> , David M'Neil, John Barclay.	<i>Rutherford</i> , James M. Webb.
<i>Curry</i> , John B. Jones, Ben'ja T. Simmons.	<i>Sampson</i> , Arch'd C. Monk, Dickson Sloan.
<i>Davidson</i> , John A. Hogan, John W. Thomas.	<i>Stokes</i> , Joseph W. Winston, Leonard Ziglar.
<i>Duplin</i> , William Wright, Joseph Gillespie.	<i>Surry</i> , Daniel W. Courts, Mordecai Fleming.
<i>Edgecomb</i> , Redding Pittman, Hardy Flowers.	<i>Tyrrell</i> , Hezekiah G. Spruill, Charles M'Cleese.
<i>Franklin</i> , Gideon Glenn, James Davis.	<i>Wake</i> , William H. Haywood, Jun., Nat. G. Rand.
<i>Gates</i> , Whitnell Stallings, Lemuel Riddick.	<i>Warren</i> , John Bragg, Thomas J. Judkins.
<i>Granville</i> , Spencer O'Brien, James Wyche.	<i>Washington</i> , Watrus Beckwith, Uriah W. Swanner.
<i>Greene</i> , Arthur Speight, James Harper.	<i>Wayne</i> , John W. Sasser, John Broadhurst.
<i>Guilford</i> , Amos Weaver.	<i>Wilkes</i> , Eli Petty, William C. Emmett.
<i>Halifax</i> , Thomas Nicholson, John R. Daniel.	<i>Town of Salisbury</i> , Charles Fisher.
<i>Haywood</i> , Ninian Edmonston, John L. Smith.	<i>Hillsborough</i> , <del>John M. Skinner</del> .
<i>Hertford</i> , Elisha A. Chamblee, Godwin C. Moore.	<i>Halifax</i> , William L. Long.
<i>Hyde</i> , Thomas S. Singleton, Foster Jarvis.	<i>Edenton</i> , Samuel T. Sawyer.
<i>Iredell</i> , George F. Davidson, Joseph M. Bogle.	<i>Newbern</i> , <del>John M. Skinner</del> .
<i>Johnston</i> , Josiah Houlder, Ashley Sanders.	<i>Wilmington</i> , Daniel Sherwood.
<i>Jones</i> , Owen B. Cox.	<i>Fayetteville</i> , Louis D. Henry.
<i>Lenoir</i> , Council Wooten, A. W. Wooten.	
<i>Lincoln</i> , Miles W. Abernathy, Henry Cansler.	
<i>Macon</i> , Thomas Tatham, James Whitaker.	
<i>Martin</i> , Joseph Robinson, John Cloman.	
<i>Mecklenburg</i> , James Dougherty, John Hartt.	

A quorum of the whole number of members being present, Mr. Singleton moved that Charles Fisher, the member from the town of Salisbury, be appointed Speaker. Mr. A. W. Wooten moved that Samuel T. Sawyer, the member from the town of Edenton, be added to the nomination; and Mr. M'Millan moved that Louis D. Henry, the member representing the town of Fayetteville, be added also to the nomination. The House thereupon proceeded to ballot under the superintendance of Mr. Singleton and

Mr. M'Millan, who, upon counting out the ballots, reported that neither of the gentlemen in nomination had a majority of the whole number of votes, and that there was no election. Mr. Sawyer, in proper person, withdrew his name from the nomination, and the House proceeded again immediately to a second balloting, under the superintendence of the same gentlemen, when it was declared, upon counting out the ballots, that Charles Fisher had received a majority of the whole number of votes, and was duly elected. The House concurring in the report, Mr. Fisher was conducted to the Chair by Mr. Singleton, from which he made his acknowledgments to the House in an appropriate address.

On motion of Mr. Cherry, Charles Manly was unanimously appointed principal clerk.

The following persons were nominated as clerk assistant: Thomas G. Stone, John C. Stedman, Henry B. Elliott, Edmund B. Freeman, Isaac C. Patridge, George W. Haywood and William Williams.

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

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TUESDAY, NOVEMBER 22, 1831.

On motion of Mr. Cherry, the House proceeded to ballot for a clerk assistant, under the superintendence of Messrs. Cherry and Barringer.

Mr. Wyche moved that Richard Roberts be appointed principal doorkeeper; which was agreed to, and Messrs. Lumsden, Scarborough, Weathers, Cheek, Wilkinson, Cooper, Smith and Golding were nominated for the appointment of assistant doorkeeper. A balloting then took place under the superintendence of Messrs. Clayton and Rand.

On motion by Mr. Bragg,

*Resolved*, That a select committee be appointed to prepare rules for the government of this House; and that, until they report, the rules adopted at the last session be considered as in force.

Messrs. Bragg, Sawyer, Henry, Mebane, M'Lean, by appointment of the Speaker, compose said committee.

Mr. Barringer, from the committee appointed to superintend the balloting for a clerk assistant, reported that neither of the persons in nomination had received a majority of votes. The report was concurred in, and another balloting immediately had under the superintendence of the same committee.

Mr. Clayton, from the committee appointed to conduct the balloting for a doorkeeper, reported that no person had received a majority of the votes. The report was concurred in, and another balloting had immediately.

Mr. Cherry, from the balloting committee for an assistant clerk, reported that no one had received a majority of the votes.

A message from the Senate, informing of the organization of that House, and of the appointment of David F. Caldwell, Speaker; Samuel F. Patterson, principal clerk; William J. Cowan, clerk assistant; Thomas B. Wheeler, principal, and Green Hill, assistant doorkeeper; and of their readiness to proceed on public business.

On motion, the House again balloted for a clerk assistant, under the superintendence of Messrs. Webb and Larkins; the names of Messrs. Stedman and Elliott being withdrawn from the nomination.

Mr. Rand, from the balloting committee for a doorkeeper, reported that John Lumsden had received a majority of the votes and was duly elected. The report was concurred in.

Mr. Webb, from the committee of balloting for an assistant clerk, reported that there was no election. The names of Messrs. Haywood and Patridge were withdrawn from the nomination, and another balloting immediately had under the superintendence of Messrs. Cox and Glenn.

Mr. Cox, on behalf of said committee, reported that Edmund B. Freeman, of Halifax, had received a majority of the whole number of votes and was duly elected clerk assistant. The report was concurred in.

Mr. Heartly announced to the House the death of Charles G. Spaight, the member elect from the town of Newbern. Whereupon it was ordered that a writ issue to the sheriff of Craven county, commanding him to hold an election, at the usual place, on Monday, the 28th instant, for a member duly qualified to supply said vacancy.

On motion by Mr. Wyche, ordered that a message be sent to the Senate, informing them of the organization of this House, and of our readiness to co-operate with that body in the despatch of public business.

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

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WEDNESDAY, NOVEMBER 23, 1831.

On motion by Mr. Wilson, ordered that a message be sent to the Senate, proposing to raise a select joint committee, whose duty it shall be to wait upon his Excellency the Governor, inform him of the organization of both branches of the Legislature, and of their readiness to receive such communication as he may see fit to make. Said committee on the part of the Commons consists of Messrs. Wilson and Davidson.

James W. Howard, one of the members elect from the county of Jones, appeared, produced his credentials, was qualified, and took his seat.

Mr. Mebane offered the following resolution, which was read and agreed to:

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee whose duty it shall be to inquire whether the house in which the Legislature is now convened is within the limits of the city of Raleigh; and, if not, whether they can hold their sessions at any place without said limits, agreeably to the provisions of the constitution and laws of the State.

Messrs. Mebane, Haywood and Crump form said committee.

A message from the Senate, proposing that the two Houses ballot immediately for three engrossing clerks, and informing that Messrs. John W. Covington, John B. Muse, Daniel Coleman, Elisha B. Smith, Charles Mock, Thomas G. Stone and Henry B. Elliott are nominated for the appointment. The proposition was agreed to; and the Senate informed that Messrs. Bogle and M'Millan form the balloting committee on the part of this House. A message from the Senate, informing that Messrs. Davenport and Hill attend this House as a committee to conduct said balloting.

On motion by Mr. Glenn,

*Resolved*, That the Speaker of this House be requested to assign seats within the bar to one or more stenographers.

Allen Peoples, one of the members from the county of Guilford, appeared, produced his credentials, was qualified and took his seat.

A message from the Senate, concurring in the proposition of this House to appoint a select joint committee to wait upon his Excellency the Governor, and informing that Messrs. M'Farland and Boddie form said committee on behalf of the Senate.

A message from the Senate, agreeing to appoint a select joint committee

to inquire whether the house in which the Legislature is now convened be within the limits of the city of Raleigh, &c. &c. and informing that Messrs. Seawell, Toomer and Sneed form said committee.

Mr. Wilson, from the committee appointed to wait upon his excellency the Governor, reported that the committee had discharged their duty, and that he was authorised to say the Governor would at one o'clock this day make a communication in writing.

Mr. Bogle, from the committee appointed to conduct the balloting for three engrossing clerks, reported that Daniel Coleman and John W. Covington had received a majority of the whole number of votes and were duly elected, and that no other person had received such majority. The report was concurred in.

A message from the Senate, proposing that another balloting be had immediately for one engrossing clerk. The proposition was agreed to, and the Senate informed that Messrs. Clayton and Freeman form said committee on the part of this House. A message from the Senate, informing that Messrs. Bell and Montgomery, of Hertford, attend this House to conduct the balloting on their part.

On motion by Mr. Haywood, ordered that the Senate be informed that the name of Mr. Holding, of Wake county, is added to the nomination for engrossing clerk.

Mr. Clayton, from the committee appointed to conduct the balloting for an engrossing clerk, reported that no person had received a majority of the votes.

Mr. Bragg, from the committee appointed to prepare rules of order for the government of the House the present session, reported the following, which were read and adopted:

1. The Speaker shall take the Chair every day, at the hour to which the House shall have adjourned, and shall immediately call the members to order; and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read. He shall preserve order and decorum, and questions of order shall be decided by the Speaker without debate, subject to an appeal to the House by any member: in which case the Speaker may deliver his opinion in preference to any other member. Should there be any disturbance or disorderly conduct in the Lobby, the Speaker, or Chairman of the committee of the Whole, as the case may be, shall be empowered to have the same cleared. On putting a question, the Speaker shall rise; but he may state it sitting. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye:" and after the affirmative voice is expressed, "Those of the contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, he shall name two members, one from each side, who shall tell the members in the affirmative, and report their number; after which they shall tell the members in the negative, and report their number; upon which the Speaker shall rise and state the decision to the House.

2. That no question on resignations shall be required to be put to the House by the Speaker, unless on motion.

3. In all cases of ballot by the House, the Speaker shall vote. In other cases he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

4. 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.

5. If any member, in speaking or otherwise, shall transgress the rules of the House, the Speaker shall, or any other member may, call him to order; in which case, the member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact, or to explain; and the House shall, if appealed to, decide on the case. 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 two or more members rise at the same time, the Speaker shall name the member to speak.

7. No member shall speak more than twice on the same question, without leave of the House.
8. Whilst the Speaker is putting any question, or addressing the House, no person shall speak, or walk out or across the House; nor, when a member is speaking, entertain private discourse, or pass between him and the Chair.
9. No member shall vote on any question, unless within the bar of the House when the same was stated; and the railing on the right of the Speaker's Chair shall be considered the bar of the House.
10. 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.
11. 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.
12. When a motion is made and seconded, it shall be stated by the Speaker; or, if written, it shall be handed to the Chair, and read by the clerk before debated.
13. Every motion shall be reduced to writing, if the Speaker or any two members desire it.
14. 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.
15. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to commit or amend: which several motions shall have precedence in the order they stand arranged.
16. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.
17. 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 may verbally be made by the introducer, and to be subject to the further order of the House; and no bill, petition, memorial, resolution or other papers, that may be addressed to the House, shall be taken out of the possession of the House, or sent to the other House, until the time shall have elapsed for reconsideration.
18. Any member may call for a division of the question, when the same will admit of it, which shall be determined by the Speaker.
19. A motion for postponement or commitment, until it is decided, shall preclude all amendments of the main question.
20. Every bill shall be introduced by a motion for leave or by an order of the House.
21. Every bill shall receive three several readings in the House previous to its passage; but no public bill shall be twice read on the same day, unless otherwise ordered by two-thirds of the members present.
22. No member shall, on motion, be at liberty to withdraw a public bill for amendment; but, on motion, it may be committed for that purpose: and every public bill, on motion made and seconded upon its second reading, shall be referred to a committee of the whole House, if the House so order.
23. A bill once rejected, another on the same subject shall not be brought in again this session; but when a question has been determined, either in the affirmative or negative, it shall be in order once only for any member in the majority to move the reconsideration thereof; provided it be done on the same or succeeding day.
24. 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.
25. The unfinished business in which the House was last engaged at the time of their adjournment, shall have the preference in the order of the day; and no motion or other business shall be received without leave of the House.
26. The Speaker shall direct and arrange the orders of the day, unless the House shall otherwise order.
27. No member shall be called upon for words of heat spoken in the House, but on the day on which they were spoken; and decency of speech shall be observed, and personal reflections carefully avoided.
28. Any twenty members (including the Speaker) shall be authorised to compel the attendance of absent members.
29. 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.
30. 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.
31. In the nomination of committees, no member shall nominate more than one person to be of a committee.
32. Select committees shall consist of five members; and it shall be the duty of the Speaker to name the members who shall compose the committee, except otherwise ordered by the House. It shall be the duty of the first person named to cause the members of the committee to convene when necessary; and when so convened, they shall appoint some one of their number Chairman.

33. In forming the committee of the whole House, the Speaker shall appoint a Chairman, and leave the Chair.

34. The rules of proceeding in the House shall be observed in the committee of the whole, so far as they are applicable, except in limiting the times of speaking.

35. Whenever the Speaker, from fatigue or other causes, shall have occasion to leave the Chair, he shall name a member who shall discharge the duty thereof during his retirement.

36. The Clerk of the House shall be deemed to continue in office until another is appointed.

37. No standing rule or order shall be rescinded, altered or suspended without one day's notice given of the motion thereof; and to sustain such motion two-thirds of the House shall be required.

38. 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.

39. Six standing committees, two members from each Congressional district, shall be appointed at the commencement of the session, to wit: a committee of Claims, a committee of Propositions and Grievances, a committee of Education, a committee of Agriculture, a committee of Internal Improvement, and a committee of Privileges and Elections.

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. 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 be first read for information, and afterwards paragraph by paragraph, and held open for amendment.

42. In all cases of nominations to this House, they shall be briefly made, unaccompanied with any comment by the members making the same, or any others, unless on leave first obtained of the House.

43. If any member shall be necessarily absent on a balloting committee, or attending to any other temporary business of the House, when the vote is taken upon any question, on entering the House he shall be permitted, upon motion, to have his vote recorded.

Ordered that the foregoing Rules be printed, in connexion with the Constitution of the United States, the Constitution and Bill of Rights of this State, the Rules of the Senate and the Joint Rules for the government of the two Houses.

Received from his Excellency the Governor, by his private secretary Mr. Muse, the following communication:

*To the Honorable the General Assembly of the State of North Carolina:*

GENTLEMEN,—Among the distinguished blessings derived from the establishment of the independence of our country, may justly be enumerated the free election and constitutional meeting of the Representatives of the people. Selected from every section of the State, accurately acquainted with the occurrences which have taken place in their respective districts, familiar with the condition of their constituents, and coming to the seat of government clothed with ample powers to remedy the grievances under which the people labor, they present one of the most cheering and interesting characters of our peculiar form of government. Assembling under such circumstances, when we are assured that crops of all kind have been abundant, and that the means of subsistence and comfort are thereby secured to every citizen of the State, and when the ordinary share of health crowns our enjoyments, we have abundant reason to be thankful to the Almighty Ruler of the Universe for these inestimable blessings, and to pray that they may be continued to us and perpetuated to our children.

The satisfaction which I should have felt on meeting with the Legislature at this time, is somewhat abated by the accident that caused the destruction of the State House, which had been repaired in a faithful and masterly manner, and nearly completed, under the provisions of the act of the last session. By this casualty the State has been deprived of the convenient halls provided for the accommodation of the Legislative body, together with the adjoining offices and the public Library. The fine marble statue of Washington, by Canova, has also been much mutilated, and a considerable portion of the ornaments and furniture of the building has been de-

stroyed. The injury to the Statue is to be regretted, as it was the work of an artist of great celebrity, now no more: But the memory of Washington, the father of his country, will live in the hearts and recollections of all who love liberty, in every part of the globe, and needs no artificial monument to revive or to perpetuate the glory of his achievements.

With respect to the loss of the building itself, it is my opinion, fortified by that of better judges, that, under all circumstances, it is not to be considered as a public calamity. Such were the defects in the construction of the old walls, erected in 1794, that it is very probable that a part of the building would have fallen in a few years, and perhaps caused the death of many of the assembled Representatives.

Immediately after the destruction of the State House, the congregation of the Presbyterian Church in this city, with a public spirit which reflects great credit upon their liberality, tendered the use of their meeting house for the accommodation of the House of Commons, and their session room for the Senate. Without determining positively in this case, but leaving the members to decide hereafter for themselves, I have considered it my duty, under existing circumstances, to make a temporary preparation, and to tender the Government House to the Legislature, which, being the property of the State, may probably be so altered as to answer the purpose of holding their session, until an appropriation shall be made, and a suitable building erected. In this arrangement, my only object has been to provide for your comfort during the session. I have totally disregarded my own convenience, in order that, by tendering the Government House, I might be enabled to accommodate the Legislature in the best possible manner the nature of the case will admit.

In relation to our internal concerns, I have to observe, that it would be impossible to conceal from the world, and needless to disguise from ourselves, the fact, that a certain class of the population of the State have become more discontented and ungovernable than heretofore. Fanatics of their own complexion, and other incendiaries, have fomented these discontents, and have incited them, in many instances, to enter into conspiracies dangerous to the peace and safety of the country. To guard against these evils, which in all probability will continue, the utmost caution and prudence are necessary. Restrictive laws have been enacted without producing the desired effect; and the crimes committed in a late insurrection in an adjoining State, would seem to require further and early attention to this subject. Instead of multiplying severe and sanguinary laws to operate upon those who know little, and care less, about them, would it not be advisable to establish a more efficient and accountable police, and to arm and equip one or more companies of volunteers or detached militia, in each county, to be called out when required, and to be paid while in actual service? It is believed that such a force, in aid of the civil authority, would effectually secure the peace of the country; and the public arms belonging to the State could not be placed in safer hands. These State troops might be enrolled for one or more years, be held responsible for the arms and ammunition furnished, and not be suffered to abandon the service during the term of their engagement.

Among the subjects requiring your notice and attention, is the law appropriating funds for Internal Improvements, and the situation of those funds. The act of 1819, relative to that subject, is still in force, and it directs that

“the fund for Internal Improvements shall be subject to the order of the President and Directors of the Board, and shall be paid out by the Treasurer of the State to the order of the Board, certified and subscribed by the Secretary and countersigned by the President.” The last General Assembly having failed to elect a Board for Internal Improvements, there is no authority for drawing out any part of the fund. The payment of the subscription on behalf of the State to the Cape Fear Navigation Company, the Catawba Navigation Company, and some others, has been demanded. The instalments on these subscriptions have heretofore been paid from this fund, but as there was no authority for disbursing the money, I have refused to grant warrants for the sums so due. These subscriptions, however, are debts voluntarily contracted by the State, and their payment should be provided for.

Another subject demanding your attention is the situation of the funds of the State, invested in the Banks. The time is near at hand when the charters of the several Banks in this State will expire. The stock held by the State in the State Bank of North Carolina, has, for some time past, only yielded an interest of four per cent. per annum; the stock held by the State in the Bank of Cape Fear has, for the last two years, yielded an interest of only three per cent. per annum; whilst the stock held by the State in the Newbern Bank has not, for nearly three years, yielded any interest. The period will shortly arrive when all these Banks are authorised by law to make a division of part of their capital stock. The funds vested by the State in these Banks amount to seven hundred and twelve thousand seven hundred dollars, (\$712,700.) This amount of stock, at the common interest of six per cent., ought to produce forty-two thousand six hundred and seventy-two dollars (\$42,672) annually; whereas, in fact, it produces only eighteen thousand five hundred and sixty-two dollars, (\$18,562,) not equal to three per cent.

The Treasurer's Report, which will be laid before you, will show that owing to the large amount of Treasury notes redeemed this year, the taxes collected will fall short of meeting the current expenses of the Government.

Under these circumstances, would it not be advisable to provide for the establishment of a new Bank, in which the funds of the State may be invested, under such regulations as to your wisdom and experience shall be deemed safe and proper? Or shall the State rely, for the accommodation of its citizens and for a circulating currency, upon that portion of the capital of the United States' Bank which has already, or may hereafter be allotted to their office of discount in North Carolina?

I would willingly bring to your notice the important object of opening a navigable communication between the waters of the Albemarle Sound and the Atlantic Ocean, north of Cape Hatteras, and would recommend the application of all the means in your power towards its accomplishment; but believing that, without the aid of the General Government, the resources of the State are inadequate to the undertaking at this time, and the last General Assembly having urged upon our members of Congress the propriety of claiming that aid, we must console ourselves with the hope that this great national work will receive the sanction and support of the National Legislature. Having bestowed such immense sums towards the construction of roads and canals in other States, it is believed that this desirable object, so essential to the interests of North Carolina and of the Union, will not long be overlooked or neglected.



The Literary Fund will claim and receive your favorable attention. The Report of the Public Treasurer will afford you precise information with regard to the amount of cash in his hands, and the situation of that portion of the fund which is not available. It is probably known to all of you that the Trustees of the University did not accept the loan offered them by the last Legislature from this source, so that the whole remains subject to future legislative disposition. The most important item of property transferred by the Legislature to the corporation to whose management the Literary Fund has been committed, are the swamp lands belonging to the State. These lands are believed by many intelligent individuals to be of immense value, and their improvement to be an object second only in importance to the opening and improvement of Roanoke Inlet. It is unnecessary, I am certain, to dwell upon the advantages which would result from the former. They are apparent to all. To convert a dreary waste of waters and marshes into a habitable and fertile region, to insure the means of sustenance and comfort for an immensely increased population, and to give health to a section of country which needs no other blessing, are the certain rewards of a successful attempt at improvement. To your wisdom it is submitted, whether such advantages, which, if attained, do not end with themselves, but tend to the enlargement of a fund which may justly be regarded as the orphan's legacy, will not justify, and does not demand a full and early experiment to test the practicability of the measure.

To provide for the improvement of the State, and for the convenience and prosperity of its citizens, by the construction of roads and canals and the opening of rivers, by all practical means, is so obviously the duty of the representatives of the people, and has been so often noticed by my predecessors in office, that I deem it unnecessary to make any further and special recommendation on that subject; and I am pleased to see that individual enterprize is taking that direction, which, I have no doubt, will be properly encouraged.

It is to me a source of much gratification to have observed, and to have it in my power to state, that the excitement which seems to pervade a sister State, upon the subject of the Tariff, has effected little change in the opinions of the citizens of North Carolina. With regard to the policy of that measure, there is, so far as my information extends, a perfect union of sentiment. All deprecate it, as unequal in its operation, and destructive of the interests of the southern planter. The period, however, has not yet arrived, which, in the judgment of this community, authorises the adoption of doctrines, subversive in their nature of all order, and manifestly tending to weaken, if not destroy, our whole system of government. This State is justly proud of having given the first legislative sanction to the spirit of the Revolution. The same love of rational liberty which prompted this high example, induced our revolutionary statesmen to consider attentively and anxiously the form of government proposed for their adoption. Satisfied, after full investigation by successive conventions, that no powers were delegated but such as were essential to the existence and preservation of the Union, it is no matter of surprise that they and their children should support and defend the compact, and neither seek nor desire a remedy beyond it. A new Congress is about to assemble. The same spirit of compromise which adopted the Constitution, must preserve it, or the question whether man is worthy and capable of self-government, remains yet to be

solved. The patriotism of the country looks with confidence to the councils of the nation for a wise and liberal system of policy, and will not hastily arrive at the conclusion that the perils of the Revolution were fruitless and vain.

A resolution of the last General Assembly directed the Governor to "cause to be published in pamphlet form a Report relative to the Declaration of Independence by a Committee of Mecklenburg county, with the documents accompanying the same; and also the Journal of the Provincial Assembly of 1776; together with the Proceedings of the Cumberland Association." This publication has been made in a manner that, I trust, will meet with the approbation of the Legislature; and the copies have been distributed in the manner directed.

The agency for adjusting and settling the claim of North Carolina upon the General Government, for expenditures made during the late war in defence of the country, was discontinued by a resolution of the last General Assembly, and our Senators in Congress instructed to urge the speedy payment of the said claim. As this is a matter of considerable importance to the State, I addressed a letter to the Secretary of War, requesting information on the subject, and have received his assurance that the business shall be duly attended to.

I have received from the State of New York an elegant map of that State, accompanied by a splendid atlas, descriptive of each county. Several of my predecessors in office having recommended a suitable return for similar friendly donations, I have only to add, that a map of North Carolina being nearly completed, an opportunity will be afforded for this State to cancel these obligations in the manner they deserve.

Since the adjournment of the last Assembly, I have received communications from the Governors of several States, with a request that they should be submitted for your consideration. Those from Maine relate to the North Eastern boundary of the United States; to the Tariff of 1828; and the power of the General Government to make appropriations for internal improvements. Those from Vermont relate to an amendment of the Constitution of the United States, proposed by other States. Those from New Hampshire relate to the organization of the militia. Those from Massachusetts, relate to the organization of the militia, and to the proceedings of the government of Georgia. Those from Connecticut relate to an amendment of the Constitution of the United States, proposed by other States; to the power of the General Government to make appropriations in aid of the Colonization Society; and to the judicial power of the United States. Those from Ohio relate to the power of the General Government to make appropriations in aid of the Colonization Society. Those from Delaware relate to the public lands of the United States; to the surviving officers and soldiers of the Revolution; to the Tariff and Internal Improvements; and to the nomination of a President of the United States. These several communications will be found, with their appropriate endorsements, in a file now laid before you, marked A.

The resignations of justices of the peace and militia officers, received during the recess of the Legislature, are also laid before you, and will be found in the file marked B.

The file marked C, contains two incendiary publications, received through the medium of the post office.

Believing that this Assembly will have much to do in providing for the security of the people; in providing for its own future accommodation; and for the establishment of a new Bank, or so directing the application of banking capital, as to secure a sound circulating currency; and in preventing the injury to individuals, which must otherwise follow, when the charters of the present banks shall expire, these being primary objects for the consideration of the Legislature, I have declined making recommendations, which I had contemplated, relative to the situation of the University and the establishment of common schools, and to the condition of that portion of the Cherokee nation of Indians, that remain within the limits of North Carolina. I am unwilling, however, to close this communication without adverting to the administration of the General Government of the United States, and congratulating you upon the prosperous condition of our national concerns. Our foreign negotiations have been fortunate and successful beyond all former example—our differences with other Powers have been settled—our commerce is uninterrupted—our flag respected—our commercial intercourse with the West Indies restored—new sources are opened for mercantile enterprise; and large sums of money secured, or received from foreign nations, as indemnification to our merchants for property unlawfully seized. Many of the Indian tribes are peaceably removing to places, whence they cannot annoy us, and will not themselves be injured or interrupted. We are at peace with the world, and our national debt nearly paid off. Secure in such inestimable advantages, I would ask, for what purpose are we urged to change an administration, that has been so beneficially employed for our common welfare? Of what consequence is it to the people of the United States, that some of the subordinate officers of government have been dismissed by General Jackson, provided the duties required are faithfully performed by their successors? Then let us not rashly aid in the attempt to disturb this prosperous condition of our affairs, by endeavoring to place them in untried hands.

I have the honor to be, gentlemen,

Your obedient servant,

*Executive Office, N. C.* }

MONTFORT STOKES.

*November 22d, 1831.* }

The foregoing message was, on motion by Mr. Barringer, ordered to be sent to the Senate, with a proposition that it be printed, one copy for each member of the Legislature.

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

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THURSDAY, NOVEMBER 24, 1831.

On motion by Mr. Cherry, ordered that a message be sent to the Senate, proposing another balloting immediately for one engrossing clerk yet to be elected.

Mr. Wyche moved that the 39th rule of order for the government of the House be so amended that "three members from each of the judicial circuits shall be appointed on each of the six standing committees;" which was lost, and, on motion by Mr. Mebane, the said rule was amended by striking out the word "two," in the first line, and inserting "one."

The Speaker laid before the House the annual report of the Public Treasurer; which, on motion of Mr. Barringer, was ordered to be sent to the Senate, with a proposition that it be printed, one copy for each member of the General Assembly.

A message from the Senate, agreeing to the proposition of this House to ballot immediately for an engrossing clerk, and informing that Messrs. Moye, of Greene, and Simmons are appointed their superintendents; and informing further that the name of Charles Mock is withdrawn from the nomination. On motion, ordered that the Senate be informed that Messrs. Harper and Abernathy attend the Senate as the superintendents on the part of this House.

Mr. Mebane with leave presented a bill to extend to teachers and scholars of all schools within this State, the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law. The said bill was read the first time and passed.

Mr. Harper, from the committee appointed to conduct the balloting for one engrossing clerk, reported neither of the persons in nomination had received a majority of the votes. The report was concurred in.

A message from the Senate, proposing another balloting for an engrossing clerk, and informing that the names of Henry B. Elliott and Elisha B. Smith are withdrawn from the nomination. The proposition was agreed to, and the Senate informed that Messrs. Emmett and Flowers attend the Senate as a committee of superintendence on the part of this House. A message from the Senate, informing that Messrs. Lindsay and Parham form said committee on the part of the Senate.

A message from the Senate, agreeing to print the message of his Excellency the Governor and the annual report of the Public Treasurer, as proposed by this House.

Mr. Emmett, from the balloting committee for an engrossing clerk, reported that Thomas G. Stone had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Haywood with leave presented a bill to protect honest debtors from imprisonment for debt; which was read the first time and passed, and, on motion by Mr. O'Brien, ordered to be printed.

Mr. Polk presented the following resolutions:

*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, on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications.

*Resolved*, That so much of said message as relates to the subject of Internal Improvements and the manner of drawing out any part of the fund for Internal Improvement, be referred to the committee on that subject.

That so much of said message as relates to banks, the circulating medium, and the proper disposition and investment of the funds of the State in bank stock, be referred to a select joint committee of five on the part of each House.

That so much thereof as relates to the Literary Fund, be referred to the committee on Education; and that so much thereof as relates to the communications from the Governors of sundry States, on the subject of the powers of the General Government in relation to the Tariff and Internal Improvement, be referred to a joint select committee; and that said committees have leave to report by bill or otherwise.

These resolutions were, on motion by Mr. Sawyer, ordered to lay on the table.

The House proceeded, on motion of Mr. Long, under the rules of order to the appointment of the following standing committees, viz.

*A committee of Claims*, consisting of Messrs. J. B. Jones, Daniel, Nelson, Sherwood, O'Brien, Bonner, Haywood, Leak, Settle, Hogan, Hart, Clayton, Davidson.

*Propositions and Grievances*, Messrs. Townsend, Outlaw, Toole, Cox, M'Millan, Bragg, Bogle, M'Cain, M'Gehee, Hill, Polk, Cansler, Webb.

*Education*, Messrs. Sawyer, Thompson, Freeman, Sanders, Monk, Glenn, Courts, Miller, Sumner, Gwyn, M'Queen, M'Lean, Burgin.

*Agriculture*, Messrs. J. H. Skinner, Nicholson, Flowers, Howard, J. B. Thompson, Boddie, Petty, Seawell, Rand, Garland, Thomas, Abernathy, Brevard.

*Internal Improvement*, Messrs. Moore, Long, Pitman, Sasser, Gause, Judkins, Fleming, Henry, Mebane, Weaver, Worth, Barringer, Whitaker.

*Privileges and Elections*, Messrs. Riddick, Crump, Beekwith, Speight, Wright, Davis, Calloway, Morris, Allison, Ziglar, Brooks, Doherty and Edmonston.

The certificates of the County Court of Warren, in favor of Elizabeth Harris, widow of Burwell Harris, a revolutionary soldier, allowing her a pension of ninety dollars, was received from the Senate countersigned by the Speaker. On motion, ordered that it be countersigned also by the Speaker of this House, and returned to the Senate.

The certificate of the County Court of Cumberland, in favor of Sherwood Fort, allowing him a pension of fifty dollars, received from the Senate countersigned by the Speaker, was also ordered to be countersigned by the Speaker of this House, and returned to the Senate.

Mr. Henry presented the certificate of the County Court of Cumberland, in favor of Izabella Campbell, allowing her a pension of forty dollars; which, on his motion, was ordered to be countersigned by the Speaker of the Commons, and transmitted to the Senate.

Received from the Senate the following resignations, viz. The resignation of Lewis Parham, as col. com'dt of the south regiment of Granville county militia; of Nathan Smith, as lieut. col. of the Macon regiment of militia; of Peter H. Dillard, as col. com'dt of the Rockingham regiment of militia; which were read and accepted.

The resignations of John M'Murray, major of the Macon regiment of militia, and of Wm. Paxton, as a justice of the peace of the county of Buncombe, were presented, read and accepted.

The resignation of Aaron Pinson, as col. com'dt of the Macon regiment of militia, was presented, read and accepted.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 25, 1831.

Mr. Polk moved that the resolutions by him submitted on yesterday be now taken up and considered. The same were accordingly read & adopted.

Mr. Weaver presented the following resolution:

*Resolved*, That a select committee be appointed to whom shall be referred so much of the documents referred to by his Excellency the Governor as relates to the colonization society.

The resolution was read, and, on Mr. Sawyer's motion, postponed indefinitely.

On motion by Mr. Arrington,

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee, consisting of five members from each House, on so much of the Governor's message as relates to the militia and the better defence of the State.

On motion by Mr. Wyche,

*Resolved*, That the committee of Finance be authorised and instructed to burn such Treasury notes as are now in the office of the Public Treasurer, and report the amount to this Legislature.

A message from the Senate, informing that they had passed the engrossed bill to incorporate Harvey's Neck Academy in the county of Perquimons, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Cherry with leave presented a bill to prohibit the justices of the County Court of Pleas and Quarter Sessions for the county of Pitt from

allowing extra service money to county officers; which was read the first time and passed.

The resignations of William Cherry, as major of the Pitt regiment of militia; of James Davis, of Lenoir county; of T. Terrill, of Nash county; of Kenneth M'Lennan, of Montgomery county, justices of the peace, received from the Senate, were read and accepted.

The resignations of James Watt, as lieut. col. of the first regiment of Rockingham militia; of John Burgin, of Burke county; and of Francis Morrison, of said county, justices of the peace, were presented, read and accepted.

Mr. Pearson with leave presented a bill to provide for the collection of debts where there is no visible property; which was read the first time and passed.

Mr. A. W. Wooten presented the following resolution, which was read and adopted:

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee to inquire whether any amendments are necessary to be made relative to the laws on the subject of roads.

Mr. Cherry offered the following resolution:

*Resolved*, That no private bill be introduced into this House after the 15th day of December next.

This resolution was, on motion of Mr. Outlaw, postponed indefinitely.

The bill to provide for the collection of debts where there is no visible property, was, on Mr. Long's motion, ordered to be printed.

The engrossed bill to incorporate Harvey's Neck Academy in the county of Perquimons, was read the second and third times, passed, and ordered to be enrolled.

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

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SATURDAY, NOVEMBER 26, 1831.

On motion by Mr. Clayton, ordered that a message be sent to the Senate, proposing that the two front rooms on the second floor of the Government House be assigned to the engrossing clerks during the present session of the Legislature.

The following gentlemen were appointed to compose the Judiciary committee: Messrs. Henry, Sawyer, O'Brien, Bragg, Haywood, Sumner, Daniel, Pearson and Barringer.

The following to compose the committee of Finance: Messrs. Wyche, Arrington, Singleton, Townsend, Leak, Laspeyre, Webb, Courts.

The following to compose the committee on Military Affairs: Messrs. Arrington, Polk, Nelson, Burgin and Allison.

Mr. Bragg with leave presented a bill to authorise the filing of petitions in vacation to hold defendants in petitions to bail, and authorise the County Courts to issue process to several counties at the same time. The said bill was read the first time and passed, and, on motion of Mr. Bragg, referred to the Judiciary committee.

Mr. Sawyer with leave presented a bill to incorporate a light infantry company in the town of Edenton; which was read the first time and passed.

A message from the Senate, proposing that a joint select committee, consisting of five members on the part of each House, be raised on so much of the Governor's message as relates to a communication from the waters of the Albemarle Sound to the Ocean; and informing that Messrs. Montgo-

inery, of Hertford, Bell, Bateman, Skinner and Lindsay form said committee on the part of the Senate. The proposition was concurred in, and the Senate informed that Messrs. Beckwith, Toole, Settle, Lewis Thompson and J. F. Jones form the committee on the part of this House.

Mr. Haywood with leave presented a bill to limit the time within which actions may be brought against bail; Mr. Sumner a bill to provide for the collection of costs in certain cases; Mr. Allison a bill to repeal part of an act, passed in the year 1806, chapter 708, entitled an act to revise the militia laws of this State relative to the infantry; Mr. Cox a bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside; Mr. Petty a bill to appoint commissioners to lay off a road from Neill Howard's mills, in Wilkes county, up Elk creek, to Ashe county line; and Mr. Emmett a bill to incorporate the Wilkes County Volunteer Artillery. These bills were severally read the first time and passed.

Mr. Peeples with leave presented a bill to re-enact a part of the first section of an act, passed in the year 1787, chapter 11th, entitled an act for hiring out persons convicted on indictment or presentment, not being able or willing to pay the fees of office and jailor's fees; which was read the first time and passed, and, on motion of Mr. Polk, referred to the committee on the Judiciary.

The certificate of the County Court of Cumberland, in favor of Izabella Campbell, a pensioner of the State, was received from the Senate countersigned by the Speaker of that body.

On motion by Mr. Cherry,

*Resolved*, That the Speaker be authorised to appropriate suitable seats for the accommodation of such ladies as may honor the House of Commons by their attendance.

The resignation of Etheldred Bozman, of Brunswick county, and of Thomas Gunn, of Caswell county, justices of the peace, were presented, read and accepted.

Mr. Sawyer with leave presented a bill to insure the fair valuation of lands in this State, when the same shall be given in for taxation; which was read the first time and passed, and, on motion by Mr. Outlaw, referred to the committee on the Judiciary, and, on motion of Mr. Freeman, ordered to be printed. The order of reference of the foregoing bill was, on Mr. Sawyer's motion, reconsidered; and, on motion of Mr. Bragg, it was ordered that a message be sent to the Senate, proposing that said bill be referred to a select joint committee, on the part of each House, consisting of one member from each Congressional district.

A message from the Senate, agreeing to the several propositions of reference contained in the message of this House on the 25th instant, and informing that Messrs. Seawell, Spaight, Moye, of Greene, Rencher and M'Entire compose the committee on the part of the Senate on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications; that Messrs. Toomer, Martin, of R., Marshall, of A., Thomson and Boddie compose the committee on so much thereof as relates to banks and the circulating medium, and the proper disposition and investment of the funds of the State in bank stock; and that Messrs. Mosely, Dick, Martin, of Wilkes, Kerr and Gilmore form their committee on so much thereof as relates to the communications of the Governors of several States on the subject of the powers of the General Government in relation to the Tariff and Internal Improvement. The committee on the part of this

House on the first mentioned subject, consist of Messrs. Cox, Sherwood, Peeples, Gwyn and Bell. On the second, Messrs. Mebane, Garland, M'Laurin, Emmet, Freeman. On the third, Messrs. Outlaw, M'Queen, Hogan, Long and Weaver.

A message from the Senate, agreeing to the proposition of this House that a joint select committee, consisting of five members from each House, be raised on so much of the Governor's message as relates to the militia and the better defence of the State, and informing that Messrs. Wilson, Brownrigg, Campbell, Sherard and Matthews form their committee. Said committee on the part of this House consists of Messrs. Nicholson, Hartt, Larkins, Harper and Rand.

A message from the Senate, agreeing to the proposition of this House that a joint select committee, consisting of five members from each House, be raised to inquire whether any amendments are necessary to be made to the laws relative to roads, and informing that Messrs. Hoke, Hayley, Howell, Hall and Kendall form the committee on their part. Messrs. Calloway, Grandy, Whitaker, Edmonston and M'Millan were appointed the committee on the part of this House.

The resignations of William Alfred and Abner Sumner, of Tyrrell county; of Hezekiah Andrews, of Randolph county; of Josiah Harris, of Hyde county; of John W. Gause, of Brunswick county, justices of the peace; and of Enoch Cunningham, lieut. col. of the 2nd regiment of the militia of Buncombe county, were presented, read and accepted.

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

MONDAY, NOVEMBER 28, 1831.

John F. Jones, one of the members elect from the county of Carteret, appeared, produced his credentials, was qualified, and took his seat.

On motion by Mr. Singleton, ordered that a message be sent to the Senate, proposing that the two Houses ballot on to-morrow for a solicitor in the second judicial circuit, and informing that Stephen Miller, the present incumbent, is in nomination for the appointment. The name of John Singletary, of Beaufort county, was, on motion of Mr. Toole, added to the nomination.

Mr. Heartly with leave presented a bill to incorporate a light infantry company in the county of Craven; Mr. Toole a bill to incorporate Jordan Plain Academy in the county of Pitt; and Mr. Emmett a bill to repeal an act, passed at the session of the Legislature in the year 1830, entitled an act to prohibit the circulation in this State, after the time therein specified, of bank notes under the denomination of five dollars, issued by the banks of other States. These bills were severally read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to repeal part of an act, passed in the year 1827, prescribing the manner in which lands should thereafter be advertised for sale for taxes, in the counties of Anson and Surry, and the engrossed resolution directing the clerks of the two Houses to purchase certain books. The said bill was read, and, on motion by Mr. Wyche, laid on the table; and the said resolution was read, amended and adopted. Ordered that the concurrence of the Senate be asked in said amendment.

On motion by Mr. Hogan, ordered that a message be sent to the Senate, proposing that the two Houses ballot on Friday next for a solicitor general



in the fourth judicial circuit, and informing that Richmond Pearson is nominated for the appointment. The name of Hugh Waddell was, on motion by Mr. Thompson, of Bertie; of Spencer O'Brien, on motion by Mr. Sumner; and the name of John Scott, on motion by Mr. Settle, added to the nomination.

Mr. Bell presented the petition of Alfred A. Turner, of Pasquotank county, praying to be divorced from his wife Susannah. The petition was read, and Mr. Bell moved that it be referred to the committee of Propositions and Grievances; which was refused, and leave granted Mr. Bell, on his motion, to withdraw said petition from the records of the House.

Mr. Heartly with leave introduced the following resolution:

*Resolved*, That the Public Treasurer pay Isaac Golding twenty-five dollars, for carrying a writ of election to elect a member for the town of Newbern in the place of Charles G. Spaight, Esq. deceased, and that he be allowed the same in his settlement.

The resolution was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Haywood moved that the bill to protect honest debtors from imprisonment for debt, and the bill to limit the time within which actions may be brought against bail, be referred to the committee on the Judiciary; and Mr. Pearson moved that the bill to provide for the collection of debts where there is no visible property, be also referred to the same committee. These motions were agreed to.

Mr. Polk with leave presented the petition of John S. Russwurm, of Tennessee, praying to have issued to him a military land warrant for the revolutionary services of his deceased father, William Russwurm; which was read, and, on Mr. Polk's motion, referred to the committee on the Judiciary.

Mr. Singleton with leave presented a bill to prevent summoning grand jurors to attend the County Courts in Hyde county; Mr. Courts a bill to regulate costs in certain cases; Mr. Whitaker a bill to amend the 10th section of the act of Assembly, chapter 997, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians; and Mr. Gause a bill to alter the location of the register and entry taker's office in the county of Brunswick. These bills were severally read the first time and passed.

On motion by Mr. Thomas,

*Resolved*, That the committee on Internal Improvements be instructed to inquire whether the Cape Fear Navigation Company have not forfeited their charter, by a neglect to do what is required of them, by an abuse of the privileges granted to them by the State; and that they have leave to report by bill or otherwise.

Mr. Thompson with leave presented a bill to authorise the sheriff of Bertie county to collect arrearages of taxes; which was read the first time and passed.

The resignation of Lemuel Riddick, lieut. col. of Gates county militia, and of Duncan Sykes, a justices of the peace for the county of Columbus, received from the Senate, were read and accepted.

Mr. Monk with leave presented a bill to prevent protracted and vexatious litigation by enlarging the jurisdiction of justices of the peace out of court; which was read the first time and passed, and, on motion by Mr. Edmonston, ordered to be printed, and referred to the committee on the Judiciary.

The resignations of Jonathan Horton, major of the Ashe county regiment of militia; of Robert Pinnen, of Orange; of Foster Jarvis, of Hyde;

and of Jonathan B. Lindsay, of Currituck county, justices of the peace, were presented, read and accepted.

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

TUESDAY, NOVEMBER 29, 1831.

Mr. Barringer with leave presented a bill to incorporate the Mecklenburg Gold Mining Company; which was read the first time and passed, and referred, on Mr. Barringer's motion, to a select committee, consisting of Messrs. Barringer, Doherty, Henry, Garland, C. Wooten.

Mr. Robertson with leave presented a bill to authorise the County Court of Martin county to appoint a committee of Finance; which was read the first time and passed.

On motion by Mr. Freeman,

*Resolved*, That a select committee be appointed to inquire if any, and, if so, what amendments are necessary to be made in the laws regulating pilotage over Ocracock Inlet.

Said committee consists of Messrs. Freeman, Singleton, Heartly, M<sup>r</sup>. Cleese, Howard.

A message from the Senate, agreeing to the amendment proposed by the Commons to the engrossed resolution directing the clerks of the two Houses to purchase certain books. Ordered that the said resolution be enrolled.

The certificate of the County Court of Craven in favor of John Rhem, a pensioner of the State, allowing him the sum of one hundred dollars, and the certificate of said court, in favor of Thomas Ewell and Christopher Bexley, allowing them each a pension of forty dollars, were received from the Senate countersigned by the Speaker of that body. The same were, on motion of Mr. Heartly, countersigned by the Speaker of this House, and returned to the Senate.

A message from the Senate, agreeing to ballot this day for a solicitor in the second judicial circuit, as proposed by this House, informing that the name of Watrus Beckwith is added to the nomination, and informing further that Messrs. Mosely and M'Entire form their balloting committee. Ordered that the Senate be informed that Messrs. Worth and Heartly form said committee on the part of the Commons.

Mr. C. Wooten with leave presented a bill to prevent obstructions to the passage of fish up Neuse river; which was read the first time and passed.

On motion by Mr. Freeman,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law relating to slaves hiring their own time, as to increase the penalty and render the fact more susceptible of proof; and that they report by bill or otherwise.

Mr. Gause presented the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the laws of this State, so as more effectually to prevent persons from hunting with dogs or guns on the lands belonging to this State and her citizens; and that they report by bill or otherwise.

The said resolution was read and rejected.

Mr. Whitaker with leave presented a petition from sundry citizens of Macon county, asking an appropriation in favor of the Tennessee River Road; which was referred to the committee on Internal Improvements.

Mr. A. W. Wooten with leave presented a petition from sundry citizens of the county of Lenoir, praying to be empowered to erect a free bridge across Neuse river at or near the place where Cox's bridge is now situated. Said petition was, on motion by Mr. Wooten, referred to the committee of Propositions and Grievances.

Mr. Sawyer with leave presented a bill for the better regulation of the town of Edenton; which was read the first, second and third times, passed, and ordered to be engrossed.

The bill to incorporate the Wilkes County Volunteer Company of Artillery, was read the second and third times, passed, and ordered to be engrossed.

The bill to provide for the collection of costs in certain cases, was, on motion by Mr. Sumner, referred to the committee on the Judiciary.

The bill to prohibit the justices of the County Court of Pleas and Quarter Sessions of the county of Pitt from allowing extra service money to county officers, was read the second time and rejected.

Mr. Worth, from the committee appointed to conduct the balloting for a solicitor in the second judicial circuit, reported that neither of the persons in nomination had received a majority of the whole number of votes. The report was concurred in.

A message from the Senate, proposing that another balloting be had immediately for that officer. The proposition was agreed to, and the Senate informed that the name of Watrus Beckwith is withdrawn from the nomination, and also informing that Messrs. Monk and Weaver compose the balloting committee on the part of the Commons. A message from the Senate, informing that Messrs. Marshall, of Carteret, and Moye, of Greene, attend this House as a committee of balloting on their part.

A message from the Senate, agreeing to the proposition of this House to ballot on Friday next for a solicitor in the fourth judicial circuit.

The bill to alter the location of the register and entry taker's office in the county of Brunswick; also the bill to incorporate a light infantry company in the county of Craven; and the bill to incorporate the trustees of Jordan Plain Academy in the county of Pitt, were severally read the second and third times, passed, and ordered to be engrossed.

Mr. Monk, from the committee appointed to conduct the balloting for a solicitor in the second judicial circuit, reported that Stephen Miller had received a majority of the whole number of votes. The report was concurred in.

The bill to authorise the sheriff of Bertie county to collect arrearages of taxes, was read the second and third times, amended and passed, and ordered to be engrossed.

Mr. Sasser with leave presented a bill to incorporate the Wayne County State Guards; Mr. Bell a bill to amend an act, entitled an act for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes; and Mr. Watson a bill to establish Cool Spring Academy in the county of Robeson, and to appoint the trustees thereof. These bills were severally read the first time and passed.

The bill to prevent summoning grand jurors to attend the County Courts in Hyde county, was read the second time and passed, and ordered to lie on the table.

Mr. Haywood with leave presented a bill to amend an act, passed in 1822, chapter 1, entitled an act to provide a revenue for the payment of the civil list and contingent charges of Government; which was read the first time and passed, and referred, on Mr. Haywood's motion, to the committee of Finance,

Mr. Calloway submitted the following resolutions:

Whereas many of the new States, through the medium of their Representatives in the Congress of the United States, have made, and are still making great and unreasonable requests for donations and appropriations of the public lands of the United States; and as some of the States have been so extravagant in their requests as to ask Congress to grant them all the public lands within their limits, without offering any compensation to the Government for such donations or cessions of the public domain, and others, through their Executive Magistrates, have been so vociferous as to declare all the lands within their limits to be theirs; and whereas it is a fact, and must be conceded by all, that the public domain is the common property of all the States and the people thereof, and of course ought to be regarded as a common fund for the benefit of all, and for the support and disbursement of our common Government; and whereas our public domain was achieved in common with our other blessings and liberties by our memorable revolution, and originally belonged to the old States, and was by them ceded to the General Government for the purpose of paying the national debt and the common expenditures of Government, as declared in the cession acts of the State Governments, and in which they have retained their inclusive benefit, and whereas no State in this Union has been more liberal in its course towards this Government than the State of North Carolina; and whereas she ceded to the General Government that fertile region now the State of Tennessee, which now ranks high in the scale of this Union, for the purposes hereinafter mentioned and expressly enumerated in ours and the other cession acts of the different States; and whereas the Congress of the United States has made frequent and large appropriations of the public lands of the United States for works of internal improvement and education, partial and local in their character and operations, believed by many to be impolitic, and by others to be unconstitutional, thereby subverting the meaning and intent of the cession acts, and especially that made by North Carolina: therefore,

*Be it resolved,* That it is the deliberate opinion of this General Assembly that the public domain or lands belonging to the General Government are, and of right ought to be the common property of all the States and the people respectively.

*Resolved further,* That it is the opinion of this Legislature that the public lands of the United States ought to be held and considered as a common fund for the use and benefit of the United States; and it is further the opinion of this General Assembly that such parts of the public domain as have been ceded to the General Government by the different States, and especially that by North Carolina, ought to have been and should be applied in accordance with the cession acts.

*Resolved further,* That our Senators in Congress be instructed, and our Representatives in Congress requested, to use their best exertions to have a fair and equal application of the public lands, or the proceeds thereof, in the manner herein directed; and that they be instructed to consider the public lands as the common property of the people of these United States, and therefore should be applied to their common benefit, and that they be duly apprised of all unreasonable applications of any State or District for cessions, donations or appropriations of the public land for local or sectional purposes.

*Resolved,* That the Executive of this State transmit to each of our Senators and Representatives in Congress a copy of these resolutions and preamble as soon as convenient.

The foregoing resolutions were read, and, on motion of Mr. Calloway, referred to a select committee, composed of Messrs. Calloway, Worth, Seawell, Miller and Thomas; and, on motion of Mr. Long, ordered to be printed.

The resignation of Samuel Stanford, a justice of the peace for the county of Duplin, was presented, read and accepted.

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

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WEDNESDAY, NOVEMBER 30, 1831.

Alexander Little, one of the members elect from the county of Anson, appeared, produced his credentials, was qualified, and took his seat.

Mr. Henry, from the committee on the Judiciary, prayed to be discharged from the consideration of the petition of John S. Russwurm, heretofore referred to that committee, and moved that said petition be referred to the committee of Claims. The motion was agreed to.

Mr. Henry, from said committee, to which was referred the bill to authorise the filing of petitions in vacation to hold defendants in petitions to bail, and authorise the County Courts to issue process to several counties at the same time, reported the same with an amendment. The amendment was concurred in, and the bill read the second time and passed.

Mr. Whitaker presented the petition of the Tennessee River Turnpike Company, asking a loan from the State of two thousand dollars to aid them in the completion of their road. The said petition was, on motion by Mr. Whitaker, referred to the committee on Internal Improvements.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill to prevent the falling of timber in, or otherwise obstructing the channel of the South Yadkin river, in the county of Iredell; a bill for the better regulation of the courts of the county of Gates; a bill to give exclusive jurisdiction to the Superior Courts for the county of Moore; resolutions directing the disposition of the maps, drafts, &c. in the late engineer's office, and the arranging and filing of the papers belonging to the offices of the General Assembly; and asking the concurrence of this House. The said bills and resolutions were severally read the first time and passed.

A message from the Senate, proposing that a joint select committee be raised to take into consideration that part of the Treasurer's report which relates to the repairs of the State House, and that they report what disposition shall be made of the contractor's bond for said work, and whether payment shall be made according to the terms of the contract; and informing that Messrs. Askew, Hoover, Ray, Martin, of Rockingham, and Marshall, of Carteret, compose their committee. The proposition was concurred in, and Messrs. M'Gehee, Little, Judkins, Houlder and Smith appointed the committee on the part of this House.

Mr. Skinner with leave presented a bill to appoint lay days for fishing with seines, nets, &c. at New Inlet, in the counties of Currituck and Hyde; and Mr. Clayton a bill allowing compensation to jurors in the county of Buncombe. These bills were read the first time and passed.

The bill to repeal part of an act, passed in 1827, prescribing the manner in which lands should thereafter be advertised for sale for taxes in the counties of Anson and Surry, was read and passed its first reading.

The resignation of Matthew Brickhouse, a justice of the peace of the county of Tyrrell, received from the Senate, was read and accepted.

The bill to establish Cool Spring Academy in the county of Robeson, and to appoint the trustees thereof; and the bill to incorporate the Wayne County State Guards, were severally read the second and third times, passed, and ordered to be engrossed.

The bill to amend an act, entitled an act for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes, was read the second and third times, amended and passed, and ordered to be engrossed.

Mr. Beckwith with leave presented a bill to provide for the collection of demands against ships and vessels; which was read the first time and passed, and, on motion by Mr. Beckwith, referred to the committee on the Judiciary.

Mr. Powell with leave presented a petition from sundry citizens of the county of Columbus, praying an appropriation to aid them in opening and rendering navigable the White Marsh creek in said county; which was read and referred to the committee on Internal Improvements.

Mr. Bonner with leave presented the petition of sundry merchants and mariners of the town of Washington and its vicinity, praying that the pilots of and near Ocracock may not be restricted in their cruising ground; and Mr. Jones the petition of many citizens of Carteret county, praying some alteration or amendment of the laws respecting pilotage over Ocracock bar. These petitions were severally read, and referred to the select committee raised on the subject of pilotage.

On motion by Mr. Sawyer,

*Resolved*, That the select committee raised on the subject of pilotage be instructed to inquire into the expediency of preventing persons on the sea coast from holding out false lights, and that they report by bill or otherwise.

Mr. Moore with leave presented a bill to prevent slaves or free persons of color from preaching within the bounds of this State; which was read the first time and passed, and, on motion by Mr. Barringer, referred to the joint select committee heretofore raised on the subject of slaves, free negroes, &c.

The bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside, was, on motion by Mr. Wyche, referred to the same committee.

The bill for the better regulation of the town of Edenton, and the bill to authorise the County Court of Martin county to appoint a committee of Finance, were severally read the second time and passed.

The bill to prevent obstructions to the passage of fish up Neuse river, was read the second time, amended on Mr. Cox's motion, and passed.

The bill to extend to the teachers and scholars of all the schools within this State, the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law, was read, and, on motion by Mr. Sawyer, referred to the committee on Military Affairs.

Mr. M'Queen with leave presented a bill providing for the organization of the militia of Chatham county; which was read the first time and passed, and referred, on Mr. Wyche's motion, to the committee on Military Affairs.

Mr. Tatham with leave presented a bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Macon; which was read the first time and passed.

Mr. Leak moved that the order of reference heretofore made by this House in regard to the bill to extend to the teachers and scholars of all the schools within this State, the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law, be now reconsidered. The motion was agreed to, and the said bill, on motion by Mr. Leak, referred to the committee on Education.

The bill to appoint commissioners to lay off a road from Neill Howard's mills, in Wilkes county, up Elk creek, to Ashe county line, was read, and, on motion by Mr. Haywood, laid on the table.

A message from the Senate, agreeing to the proposition of this House to refer to a joint select committee, composed of one member from each Congressional district, the bill to insure the fair valuation of lands in this State, when the same shall be given in for taxation, and informing that Messrs. Allen, Dobson, Massey, Hill, Elliott, Seawell, Tyson, Dishongh, Spaight, Moye, of Pitt, Sneed, Askew and Skinner form said committee on the

part of the Senate. Ordered that the Senate be informed that Messrs. Sawyer, Cloman, Sasser, Flowers, Powell, Wyche, Morris, Mebane, Ziglar, Brooks, Abernathy, Brevard and Fleming form said committee on the part of the Commons.

The bill to regulate costs in certain cases, was read, and, on motion by Mr. Sumner, referred to the committee on the Judiciary.

The bill to amend the 10th section of the act of Assembly, chapter 997, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, was read the second time and passed.

The bill to repeal part of an act, passed in the year 1806, chapter 708, entitled an act to revise the militia laws of this State relative to the infantry, was, on motion by Mr. Clayton, referred to the committee on Military Affairs.

The bill to repeal an act, passed at the session of the Legislature in the year 1830, entitled an act to prohibit the circulation in this State, after the time therein specified, of bank notes under the denomination of five dollars, issued by the banks of other States, was read, and, on motion by Mr. Webb, referred to the committee on Finance.

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

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THURSDAY, DECEMBER 1, 1831.

Mr. Mebane, from the committee on Internal Improvements, to which was referred that part of the Governor's message relative to the Board for Internal Improvements, and the several Navigation Companies in which the State is interested, reported a bill to appoint a superintendent of Public Works, and to repeal in part an act, passed in the year 1819, entitled an act to create a fund for Internal Improvements and to establish a Board for the management thereof. The said bill was read the first time and passed, and, on motion by Mr. Bragg, ordered to be printed.

A message from the Senate, informing that they had passed the engrossed bill to repeal an act, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, passed in the year 1827, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Daniel with leave presented a bill to amend an act, passed in the year 1820, entitled an act to repeal an act, passed in the year 1796, entitled an act to punish persons for removing debtors out of one county to another, and out of the State, and for other purposes; which was read the first time and passed, and referred, on Mr. Daniel's motion, to the committee on the Judiciary.

The bill for the better regulation of the town of Edenton, was read the third time, passed, and ordered to be engrossed.

The resignations of Reuben Dever, as lieut. col., and of John L. Dillard, as major, of the 1st regiment of the militia of Haywood county, were presented, read and accepted.

Mr. Morris with leave presented a petition from sundry citizens of the county of Anson, praying that a new county may be established from a portion of the counties of Anson and Mecklenburg. The said petition was, on motion by Mr. Morris, referred to the committee of Propositions and Grievances.

Mr. Whitaker with leave presented a bill to extend the laws of the State over that part of territory now occupied by the Cherokee nation of Indians, and included in the chartered limits of this State; which was read the first time and passed, and, on motion by Mr. Whitaker, referred to the committee on the Judiciary.

Mr. Henry with leave presented a bill to prevent frauds in packing cotton; which was read the first time and passed.

The bill to authorise the County Court of Martin county to appoint a committee of Finance, was read the third time, amended on Mr. Spruill's motion, by extending its provisions to the county of Tyrrell, and passed, and ordered to be engrossed.

The bill allowing compensation to jurors in the county of Buncombe, and the bill to prevent the falling of timber in, or otherwise obstructing the channel of the South Yadkin river, in the county of Iredell, were several-read the second time and passed.

The bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Macon, was read the second time and passed.

The bill to amend the 10th section of the act of Assembly, chapter 997, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, was read the third time and passed, and ordered to be engrossed.

The bill to prevent obstructions to the passage of fish up Neuse and Trent rivers, was read the third time and passed—yeas 91, nays 30. The yeas and nays demanded by Mr. Heartly.

Those who voted in the affirmative were messrs. Abernathy, Allison, Arrington, Baringer, Boddie, Bogle, Bragg, Brevard, Broadhurst, Burgin, Calloway, Cansler, Chamberlee, Cherry, Clayton, Cloman, Cox, Crump, Cunningham, Daniel, Davidson, Doherty, Dozier, Edmonston, Fleming, Flowers, Freeman, Garland, Gause, Gillespie, Glass, Glenn, Grandy, Gwyn, Hartt, Henry, Hill, Hogan, Houlder, Howard, Jackson, J. F. Jones, Larkins, Leak, Little, Long, Monk, Moore, Morris, M'Cain, M'Cleese, M'Gehee, M'Laurin, M'Lean, M'Neill, M'Queen, Nicholson, O'Brien, Pearson, Peoples, Petty, Pittman, Powell, Rand, Riddick, Robertson, Sanders, Sasser, Seawell, Sloan, Smith, Stallings, Stephens, Swanner, Tatham, J. B. Thompson, G. A. Thompson, Toole, Townsend, Wadsworth, Watson, Webb, Whitaker, Wilson, Winston, Worth, A. W. Wooten, C. Wooten, W. Wright, Wyche—91.

Those who voted in the negative, were messrs. Barclay, Beckwith, Bonner, Courts, Emmett, Harper, Haywood, Heartly, J. B. Jones, Jarvis, Judkins, Lyon, Mebane, Miller, Moody, Nelson, Outlaw, Sawyer, Settle, Simmons, Singleton, J. H. Skinner, Speight, Spruill, Sumner, Thomas, L. Thompson, Weaver, Witcher, W. J. Wright—30.

Ordered that said bill be engrossed.

The bill to prevent summoning grand jurors to attend the County Courts in Hyde county, was read the third time, amended and passed, and ordered to be engrossed.

The bill to authorise the filing of petitions in vacation to hold defendants in petitions to bail, and authorise the County Courts to issue process to several counties at the same time; also the bill allowing compensation to jurors in the county of Buncombe, were read the third time and passed, and ordered to be engrossed.

The engrossed bill to prevent the falling of timber in, or otherwise obstructing the channel of the South Yadkin river, in the county of Iredell, was read the third time and passed, and ordered to be enrolled.

Received from his Excellency the Governor, by his private secretary, Mr. Muse, the following communication:



To the honorable the General Assembly of the State of North Carolina:

GENTLEMEN,—I herewith transmit the resignation of William Bethell, brigadier general of the 8th brigade in the fourth division of the militia of this State; together with such resignations of justices of the peace as have been received since the meeting of the General Assembly.

I have the honor to be, with great respect, your obedient servant,  
M. STOKFS.

The said communication was read, and, on motion by Mr. Sumner, ordered to be transmitted, with the accompanying documents, to the Senate.

Mr. Bragg with leave presented a bill to render persons whose names are forged competent witnesses in prosecutions for such forgeries; which was read the first time and passed, and, on motion by Mr. Bragg, referred to the committee on the Judiciary.

Mr. Edmonston with leave presented a bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations, or lay out new roads in said county; which was read the first time and passed.

On motion by Mr. Hartt,

*Resolved*, That a select committee be appointed to take into consideration the patrol laws of this State, and to inquire whether any amendments are necessary to the same; and that they have leave to report by bill or otherwise.

The bill for the better regulation of the Courts of Pleas and Quarter-Sessions for the county of Macon, was read the third time and passed, and ordered to be engrossed.

Mr. Townsend with leave presented a bill to provide for the compensation of certain jurors for the county of Perquimons; which was read the first time and passed.

A message from the Senate, proposing that a bill therewith transmitted, entitled a bill more effectually to suppress and prevent the running away of slaves in this State, should be referred to the joint select committee on the subject of slaves, free persons of color, &c. The reference was concurred in; and

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

FRIDAY, DECEMBER 2, 1831.

Thomas J. Faddis, the member elect from the town of Hillsborough, and James W. Hunt, one of the members of the county of Carteret, appeared, produced their credentials, were qualified, and took their seats.

A message from the Senate, informing that Messrs. Dobson and Skinner attend this House to conduct the balloting on the part of the Senate for a solicitor general of the fourth judicial circuit, heretofore agreed on to take place this day. Ordered that the Senate be informed that Messrs. Simmons & Petty form the balloting committee on the part of the Commons.

Messrs. Hartt, Cansler, Winston, Jackson and Barclay were appointed the select committee on the patrol laws, under the resolution of yesterday.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to authorise the sheriff of Bertie to collect arrearages of taxes.

Mr. Freeman, from the select committee, to which was referred the inquiry whether any, and, if any, what amendments are necessary to be made in the laws regulating pilotage over Ocracock bar; and to which were also referred the petitions of sundry inhabitants of the counties of Beau-

fort and Carteret on that subject, reported that, in the opinion of the committee, no amendment is at this time necessary in the said laws. The report was concurred in.

Mr. Settle with leave presented a bill to exempt from execution a certain portion of the land of the citizens of North Carolina; and Mr. Tatham a bill to alter the time of holding two of the terms of the Court of Pleas and Quarter Sessions for the county of Macon, and for the better regulation of the same. These bills were severally read the first time and passed.

Mr. Henry, from the Judiciary committee, to which was referred the bill to provide for the collection of costs in certain cases, and the bill to limit the time within which actions may be brought against bail, reported the same with sundry amendments, and recommended their passage. The amendments were concurred in, and the said bills read the second time and passed.

Mr. Simmons, from the committee appointed to conduct the balloting for solicitor general of the fourth judicial circuit, reported that neither of the persons in nomination had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message from the Senate, proposing another balloting immediately for solicitor general. The proposition was agreed to, and Messrs. J. M. Skinner and Gause appointed to conduct the balloting on the part of this House. A message from the Senate, informing that Messrs. Hoke and Williams compose their committee on said balloting.

Mr. Barclay with leave presented the petition of sundry citizens of the county of Cumberland, praying that a certain portion of the territory of said county be attached to the county of Wake. Said petition was referred, on Mr. Barclay's motion, to the committee of Propositions and Grievances.

The bill to exempt from execution a certain portion of the land of the citizens of North Carolina, was, by motion of Mr. Cox, ordered to be printed, and, on motion by Mr. Beckwith, referred to the committee on the Judiciary.

Mr. Worth with leave presented a bill to authorise the County Courts of this State to appoint committees of Finance; which was read the first time and passed.

Mr. Gause, from the committee appointed to superintend the balloting for a solicitor general, reported that neither of the persons in nomination had received a majority of the votes. The report was concurred in, and, on motion by Mr. Barringer, ordered that a message be sent to the Senate, proposing another balloting immediately for this officer. A message from the Senate, concurring in this proposition, and informing that Messrs. Martin, of Rockingham, and Howell attend as their balloting committee. Ordered that the Senate be informed that Messrs. Dozier and A. W. Wooten compose said committee on the part of the Commons.

Mr. Wyche, from the committee of Finance, to which was referred the bill to repeal an act, passed at the session of the Legislature in the year 1830, entitled an act to prohibit the circulation in this State, after the time therein specified, of bank notes under the denomination of five dollars, issued by the banks of other States, reported unfavorably to said bill, and recommended its rejection. The report and bill were, on motion by Mr. Webb, laid on the table.

A message from the Senate, proposing that the two Houses ballot on to-morrow for a solicitor in the 5th judicial circuit, and informing that Alexander Troy and Walter F. Leak are nominated for the appointment. The proposition was agreed to.

The bill to provide for the compensation of certain jurors of the county of Perquimons, was read the second time and passed.

The bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations, or lay out new roads in said county, was, on motion by Mr. Sawyer, referred to the committee on Roads.

Mr. Calloway with leave presented a bill declaring in what manner notes or bonds, given for trade or specific articles, shall be collected; which was read the first time and passed, and, on motion by Mr. Calloway, referred to the committee on the Judiciary.

The bill to appoint commissioners to lay off a road from Neill Howard's mills, in Wilkes county, up Elk creek, to Ashe county line, was, on motion by Mr. Petty, referred to the committee on Roads.

Mr. Cherry with leave presented a bill to repeal an act, passed in the year 1817, chapter 25, to increase the salary of the Governor. Said bill was read the first time and rejected.

Mr. Smith with leave presented the petition of Pleasant M. Wear, of Tennessee, praying a repeal of a part of the act of Assembly, passed in the year 1824, relative to the Smoky Mountain Turnpike Company; which was, on motion by Mr. Smith, referred to the committee on Internal Improvements.

On motion by Mr. Arrington,

*Resolved*, That the joint select committee on Military Affairs be instructed to inquire into the propriety of revising and amending the militia laws of this State; and that they report by bill or otherwise.

Mr. A. W. Wooten, from the committee appointed to conduct the balloting for a solicitor general, reported that no one had received a majority of the votes. The report was concurred in.

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

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SATURDAY, DECEMBER 3, 1831.

On motion by Mr. Whitaker, leave of absence from the service of this House, from and after yesterday, was granted to Mr. Fleming.

Ordered that a message be sent to the Senate, informing that Messrs. Stallings and Stephens attend the Senate as superintendents of the balloting for a solicitor of the 5th judicial circuit.

On motion by Mr. Townsend,

*Resolved*, That the committee on the Judiciary be instructed to examine the laws on the subject of bastardy, and report whether any, and, if any, what amendments or modifications are necessary, in order to render the same more perfect and effectual.

On motion by Mr. Whitaker,

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee of five on the part of each House, to be entitled the committee on Incorporations, to whom may be referred all bills of incorporation and all questions connected therewith.

Mr. Outlaw with leave presented a bill to repeal an act, passed in the year 1827, entitled an act to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters; which was read the first time and passed, and, on Mr. Outlaw's motion, referred to the committee of Propositions and Grievances.

The bill to authorise the County Courts of this State to appoint committees of Finance, was, on motion by Mr. Cunningham, ordered to be printed.

Mr. Howard with leave presented a bill to authorise Daniel Smith to erect two gates in the county of Jones; which was read the first time and passed.

A message from the Senate, informing that Messrs. Sherard and Hill attend this House to conduct the balloting on their part for solicitor of the fifth judicial circuit.

Mr. Barclay with leave presented a bill to vest the election of clerks of the courts of Cumberland county in the free white men of said county. The said bill was read the first time and rejected—ayes 23, nays 106. The ayes and noes called for by Mr. Barclay.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Barclay, Bell, Bogle, Broadhurst, Brooks, Cansler, Cloman, Glass, Houlder, J. B. Jones, Laspeyre, Powell, Stephens, Swanner, Tatham, J. B. Thompson, G. A. Thompson, Watson, Weaver, Webb, W. J. Wright—23.

Those who voted in the negative, were Messrs. Arrington, Barringer, Beckwith, Boddie, Bonner, Bragg, Brevard, Burgin, Chamblee, Cherry, Clayton, Courts, Cox, Crump, Cunningham, Daniel, Davidson, Davis, Dozier, Edmonston, Emmett, Faddis, Flowers, Freeman, Garland, Gause, Gillespie, Glenn, Grandy, Gwyn, Harper, Hartt, Haywood, Heartly, Henry, Hill, Hogan, Howard, Hunt, Jackson, Jarvis, J. F. Jones, Judkins, Larkins, Leak, Little, Long, Lyon, Mask, Mebane, Miller, Monk, Moody, Moore, Morris, M'Cain, M'Cleese, M'Gehee, M'Laurin, M'Lean, M'Mil-lan, M'Neill, M'Queen, Nelson, Nicholson, Outlaw, O'Brien, Pearson, Peeples, Petty, Pittman, Polk, Rand, Riddick, Robertson, Sanders, Sawyer, Sasser, Seawell, Settle, Sherwood, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Smith, Speight, Spruill, Stallings, Sumner, Thomas, L. Thompson, Toole, Townsend, Wadsworth, Whitaker, Wilson, Winston, Witcher, Worth, A. W. Wooten, C. Wooten, W. Wright, Wyche, Ziglar—106.

Mr. Stephens, from the committee appointed to conduct the balloting for a solicitor in the fifth judicial circuit, reported that Alexander Troy had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

A message from the Senate, proposing another balloting immediately for a solicitor general of the 4th judicial circuit. The proposition was agreed to, and the Senate informed that Messrs. J. H. Skinner and Sloan attend the Senate as superintendents. A message from the Senate, informing that Messrs. Davenport and Askew attend this House as superintendents of said balloting on behalf of the Senate.

On motion by Mr. Cox,

*Resolved*, That the joint select committee raised on so much of his Excellency the Governor's message as relates to the militia be instructed to inquire into the expediency of so amending or repealing the law, passed in the year 1827, restricting company musters to two in the year, as to compel the commanding officer of each company to muster his company at least once in three months, or oftener if necessary; and that they report by bill or otherwise.

Mr. Abernathy with leave presented the petition of Thomas Yarborough, of Lincoln county, praying to be restored to the privileges of a citizen, heretofore forfeited by his conviction and punishment for the crime of petit larceny. The said petition was, on motion by Mr. Abernathy, referred to the committee of Propositions and Grievances.

Mr. Stallings with leave presented a bill to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes; Mr. Smith a bill to subject to entry certain lands in the county of Haywood; and Mr. Singleton a bill to authorise the justices of the peace of Hyde county to purchase a tract of land and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of said county. These bills were severally read the first time and passed.

Mr. Bragg with leave presented the memorial of the Roanoke Navigation Company, claiming interest on certain deferred payments for stock due by the State; which was read and referred to the committee on Claims.

Mr. Freeman, from the select committee appointed to inquire into the subject, reported a bill to prevent persons on the sea coast from holding out false lights. The said bill was read the first time and passed.

Mr. Webb moved that the bill to repeal an act, passed at the last session of the Legislature, entitled an act to prohibit the circulation in this State, after the time therein specified, of bank notes under the denomination of five dollars, issued by the banks of other States, be now taken up and considered. The motion was agreed to. Mr. Webb proposed an amendment to said bill; and, after discussion, Mr. O'Brien moved that the same be postponed indefinitely. The question on Mr. O'Brien's motion was determined in the affirmative—yeas 85, nays 45. The yeas and nays demanded by Mr. Clayton.

Those who voted in the affirmative, were Messrs. Arrington, Barclay, Beckwith, Bell, Boddie, Bonner, Bragg, Broadhurst, Chamblee, Cox, Crump, Cunningham, Daniel, Davis, Dozier, Faddis, Flowers, Freeman, Garland, Gause, Gillespie, Grandy, Gwyn, Harper, Heartly, Henry, Houlder, Howard, Hartt, Jackson, Jarvis, J. B. Jones, J. F. Jones, Judkins, Larkins, Laspeyre, Long, Lyon, Mebane, Miller, Monk, Moody, Moore, M'Cleese, M'Gehee, M'Millan, M'Neill, Nelson, Nicholson, Outlaw, O'Brien, Pittman, Powell, Rand, Riddick, Robertson, Sanders, Sawyer, Sasser, Seawell, Sherwood, Simmons, Singleton, J. M. Skinner, J. H. Skinner, Sloan, Speight, Spruill, Stallings, Stephens, Sumner, Swanner, L. Thompson, J. B. Thompson, G. A. Thompson, Toole, Townsend, Watson, Wilson, Worth, A. W. Wooten, C. Wooten, W. Wright, W. J. Wright, Wyche—85.

Those who voted in the negative, were Messrs. Abernathy, Allison, Barringer, Bogle, Brevard, Brooks, Burgin, Calloway, Canler, Cherry, Clayton, Cleman, Courts, Davidson, Doherty, Edmonston, Emmett, Glass, Glenn, Hartt, Haywood, Hill, Hogan, Leak, Little, Mask, Morris, M'Cain, M'Laurin, M'Lean, M'Queen, Pearson, Peoples, Petty, Settle, Smith, Tatham, Thomas, Wadsworth, Weaver, Webb, Whitaker, Winston, Witcher, Ziglar—45.

Mr. Sloan, from the committee appointed to conduct the balloting for a solicitor general, reported that no person had received a majority of the whole number of votes.

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

MONDAY, DECEMBER 5, 1831.

William Gaston, the member elect from the town of Newbern, appeared, produced his credentials, was qualified, and took his seat.

Mr. Whitaker with leave presented the petition of the Smoky Mountain Turnpike Company, praying an alteration of their charter; which was referred, on Mr. Whitaker's motion, to the committee on Internal Improvements.

Mr. W. J. Wright with leave presented a bill to repeal an act, passed in the year 1823, entitled an act to increase constables' fees in the county of New Hanover; which was read the first time and passed.

On motion by Mr. Wilson,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of repealing, altering or amending the law, passed in the year 1823, providing for the collection of debts out of deceased persons' estates; and that they report by bill or otherwise.

On motion by Mr. Barringer, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for solicitor general. A message from the Senate, agreeing to this proposition, and informing that Messrs. Kendall and Bell form their balloting committee. Ordered that Messrs. W. J. Wright and Hunt compose said committee on the part of this House.

Mr. Townsend with leave presented the petition of Wilson Reed, of Perquimons county, praying permission to erect two gates on the road passing through his plantation; which was referred to the committee on Roads.

Mr. Polk with leave presented the petition of sundry citizens of Rowan and Iredell counties, praying that a law be passed making it an indictable offence to fell timber in Hunting creek; Mr. M'Cain the petition of Selah Smith, of the county of Montgomery, praying to have secured to her such property as she may hereafter acquire; and Mr. Burgin the petition of Samuel Turner, of Burke county, praying to be allowed to retail spirituous liquors by the small measure, free of tax. These petitions were referred to the committee of Propositions and Grievances.

Mr. W. J. Wright, from the committee appointed to conduct the balloting for solicitor general, reported that no person had received a majority of the votes. On motion by Mr. Barringer, ordered that a message be sent to the Senate, proposing another balloting immediately for this officer.

Mr. Henry gave notice that he should, on to-morrow, move that another member of this House be added to the committee on the Judiciary.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee, to be entitled the committee on Incorporations, to whom may be referred all bills of incorporation and all subjects connected therewith; and informing that Messrs. Toomer, Martin, of Wilkes, Millér, Sneed, Montgomery, of Hertford, form said committee on their part. Ordered that Messrs. Whitaker, O'Brien, Leak, Faddis and Hunt form said committee on the part of the Commons.

A message from the Senate, informing that Messrs. Dick, Spaight and Brownrigg have been appointed, on the part of the Senate, the joint Library committee.

A message from the Senate, disagreeing to the proposition of this House to appropriate the two front rooms on the second floor of the Government House to the use of the engrossing clerks; and proposing that said rooms be appropriated to the use of the engrossing clerks and principal door-keepers. The proposition of the Senate was concurred in.

A message from the Senate, transmitting the report of the joint select committee on the resolution respecting the present place of the sitting of the Legislature. The report was read, and, on motion by Mr. Wilson, laid on the table.

A message from the Senate, agreeing to ballot immediately for solicitor general, and informing that Messrs. Marshall and Moye, of Pitt, form their balloting committee. Ordered that a message be sent to the Senate, informing that the name of Spencer O'Brien is withdrawn from the nomination, and that Messrs. Cunningham and Lyon form the committee to conduct the balloting on the part of the Commons.

On motion by Mr. Wilson, ordered that a message be sent to the Senate, proposing that the two Houses ballot, on Wednesday next, for a Public Printer; and informing that Messrs. Ransom & Potter are nominated for the appointment.

Mr. Cunningham, from the balloting committee for solicitor general, reported that no person had received a majority of the votes. The report was concurred in; and, on motion by Mr. Polk, ordered that a message be sent to the Senate, proposing that another balloting be immediately had for that officer. A message from the Senate, agreeing to this proposition, and informing that Messrs. Selby and Underwood form their balloting committee. Messrs. Hill and Wadsworth were appointed to conduct the balloting on behalf of the Commons.

Mr. Sloan presented the petition of Stephen Fleming, praying compensation for ammunition, provisions and forage, by him furnished a portion of the militia of Sampson county, while engaged in the suppression of an insurrection of the slaves of said county. The said petition was read, and, on Mr. Sloan's motion, referred to the committee of Claims.

On motion by Mr. Wyche,

*Resolved*, That the committee of Finance be directed to inquire into and ascertain the amount annually received by the clerk of the Supreme Court for fees from suitors in said court; and whether the sums now paid to the clerk of said court out of the Public Treasury ought not to be reduced; and that said committee report by bill or otherwise.

Mr. Moore with leave presented a bill to alter the time of holding elections in the county of Hertford; Mr. M'Neill a bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Cumberland; Mr. Brevard a bill to alter the time of holding two of the Courts of Pleas and Quarter Sessions for Buncombe county; and Mr. Cox a bill to authorise the justices of the peace in the several counties in this State to hold a court in the respective counties, if necessary, to try all slaves that may be hereafter concerned in any conspiracy within this State. These bills were severally read the first time and passed, and the last mentioned bill ordered to be printed.

Mr. Hill, from the committee appointed to conduct the balloting for solicitor general, reported that no person had received a majority of the votes. The report was concurred in; and, on motion by Mr. Calloway, a message ordered to be sent to the Senate, proposing that another balloting be had immediately for solicitor general.

The Speaker laid before the House a communication from the Public Treasurer, transmitting certain documents showing the result of an investigation instituted in obedience to a resolution of the last session instructing the Public Treasurer, under the direction of the Governor and Attorney General, to investigate the facts connected with the drawing, accept-

ance and paying of sundry checks, purporting to be drawn by John Haywood, Public Treasurer, by John S. Haywood, on the State Bank of North Carolina. The said communication and documents were, on motion by Mr. Thompson, ordered to be sent to the Senate, proposing to refer them to a joint select committee.

The bill to authorise the justices of the peace of Hyde county to purchase a tract of land and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of said county, was read the second time and passed.

The bill to authorise Daniel Smith to erect two gates in the county of Jones; the bill to alter the time of holding two of the terms of the Court of Pleas and Quarter Sessions for the county of Macon, and for the better regulation of the same; the engrossed bill for the better regulation of the courts of the county of Gates; the engrossed bill to repeal an act, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, passed in the year 1827; and the engrossed bill to give exclusive jurisdiction to the Superior Courts for the county of Moore, were severally read the second time and passed.

The bill to provide for the compensation of certain jurors of the county of Perquimons, was read the third time and passed, and ordered to be engrossed.

Mr. Polk, from the committee on Military Affairs, to which was referred the bill to repeal part of an act, passed in the year 1806, chapter 708, entitled an act to revise the militia laws of this State relative to the infantry, reported the said bill with an amendment. On motion by Mr. Wyche, the said bill was laid on the table.

Mr. Mebane, from the committee on Internal Improvements, to which was referred the petition of sundry citizens of the county of Columbus, reported a bill to aid in draining White Marsh in Columbus county, and recommended its passage. The said bill was read the first time and passed.

Mr. Freeman moved that the bill to prevent persons from holding out false lights, and Mr. Outlaw the bill to authorise the justices of the peace in the several counties in this State to hold a court in the respective counties, if necessary, to try all slaves that may hereafter be concerned in any conspiracy within this State, be referred to the committee on the Judiciary. These motions were agreed to.

A message from the Senate, informing that they had passed the engrossed bill to alter the location of the register and entry taker's office in the county of Brunswick; and the engrossed bill to incorporate the Wayne county Guards, with amendments, and asking the concurrence of the House of Commons. The amendments were read and agreed to.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to repeal an act, passed in the year 1830, entitled an act to provide for summoning the original venire to the County Courts of Randolph, Rockingham, Buncombe, Brunswick and Chatham in future; also a bill to repeal part of an act, passed in 1741, chapter 35, authorising the County Courts of this State to grant certificates in certain cases; and a bill to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear river; and asking the concurrence of this House. These bills were severally read the first time and passed.



Mr. Mebane, from the committee on Internal Improvements, who were by resolution instructed to inquire whether the Cape Fear Navigation Company have not forfeited their charter by a neglect to do what is required of them, or by an abuse of the privileges granted to them by the State, reported that no facts or evidence had been submitted to the committee that proved that said company had so forfeited its charter, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Toole with leave presented a bill to encourage the formation of Volunteer Companies in the State of North Carolina; which was read the first time and passed, and referred, on Mr. Toole's motion, to the committee on Military Affairs.

The bill to prevent frauds in packing cotton, was taken up, and, on Mr. Haywood's motion, was referred to the committee on the Judiciary.

On motion of Mr. O'Brien,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of amending the law of maiming in this State, and that they report by bill or otherwise.

Mr. Haywood presented the memorial of R. M. Saunders, in relation to changing the time of holding the Superior Courts of the third judicial circuit. The said memorial was read, and, on motion of Mr. Haywood, ordered that it be sent to the Senate, with a proposition that it be referred to a joint select committee, composed of the representatives of the several counties of the said district.

The resignations of Benjamin Oliver, of Duplin county, and of Samuel Edny, of Buncombe county, justices of the peace, were presented, read and accepted. The resignations of Henry Humphreys, of Guilford county, and of D. M. Ogburn, of the same county, justices of the peace, received from the Senate, were read and accepted.

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

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TUESDAY, DECEMBER 6, 1831.

Mr. Whitaker with leave presented a bill to establish an entry taker's office in the county of Macon; which was read the first time and passed, and, on Mr. O'Brien's motion, referred to the committee on the Judiciary.

On motion by M. Clayton, ordered that a message be sent to the Senate, proposing that the two Houses ballot again immediately for a solicitor general. A message from the Senate, agreeing to this proposition, and informing that Messrs. Lindsay and Melchor form their balloting committee. Messrs. Chamblee and Gillespie were appointed said committee on behalf of the Commons.

Mr. Simmons with leave presented a bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 155, entitled an act concerning those persons who are interested in the Beach and Marshy Lands lying in the county of Currituck; which was read the first time and passed.

Mr. Worth with leave presented a bill to authorise the County Courts of this State to establish poor and work houses in their respective counties; which was read the first time and passed.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to extend the laws of the State over that part of the territory now occupied by the Cherokee nation of Indians, and included within the chartered limits of this State, reported said bill to the House, recommend-

ing its rejection. The said bill was read, and, on motion by Mr. Leak, laid on the table and ordered to be printed.

Mr. Gillespie, from the committee appointed to conduct the balloting for solicitor general, reported that no person had received a majority of the votes, and that there was no election. The report was concurred in. A message from the Senate, proposing another balloting immediately. The proposition was agreed to, and Messrs. Riddick and Sumner appointed to conduct the balloting on the part of the Commons. A message from the Senate, informing that Messrs. Bateman and Rencher form said committee on the part of the Senate.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to re-enact a part of the first section of an act, passed in the year 1787, chapter 11, entitled an act for hiring out persons convicted on indictment or presentment, not being able or willing to pay the fees of office and jailors' fees, reported said bill with an amendment, and recommended its passage. Mr. Haywood moved that said bill be indefinitely postponed. The question thereon was determined in the negative. The amendment reported by the committee was concurred in, and the bill read the second time and passed.

On motion by Mr. Freeman,

*Resolved*, That the Speaker of this House be requested to cause the seats in this Hall to be regularly elevated, as they recede from the Speaker's chair, so as to render them more comfortable and convenient; and to cause such other arrangements to be made in this Hall as will render it more convenient.

A message from the Senate, agreeing to ballot on Wednesday next for Public Printer, and informing that Messrs. Lawrence & Lemay are added to the nomination.

Mr. Swanner, from the balloting committee for solicitor general, reported that neither of the persons in nomination had received a majority of the votes. The report was concurred in, and, on motion by Mr. Wilson, ordered that a message be sent to the Senate, proposing another balloting immediately. A message from the Senate, agreeing to this proposition, and informing that the name of Hugh D. Waddell is withdrawn from the nomination, and also informing that Messrs. Hawkins and Gilmore form their balloting committee. Ordered that Messrs. Moody and Speight compose said committee on the part of the Commons.

A message from the Senate, informing that they had passed the engrossed bill allowing compensation to jurors in the county of Buncombe, with an amendment, and asking the concurrence of this House. The proposed amendment was read and concurred in.

Mr. Bonner with leave presented a bill to provide for having the militia laws of this State digested, published and amended; which was read the first time and passed.

On motion of Mr. Glenn,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law relative to the settlement of testators' or intestates' estates, as to authorise the sheriffs in their respective counties, upon the refusal of an executor or administrator to qualify in a limited time, to enter upon and perform the duties of executor or administrator, as the case may be, so far as it may be necessary to pay the debts of any such estate; and that they report by bill or otherwise.

Mr. Hartt with leave presented the petition of sundry citizens of the counties of Anson and Mecklenburg, praying that a new county may be established out of a portion of the territory of said counties; which was referred to the committee of Propositions and Grievances.

The bill to repeal an act, passed in the year 1823, entitled an act to increase constables' fees in the county of New Hanover, was read the second time and passed.

The resolutions directing the disposition of the maps, drafts, &c. in the late engineer's office, and the arranging and filing of the papers belonging to the offices of the General Assembly, were read the second time and passed.

The engrossed bill to repeal an act, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, passed in the year 1827; also the bill for the better regulation of the courts of the county of Gates; and the bill to give exclusive jurisdiction to the Superior Courts for the county of Moore, were severally read the third time, passed, and ordered to be enrolled.

The bill to authorise Daniel Smith to erect two gates in the county of Jones; the bill to alter the time of holding two of the terms of the Court of Pleas and Quarter Sessions for the county of Macon, and for the better regulation of the same; the bill to limit the time within which actions may be brought against bail; and the bill to provide for the collection of costs in certain cases, were severally read the third time, passed, and ordered to be engrossed.

The bill to authorise the justices of the peace of Hyde county to purchase a tract of land and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of said county, was read the third time, amended on motion of Mr. Beckwith, and passed, and ordered to be engrossed.

A message from the Senate, agreeing to refer the memorial of R. M. Saunders to a joint select committee composed of the representatives of the third judicial circuit.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill to divorce Polly Buckner from her husband Edward Buckner; a bill to repeal the first and fifth sections of an act, passed at the last session of the General Assembly, entitled an act to authorise the County Courts of Pleas and Quarter Sessions of the county of Gates to appoint wardens of the poor and to build a poor and work house, and for other purposes; a bill to abolish the office of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson; resolution directing all public bills to be printed; and a resolution in favor of Wm. Thompson, sheriff of Wayne county; and asking the concurrence of this House.

The engrossed bill to divorce Polly Buckner from her husband Edward Buckner, was read the first time, and, on motion of Mr. Wyche, postponed indefinitely.

The bill to repeal the first and fifth sections of an act, passed at the last last session of the General Assembly, entitled an act to authorise the County Courts of Pleas and Quarter Sessions of the county of Gates to appoint wardens of the poor and to build a poor and work house, and for other purposes, and to amend the same, was read the first time and passed.

The engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson, was read the first time, amended, and passed.

The engrossed resolution directing all public bills to be printed, was read the first time and rejected.

The engrossed resolution in favor of Wm. Thompson, sheriff of Wayne, was read, and, on motion of Mr. Wyche, referred to the committee of Finance.

The resignation of Mordecai Fleming, lieutenant colonel of the militia of Surry county, was presented, read and accepted.

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

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WEDNESDAY, DECEMBER 7, 1831.

Mr. Moody, from the committee appointed to conduct the balloting for solicitor general, reported that John Scott had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

A message from the Senate, proposing that the two houses ballot on Monday next for Governor of the State, and informing that Montfort Stokes is nominated for the office. The proposition was agreed to.

On motion by Mr. Edmonston,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law in all actions on bills, bonds or notes, whether instituted before a single justice of the peace or in court, to which the general issue or nil debit shall be pleaded, as to compel the defendant to verify the same by oaths or affidavit; and that they report by bill or otherwise.

Mr. Webb with leave presented the petition of Green B. Palmer, praying to be paid for work done by him on Broad river, under an alleged contract with the Board of Internal Improvements. The petition was, on motion by Mr. Webb, referred to the committee of Claims.

Mr. Swanner presented a bill to prescribe the manner in which lands shall be sold for taxes in the county of Washington; which was read the first time and passed.

Mr. J. B. Jones presented a bill to provide for the prompt payment of jurors for the county of Currituck; and Mr. Sherwood, a bill to authorise the County Courts of the county of New Hanover to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at Law and Equity in this State. These bills was read the first time and passed.

Mr. Larkins presented the petition of John Rinnear, of New Hanover county, a soldier of the revolution, praying to be placed on the pension list. Said petition was referred to the committee on Propositions and Grievances.

Mr. Whitaker presented the petition of David Shular, claiming remuneration for losses sustained by Indian reservations, and the petition of Jacob Caler, of Macon county, praying to have refunded to him a sum of money which he had paid into the Public Treasury through mistake. These petitions were referred to the committee of Claims.

Mr. Mebane, from the committee on Internal Improvements, to which was referred the petition of Pleasant M. Wear, reported that the committee deemed it inexpedient for the Legislature to interfere in the subject matter of the said petition; and prayed that the committee may be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

Mr. Bragg, from the committee on the Judiciary, to which was referred the bill to regulate costs in certain cases, reported unfavorably thereon. The said bill was put on its passage and rejected.

Mr. Henry, from the same committee, to which was referred a bill de-

clarifying in what manner notes or bonds given for trade or specific articles shall be collected, made a report unfavorable to the passage thereof and recommended its rejection. The said bill was read and rejected.

A message from the Senate, agreeing to refer the communication of the Public Treasurer, and the accompanying documents, to a joint select committee, and informing that Messrs. Boddie, Sneed, Rowland, Cooper, of Martin, and Martin, of Rockingham, compose said committee on their part. Messrs. L. Thompson, A. W. Wooten, Sanders, Tatham and Robertson form this committee on the part of the Commons.

The Speaker appointed Messrs. Gaston, Wyche and Haywood to constitute the joint select committee on behalf of the Commons on the Library, and Messrs. Hogan and Little on enrolled bills.

Mr. Morris with leave presented the following resolution, which was read and agreed to:

It being suggested to this House by Wm. A. Morris, one of the members of this House, that the spirit of the act of Assembly which authorises the holding of Anson Superior Court for two weeks, has been violated by a certificate having issued for holding the said court two weeks; and the said member stating to the House that, in his opinion, the Hon. Robert Strange who held said court is not in truth entitled to have more than one week's pay:

*Resolved*, That a committee be appointed to inquire into the said suggestion, and report the facts to this House.

The bill to appoint lay days for fishing with seines, nets, &c. at New Inlet, in the counties of Currituck and Hyde; the bill to repeal the first and fifth sections of an act, passed at the last session of the General Assembly, entitled an act to authorise the County Court of Pleas and Quarter Sessions of the county of Gates to appoint wardens of the poor, and to build a poor and work house, and for other purposes, and to amend the same; the bill to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes; the bill to alter the time of holding two of the Courts of Pleas and Quarter Sessions for the county of Buncombe; and the bill to repeal part of an act, passed in 1827, prescribing the manner in which lands should thereafter be advertised for sale for taxes in the counties of Anson and Surry, were severally read the second time and passed.

A message from the Senate, informing that Messrs. Dobson and M'Daniel attend the House of Commons as superintendents of the balloting on the part of the Senate for Public Printer, as heretofore agreed on. Ordered that Messrs. J. B. Jones and Glass be appointed to conduct said balloting on behalf of the Commons.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to prevent persons on the sea coasts from holding out false lights, reported the same with sundry amendments, and recommended its passage. The amendments were read and concurred in, and the bill read the second time as amended and passed.

The bill to repeal an act, passed in the year 1823, entitled an act to increase constables' fees in the county of New Hanover, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to abolish the offices of county trustee and treasurer

of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson, was read the second time, amended on Mr. Leak's motion, and passed.

Mr. Glass, from the committee appointed to conduct the balloting for Public Printer, reported that Lawrence & Lemay had received a majority of the whole number of votes, and were duly elected. The report was concurred in.

Mr. Haywood, from the committee on the Judiciary, to which the subject had been referred, reported a bill more effectually to prevent slaves from hiring their own time and from being allowed to go at large without employment, and recommended the passage thereof. The said bill was read the first time and passed, and, on motion by Mr. Larkins, ordered that it be printed.

A message from the Senate, informing that they had passed the following engrossed bill, viz. A bill to amend an act, passed A. D. 1830, entitled an act to prevent the burning of court houses and other public buildings, and asking the concurrence of the Commons. The said bill was read the first time and passed, and, on Mr. Sumner's motion, referred to the committee on the Judiciary.

Mr. Henry, in pursuance of notice heretofore given, now moved that William Gaston be added to the committee on the Judiciary. The motion was agreed to.

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

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THURSDAY, DECEMBER 8, 1831.

Mr. Leak, from the committee of Claims, to which was referred the petition of John S. Russwurm, reported unfavorably to the prayer thereof, and asked to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

Mr. Polk, from the committee on Military Affairs, to which was referred the bill providing for the organization of the militia of Chatham county, reported the same without amendment. Whereupon the bill was read the second time and passed.

Mr. Daniel presented a bill to amend an act, passed in the year 1830, entitled an act to amend an act, passed in the year 1829, entitled an act to vest the right of electing sheriffs in the several counties within this State in the free white men thereof; and Mr. Cansler a bill to repeal an act, passed in the year 1830, entitled an act to amend an act, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county. These bills were read the first time and passed.

Mr. Mebane presented a bill to amend an act, passed in 1829, entitled an act to enable the State Bank to wind up gradually, and to fix a uniform rate of collection; which was read the first time and passed, and, on Mr. Mebane's motion, referred to the joint select committee on the subject of Banks; and, on Mr. Pittman's motion, ordered that it be printed.

Mr. Bonner with leave presented a bill fixing a uniform mode of assessment of the real estate, with its improvements thereon, in the county of Beaufort; which was read the first time and passed, and, on Mr. Bonner's motion, referred to the joint select committee raised on the subject of the valuation of lands when the same shall be given in for taxation.

The bill to abolish the offices of county trustee and treasurer of public

buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson, was, on Mr. Miller's motion, laid on the table.

Mr. Sawyer, from the committee on Education, to which was referred the bill to extend to the teachers and scholars of all the schools within this State the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law, reported the same without amendment, and recommended its rejection. The bill was read, and, on Mr. Sawyer's motion, ordered to be laid on the table.

The bill to appoint lay days for fishing with seines, nets, &c. at New Inlet, in the counties of Currituck and Hyde, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to repeal the first and fifth sections of an act, passed at the last session of the General Assembly, entitled an act to authorise the County Court of Pleas and Quarter Sessions of the county of Gates to appoint wardens of the poor, and to build a poor and work house, and for other purposes, and to amend the same, was read the third time and passed, and ordered to be enrolled.

Mr. Singleton presented to the House the report of the Adjutant General; which was ordered to be sent to the Senate and be printed.

On motion of Mr. Burgin, ordered that a message be sent to the Senate, proposing that the two Houses on to-morrow ballot for brigadier general of the eighth brigade, and informing that Jesse M'Quistian is nominated for the appointment. The name of Joseph H. Winston was, on motion by Mr. Settle, added to this nomination.

On motion of Mr. Burgin,

*Resolved*, That the committee of Finance be instructed to inquire into the expediency of extending the time for perfecting grants on entries, made in the year 1829, until the 1st January, 1832; and that the committee report by bill or otherwise.

On motion by Mr. Sumner,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether the criminal laws of this State ought not to be so amended as to abolish the punishment of cutting off the ears; and that they report by bill or otherwise.

On motion by Mr. Haywood,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of amending and explaining the laws of this State, so as to authorise any party to a suit in Equity to appeal to the Supreme Court from the decision of the Judge in the said court upon the facts as well as the law in any suit hereafter to be tried.

*Resolved further*, That the said committee be instructed to inquire into the expediency of providing by law for the right of parties in suits in Equity to file bills of review in the Supreme Court, whenever the said suit shall be determined in that court.

*Resolved further*, That the said committee be instructed to inquire into the propriety of establishing by law certain rules for the government of the Supreme Court, as to the times and manner of hearing and deciding the causes that are or may be depending before them.

The bill to prevent persons on the sea coast from holding out false lights, and the bill to alter the time of holding two of the Courts of Pleas and Quarter Sessions for the county of Buncombe, were read the third time, passed, and ordered to be engrossed.

The bill to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond & Orapeake Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes, was, on motion by Mr. Haywood, referred to the joint select committee on Incorporations.

The engrossed bill to repeal part of an act, passed in 1827, prescribing the manner in which lands should hereafter be advertised for sale for taxes in the counties of Anson and Surry, and the resolutions directing the disposition of the maps, drafts, &c. in the late engineer's office, and the arranging and filing of the papers belonging to the offices of the General Assembly, were severally read the third time, passed, and ordered to be enrolled.

The bill to re-enact a part of the first section of an act, passed in the year 1787, chapter 11, entitled an act for hiring out persons convicted on indictment or presentment, not being able or willing to pay the fees of office and jailor's fees, was read the third time. Mr. Sawyer moved to amend the bill by adding the following section:

*"Be it farther enacted,* That all persons with whom any free negro or mulatto may be held to service under this act, shall, and they are hereby required to provide him or her with good and sufficient clothing and food, and treat him or her with humanity, and teach him or her some mechanical trade or some useful and industrious employment during the term for which such free negro or mulatto may be compelled to serve: he or she shall not be removed from the county by such master or any other person, and shall be produced to the County Court at the expiration of the term of service as aforesaid, or whenever thereto required by them: and if any master or mistress shall violate this act, he or she may be indicted for such offence in any court of the county where such offence may be committed, and on conviction thereof may be fined and imprisoned at the discretion of the court: and in case such free negro or mulatto shall runaway before the expiration of his or her term of service, he or she shall be compelled to serve after the said expiration, such a length of time as he or she shall have absented him or herself."

Mr. Worth moved that the said bill and amendment be postponed indefinitely, and Mr. Pittman called for the yeas and nays. The question thereon was decided in the negative—yeas 43, nays 86.

Those who voted in the affirmative, were Messrs. Allison, Barclay, Beckwith, Bogle, Bonner, Brevard, Cansler, Clayton, Cunningham, Daniel, Davidson, Doherty, Edmonston, Emmett, Gause, Gaston, Harper, Haywood, Hogan, Hunt, Laspeyre, Little, Long, Lyon, Mebane, Miller, Morris, M'Lean, M'Millan, M'Queen, Nelson, Petty, Speight, Swanner, Tatham, Thomas, Toole, Watson, Webb, Whitaker, Winston, Worth.

Those who voted in the negative, were Messrs. Arrington, Bell, Boddie, Bragg, Broadhurst, Brooks, Burgin, Calloway, Chamblee, Cherry, Cloman, Courts, Cox, Crump, Davis, Dozier, Faddis, Flowers, Freeman, Garland, Gillespie, Glass, Glenn, Grandy, Gwyn, Hartt, Heartly, Henry, Hill, Houlder, Howard, Jackson, Jarvis, J. B. Jones, J. F. Jones, Judkins, Larkins, Leak, Mask, Monk, Moody, Moore, M'Cain, M'Cleese, M'Gehee, M'Laurin, M'Neill, Nicholson, Outlaw, O'Brien, Pearson, Peeples, Pittman, Polk, Powell, Rand, Robertson, Sanders, Sasser, Seawell, Settle, Sherwood, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Smith, Spruill, Stallings, Stephens, Sumner, L. Thompson, J. B. Thompson, G. A. Thompson, Townsend, Wadsworth, Weaver, Wilson, Witcher, A. W. Wooten, C. Wooten, W. Wright, W. J. Wright, Wyche, Ziglar—86.

The question then recurring on Mr. Sawyer's amendment, Mr. Miller called for the yeas and nays. The amendment was adopted—yeas 99, nays 30.

Those who voted in the affirmative, are Messrs. Abernathy, Allison, Arrington, Barclay, Barringer, Beckwith, Bell, Boddie, Bogle, Brevard, Broadhurst, Burgin, Calloway, Cansler, Chamblee, Cherry, Clayton, Cloman, Courts, Cox, Crump, Cunningham, Davidson, Davis, Doherty, Do-



zier, Emmett, Faddis, Flowers, Freeman, Garland, Gaston, Gause, Gillespie, Glass, Glenn, Grandy, Gwyn, Harper, Hartt, Haywood, Heartly, Hogan, Houlder, Hunt, Jackson, Jarvis, J. B. Jones, Larkins, Laspeyre, Leak, Little, Long, Lyon, Mask, Mebane, Miller, Monk, Moody, Moore, Morris, M'Cleese, M'Laurin, M'Lean, M'Millan, M'Neill, M'Queen, Nelson, Nicholson, Petty, Polk, Rand, Riddick, Sanders, Sasser, Settle, Sherwood, Simmons, J. M. Skinner, Sloan, Smith, Speight, Spruill, Stallings, Sumner, Swanner, Tatham, J. B. Thompson, G. A. Thompson, Toole, Townsend, Wadsworth, Weaver, Webb, Whitaker, Wilson, Winston, Witcher, Worth—99.

Those who voted in the negative, were Messrs. Bonner, Bragg, Brooks, Daniel, Edmonston, Henry, Hill, Howard, J. F. Jones, Judkins, M'Cain, Outlaw, O'Brien, Pearson, Peoples, Pittman, Powell, Robertson, Seawell, Singleton, J. H. Skinner, Stephens, L. Thompson, Watson, A. W. Wooten, C. Wooten, W. Wright, W. J. Wright, Wyche, Ziglar—30.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 9, 1831.

Messrs. Morris, Pearson, Barringer, J. H. Skinner and Pittman were appointed a select committee under the resolution submitted by Mr. Morris on the 7th instant.

The resignation of Alexander N. Bell, a justice of the peace of the county of Anson, was presented, read and accepted.

Mr. Clayton introduced a resolution allowing compensation to certain jurors in the county of Buncombe; which was read the first time and passed.

Mr. Weaver submitted the following resolution, viz.

Whereas by the laws of this State the captains of militia companies are only required to parade their men once in each and every six months; and whereas the colonels commandant are in like manner required to call together their respective regiments only once in each and every year, for review and inspection; and whereas it is found by the officers commanding to be impossible to keep up a well organized militia with so few advantages of training; and whereas it is thought that evolutions of the line especially can be taught to recruits more effectually when collected in considerable numbers:

*Resolved, therefore,* That the committee on Military Affairs be instructed to inquire into the propriety of providing by law that each regiment of militia of this State shall consist of two battalions, and that each battalion shall be paraded once at least in each and every year under the personal command of at least two of the field officers of said regiment; and that they report by bill or otherwise.

The resolution was read and rejected.

Mr. Pearson presented the petition of Andre Matthiew, praying that a grant may be issued to him for certain lands; which was referred, on Mr. Pearson's motion, to the committee of Claims.

The Speaker laid before the House the following communication from his Excellency the Governor:

*To the honorable the General Assembly of North Carolina.*

GENTLEMEN,—I have considered it my duty to lay before you a letter I this day received from Mr. Ball Hughes, a sculptor of distinguished ability, containing a proposition to restore to its former beauty and grandeur the Statue of Washington, belonging to North Carolina. In the present peculiar state of public feeling, I do not feel myself at liberty to recommend any particular course proper to be pursued on this occasion; but I beg leave to add, in justice to Mr. Hughes, that I have received letters from some of the most distinguished citizens of the United States, authorising a perfect reliance upon him for the fulfilment of any engagement he may think proper to make in this case. For the information of those who wish it, I enclose some of the letters above alluded to.

I have the honor to be, with great respect, your ob'dt serv't.

*Executive Office, 8th Dec. 1831.*

M. STOKES.

The said communication was, on Mr. Polk's motion, ordered to be sent

to the Senate, proposing that it be referred to a joint select committee, and informing that Messrs. Polk, Gaston, Henry, Courts and Bragg compose said committee on the part of the Commons.

A message from the Senate, proposing that the two houses ballot today for a brigadier general of the third brigade and sixth division, and informing that Montesquie W. Campbell is nominated for the appointment. The proposition was agreed to, and Messrs. Davis and W. Wright appointed to conduct the balloting on the part of the Commons. A message from the Senate, informing that Messrs. Massey and Hoover form said committee on their part.

A message from the Senate, agreeing to ballot this day, as heretofore proposed by the Commons, for a brigadier general of the eighth brigade, and informing that Messrs. Cowper, of G., and Cooper, of M., attend this House on their part to conduct the balloting. Messrs. Watson and M<sup>r</sup>-Neill were appointed to conduct said balloting on the part of the Commons.

A message from the Senate, informing that Messrs. Spaight and Mosely have been appointed to compose the committee on enrolled bills on the part of the Senate.

Mr. M<sup>r</sup>-Neill, from the committee appointed to conduct the balloting for a brigadier general of the 8th brigade, reported that neither of the persons in nomination had received a majority of the whole number of votes. The report was concurred in.

Mr. Wright, from the committee appointed to conduct the balloting for a brigadier general of the third brigade, reported that M. W. Campbell had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Leave of absence from the service of this House, from this day until Monday next, was, on motion, granted to Mr. Broadhurst.

On motion by Mr. Mebane,

*Resolved*, That the committee on Internal Improvements inquire into the propriety of authorising the sale or other disposition of the dredging machine belonging to this State and formerly used in clearing out the flats below Wilmington; and that they report by bill or otherwise.

On motion by Mr. Freeman,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency of employing the dredging machine to remove the sand bar below the town of Washington as soon as practicable.

Mr. Jarvis presented a bill to repeal in part an act of the General Assembly, passed during the session of 1829, chapter 55, entitled an act to provide for the compensation of jurors for the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; and Mr. M<sup>r</sup>-Cain a bill authorising the administrator of the estate of Samuel Pemberton, dec'd, late sheriff of the county of Montgomery, to collect the arrearages of taxes due the said Pemberton for the years 1827 and 1828. These bills were read the first time and passed.

The bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Cumberland, was read the second and third times, amended and passed; and the bill to provide for the prompt payment of jurors for the county of Currituck, was read the second and third times and passed. Ordered that said bills be engrossed.

A message from the Senate, proposing that another balloting be had immediately for brigadier general of the 8th brigade. The proposition was agreed to, and the Senate informed that Messrs. Moore and Mask form a

committee to conduct said balloting. A message from the Senate, informing that Messrs. Allen and Pool form said committee on the part of the Senate.

The resignation of Samuel Loftin, col. commandant of the Lenoir regiment of militia, and of Greene Ross, as lieutenant colonel of the Franklin militia, received from the Senate, were read and accepted.

Mr. Moore, from the committee appointed to conduct the balloting for brigadier general of the 8th brigade, reported that Joseph H. Winston had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The bill to alter the time of holding elections in the county of Hertford, was read the second time and passed.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to render persons whose names are forged competent witnesses in prosecutions for such forgeries, reported said bill with an amendment, and recommended the passage thereof. The amendment was read and concurred in, and the bill as amended ordered, on Mr. Outlaw's motion, to be laid on the table.

Mr. Henry, from the same committee, to which was referred a bill to authorise the justices of the peace in the several counties in this State to hold a court if necessary, to try all slaves that may be hereafter concerned in any conspiracy within this State, reported the same with sundry amendments, which were concurred in, and the bill as amended was read the second time and passed.

On motion, Mr. Polk had leave to withdraw from the records of the House the petition of John S. Russwurm.

Mr. Cherry presented a bill to alter the mode of compensation to members of the Senate and House of Commons. Upon the reading of the bill, Mr. O'Brien moved that it be indefinitely postponed. Pending this question, Mr. Edmonston moved that the House adjourn until Monday morning, 10 o'clock. The motion was disagreed to—yeas 55, nays 67. The yeas and nays demanded by Mr. Cherry.

Those who voted in the affirmative, were messrs. Abernathy, Barclay, Barringer, Beckwith, Bogle, Bragg, Brevard, Burgin, Calloway, Cansler, Courts, Cox, Crump, Cunningham, Daniel, Doherty, Edmonston, Emmett, Faddis, Freeman, Gause, Gaston, Hartt, Haywood, Henry, Hogan, Howard, Hunt, Jarvis, Judkins, Larkins, Laspeyre, Leak, Little, Long, Lyon, Mask, Miller, Moody, M'Cain, M'Neill, Nicholson, O'Brien, Pearson, Rand, Sanders, Sherwood, Singleton, Sumner, Tatham, L. Thompson, Watson, Whitaker, Witcher, Worth—55.

Those who voted in the negative, were messrs. Allison, Boddie, Bonner, Brooks, Cherry, Clayton, Cloman, Davis, Flowers, Garland, Gillespie, Glass, Glenn, Grandy, Gwyn, Harper, Heartly, Hill, Houlder, J. B. Jones, J. F. Jones, Mebane, Monk, Moore, Morris, M'Cleese, M'Gehee, M'Laurin, M'Lean, M'Queen, Nelson, Outlaw, Peeples, Petty, Pittman, Polk, Powell, Robertson, Sawyer, Sasser, Seawell, Settle, Simmons, J. H. Skinner, J. M. Skinner, Sloan, Smith, Speight, Spruill, Stallings, Stephens, Swanner, Thomas, J. B. Thompson, G. A. Thompson, Toole, Townsend, Wadsworth, Weaver, Webb, Wilson, Winston, A. W. Wooten, C. Wooten, W. Wright, W. J. Wright, Wyche—67.

The motion for the indefinite postponement of the bill was withdrawn. Whereupon Mr. Outlaw moved to strike out the whole of said bill after the enacting clause, and insert "that hereafter no member of the Senate or House of Commons shall be entitled to any compensation for his services as such." Mr. O'Brien called for a division of the question. The question was accordingly first taken on striking out the whole of said bill after

the enacting clause, and decided in the affirmative. On inserting the amendment proposed by Mr. Outlaw, Mr. A. W. Wooten demanded the yeas and nays, and the vote stood—yeas 13, nays 112.

Those who voted in the affirmative, were messrs. Cherry, Henry, Moody, Outlaw, Sawyer, Singleton, J. M. Skinner, Smith, Spruill, Stallings, Toole, Townsend, C. Wooten—13.

Those who voted in the negative, were messrs. Abernathy, Allison, Arrington, Barclay, Barringer, Beckwith, Boddie, Bogle, Bonner, Bragg, Brevard, Brooks, Burgin, Calloway, Cansler, Chamblee, Clayton, Cloman, Courts, Cox, Crump, Cunningham, Daniel, Davis, Doherty, Edmonston, Emmett, Faddis, Flowers, Freeman, Garland, Gause, Gillespie, Glass, Glenn, Grandy, Gwyn, Gaston, Harper, Hartt, Haywood, Heartly, Hill, Hogan, Houder, Howard, Hunt, Jarvis, J. B. Jones, J. F. Jones, Judkins, Larkins, Laspeyre, Leak, Little, Long, Lyon, Mask, Mebane, Miller, Monk, Moore, Morris, M'Cain, M'Clcese, M'Gehee, M'Laurin, M'Lean, M'Neill, M'Queen, Nelson, Nicholson, O'Brien, Pearson, Peeples, Petty, Pittman, Polk, Powell, Rand, Riddick, Robertson, Sanders, Sasser, Seawell, Settle, Sherwood, Simmons, J. H. Skinner, Sloan, Speight, Stephens, Sumner, Swanner, Tatham, Thomas, L. Thompson, J. B. Thompson, G. A. Thompson, Wadsworth, Watson, Weaver, Webb, Whitaker, Wilson, Winston, Worth, A. W. Wooten, W. Wright, W. J. Wright, Wyche, Ziglar—112.

And so the House refused to insert the amendment. Mr. Cherry then asked and obtained leave to withdraw the said bill.

And then the House adjourned, on motion by Mr. Freeman, until Monday morning, 10 o'clock.

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#### MONDAY, DECEMBER 12, 1831.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to prevent protracted and vexatious litigation by enlarging the jurisdiction of justices of the peace out of court, reported unfavorably to the passage thereof, and moved that the said bill be indefinitely postponed. The question was decided in the affirmative—yeas 100, nays 16. The yeas and nays demanded by Mr. Emmett.

Those who voted in the affirmative, were messrs. Abernathy, Barclay, Barringer, Beckwith, Bell, Boddie, Bonner, Bragg, Burgin, Calloway, Cansler, Chamblee, Cherry, Cloman, Courts, Crump, Cunningham, Daniel, Davidson, Davis, Doherty, Dozier, Edmonston, Faddis, Flowers, Freeman, Garland, Gause, Gillespie, Glenn, Grandy, Gwyn, Harper, Hartt, Heartly, Henry, Hill, Hogan, Howard, Hunt, Jackson, Jarvis, J. B. Jones, J. F. Jones, Judkins, Larkins, Leak, Long, Lyon, Mask, Mebane, Miller, Moore, Morris, M'Cain, M'Clcese, M'Gehee, M'Laurin, M'Lean, M'Millan, M'Queen, Nelson, Nicholson, Outlaw, Pearson, Peeples, Pittman, Powell, Riddick, Robertson, Sawyer, Sasser, Seawell, Settle, Sherwood, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Smith, Speight, Spruill, Stallings, Stephens, Swanner, Thomas, L. B. Thompson, G. A. Thompson, Toole, Townsend, Watson, Webb, Wilson, Winston, Witcher, Worth, A. W. Wooten, C. Wooten, Wyche, Ziglar—100.

Those who voted in the negative, were messrs. Allison, Bogle, Brevard, Clayton, Cox, Emmett, Glass, Monk, Petty, Polk, Sloan, Tatham, J. B. Thompson, Wadsworth, Weaver, Whitaker—16.

On motion by Mr. Wyche, William Wright obtained leave of absence from the service of the House for this day and to-morrow.

Mr. Henry, from the committee on the Judiciary, which was instructed to inquire whether the criminal laws ought not to be so amended as to abolish the punishment of cutting off the ears, reported a bill to abolish the punishment of cutting off the ears. The said bill was read the first time and passed.

Mr. Henry, from the same committee, to which was referred an inquiry into the expediency of compelling the defendant, where he pleads the general issue in all actions on bills, bonds or notes, to make affidavit or verify the same on oath, reported that it is inexpedient to amend the laws now in force upon this subject, and prayed to be discharged from the further consideration thereof. The report was concurred in.

On motion by Mr. Laspeyre, ordered that a message be sent to the Senate, informing that the name of Richard D. Spaight is added to the nomination for Governor of the State, and informing that Messrs. Grandy and Witcher attend the Senate to conduct the balloting, heretofore agreed on to be had this day.

Mr. Henry, from the Judiciary committee, to which sundry resolutions upon that subject had been referred, reported a bill to amend the law relative to malicious and unlawful maiming and wounding. The said bill was read the first time and passed.

A message from the Senate, informing that Messrs. Miller and Kendall attend this House as a committee to conduct the balloting for a Governor of the State.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to amend an act, passed in the year 1820, entitled an act to repeal an act, passed in the year 1796, entitled an act to punish persons for removing debtors out of one county to another and out of the State, and for other purposes, reported the same without amendment, and recommended its passage. The said bill was read the second time and passed.

Mr. Henry, from the same committee, to which was referred a resolution directing them to inquire into the expediency of so amending the law relative to the settlement of the estates of deceased persons as to authorise the sheriffs in their respective counties, where there is no executor or administrator, in a limited time to enter upon and perform the duties of executor or administrator, so far as may be necessary to pay the debts of the deceased, reported that the committee deem it inexpedient to legislate on the subject, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Grandy, from the committee appointed to conduct the balloting for Governor of the State for the ensuing year, reported that Montfort Stokes had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Barringer, from the select committee to which was referred the bill to incorporate the Mecklenburg Gold Mining Company, reported the same without amendment, and recommended its passage. The said bill was read the second time and passed; and, on Mr. Bragg's motion, ordered that the said bill, together with the report of said committee, be printed.

Mr. Barringer, from the select committee to which was referred an inquiry whether a certificate had issued from the Superior Court of Anson county, in favor of the Hon. Robert Strange, contrary to the true intent and meaning of the law upon the subject, reported that in the opinion of the committee the said Robert Strange is legally entitled to the certificate in question. The report, on motion by Mr. Sawyer, was laid on the table.

A message from the Senate, agreeing to the proposition of this House to refer his excellency the Governor's message of the 9th instant to a joint select committee, and informing that Messrs. Toomer, Dick, M'Intire, Skinner and Montgomery of Hertford compose the committee on the part of the Senate.

A message from the Senate, informing that they had passed the following engrossed bill, viz. a bill giving exclusive jurisdiction to the Superior Court of Montgomery county of all pleas and prosecutions of the State, 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 alter the time of holding two of the terms of the Courts of Pleas & Quarter Sessions for the county of Macon; also the engrossed bill to amend the 10th section of the act of Assembly, chapter 997, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, and the engrossed bill to provide for the compensation of certain jurors of the county of Perquimons, with sundry amendments, and asking the concurrence of the Commons therein. The amendments proposed in said bills respectively were read and agreed to, and the Senate so informed.

A message from the Senate, proposing to refer to the joint select committee heretofore raised upon the subject of slaves, free persons of color, &c. a bill to prevent the circulation of seditious pamphlets. The proposition was agreed to.

A message from the Senate, proposing to raise a joint select committee to which shall be referred certain resolutions of the Senate on the subject of a rail road from Old Topsail Inlet, through the interior of the country, to the Blue Ridge, and informing that Messrs. Seawell, Williams, Martin of Wilkes, Dishongh and Hoke are appointed to compose said committee on the part of the Senate. The Proposition was agreed to, and Messrs. Davidson, Glenn, G. A. Thompson, Webb and Hunt were appointed to compose said committee on behalf of this House.

The bill to alter the time of holding elections in the county of Hertford, and the bill to repeal in part an act of the General Assembly, passed during the session of 1829, chapter 55, entitled an act to provide for the compensation of the jurors for the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; and the bill providing for the organization of the militia of Chatham county, were severally read the third time and passed, and ordered to be engrossed.

Mr. Gwyn presented the petition of Benjamin Long, sen'r, of the county of Caswell, a soldier in the militia service of the United States during the Revolution, praying to be allowed a pension. The said petition was referred to the committee on Propositions and Grievances.

The memorial of a number of the citizens of Mecklenburg county in favor of granting acts of incorporation to mining companies, was, on motion by Mr. Barringer, referred to the select joint committee on Incorporations.

On motion by Mr. M'Gehee,

*Resolved*, That the Public Treasurer be, and he is hereby requested to lay before this House such information as he may have received in regard to the progress and present condition of the affairs of the Roanoke Navigation Company.

On motion by Mr. Thomas,

*Resolved*, That the committee on Internal Improvements be instructed to inquire whether the Yadkin Navigation Company, the Catawba Navigation Company, the Broad and Tar River Navigation Companies, and the Neuse River Navigation Company have not forfeited their charters by a neglect to comply with the obligations thereof, and by an abuse of the powers and privileges granted to them; and that the committee further inquire into the expediency of repealing said acts of incorporation; and that they have leave to report by bill or otherwise.

Mr. Grandy presented a bill for the better regulation of slaves and free persons of color in the county of Camden; and Mr. Gause a bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick. These bills were read the first time and passed.

The bill to render persons whose names are forged competent witnesses

in prosecutions for such forgeries; and the bill authorising the administrator of Samuel Pemberton, dec'd, late sheriff of the county of Montgomery, to collect the arrearages of taxes due the said Pemberton for the years 1827 and 1828, were read the second time and passed.

The bill to aid in draining White Marsh, in Columbus county, was read, and, on motion by Mr. Edmonston, laid on the table.

The bill to appoint a superintendent of public works, and to repeal in part an act, passed in the year 1819, entitled an act to create a fund for Internal Improvements and to establish a board for the management thereof, was, on motion by Mr. L. Thompson, laid on the table.

The resignation of James Cox, a justice of the peace of the county of Lenoir, and of Waightsted Heartly, major of the 80th regiment of North Carolina militia, were presented, read and accepted.

The bill to authorise the justices of the peace in the several counties in this State to hold a court in their respective counties if necessary, to try all slaves that may be hereafter concerned in any conspiracy within this State, was read, and, on motion by Mr. Cox, ordered to be laid upon the table.

The bill to re-enact a part of the first section of an act, passed in the year 1787, chapter 11, entitled an act for hiring out persons convicted on indictment or presentment, not being able or willing to pay the fees of office and jailor's fees, was read the third time, amended on Mr. Pearson's motion, passed, and ordered to be engrossed. On the passage of the bill as amended, Mr. Edmonston called for the yeas and nays, and the vote was—yeas 83, nays 37.

Those who voted in the affirmative, were Messrs. Bell, Boddie, Bragg, Brevard, Brooks, Burgin, Calloway, Chamblee, Cloman, Courts, Cox, Crump, Davidson, Davis, Dozier, Faddis, Flowers, Freeman, Garland, Gillespie, Glass, Grandy, Gwyn, Hartt, Heartly, Henry, Hill, Hogan, Houlder, Howard, Hunt, Jackson, J. B. Jones, J. F. Jones, Judkins, Larkins, Leak, Little, Mask, Mebane, Monk, Moody, Moore, Morris, M'Cain, M'Cleese, M'Gehee, M'Laurin, Nicholson, Outlaw, Pearson, Peoples, Pittnan, Polk, Powell, Rand, Riddick, Robertson, Sanders, Sasser, Seawell, Settle, Sherwood, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Spruill, Stallings, Stephens, Thomas, L. Thompson, J. B. Thompson, G. A. Thompson, Townsend, Wadsworth, Weaver, Wilson, Witcher, A. W. Wooten, C. Wooten, Wyche—83.

Those who voted in the negative, were Messrs. Abernathy, Allison, Barringer, Beckwith, Bogle, Bonner, Cansler, Cherry, Clayton, Cunningham, Daniel, Doherty, Edmonston, Emmett, Gause, Glenn, Gaston, Harper, Haywood, Long, Lyon, Miller, M'Lean, M'Millan, M'Queen, Nelson, Petty, Sawyer, Smith, Speight, Swanner, Tatham, Toole, Webb, Whitaker, Winston, Worth—37.

A message from the Senate, informing that Mr. Kendall and Mr. Pool had been appointed, on behalf of the Senate, a select joint committee to wait upon his Excellency Montfort Stokes, and inform him of his re-election to the office of Chief Magistrate of the State, and to learn of him at what time it will be convenient for him to meet the two branches of the Legislature and take the oaths prescribed by law for his qualification. Ordered that Mr. Pearson and Mr. Freeman form the joint select committee for this purpose on the part of the Commons.

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

TUESDAY, DECEMBER 13, 1831.

On motion by Mr. Barringer, leave of absence from the service of this House, from and after this day until Friday next, was granted to Mr. Wyche.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of Iredell and Rowan, reported a bill to prevent the falling of timber in, or otherwise obstructing the channel of Hunting creek, in the counties of Rowan and Iredell. The said bill was read the first time and passed.

Mr. Leak, from the committee on Claims, to which was referred the memorial of Stephen Herring, of Sampson county, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. Pearson, from the committee appointed to wait upon his Excellency the Governor elect, and inform him of his election, reported that his Excellency Governor Stokes would on this day, at 12 o'clock, attend in the House of Commons for the purpose of taking the oaths of office.

Mr. Townsend, from the committee on Finance, to which was referred the resolution in favor of William Thompson, Sheriff of Wayne, reported favorably thereon. The said resolution was read and rejected.

On motion by Mr. Dozier,

*Resolved*, That the select committee on so much of the Governors' message relating to slaves and free persons of color be instructed to inquire into the expediency of preventing slaves and free persons of color from navigating as masters or captains any boat passing and repassing through the Dismal Swamp Canal; and that they report by bill or otherwise.

Mr. Laspeyre presented a bill for the better regulation of pilotage on vessels trading within the several ports in this State; which was read the first time and passed.

Mr. Clayton presented a bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county, by the name of Yancey; which was read the first time and passed, and, on motion by Mr. Clayton, referred to the committee on Propositions and Grievances.

Mr. Sawyer, from the joint select committee to which was referred a bill to insure the fair valuation of lands in this State when the same shall be given in for taxation, reported the same with sundry amendments. The bill, together with the proposed amendments, were, on motion by Mr. Outlaw, laid on the table.

Mr. Sawyer, from the same committee, to which was referred a bill fixing a uniform mode of assessment of the real estate with its improvements thereon, in the county of Beaufort, reported the same without amendment. The said bill was, on Mr. Sawyer's motion, ordered to be laid on the table.

The bill for the better regulation of pilotage on vessels trading within the several ports in this State, was, on motion by Mr. Larkins, referred to a select committee. Messrs. Larkins, Laspeyre, Singleton, Simmons and Hunt compose said committee.

Mr. Hartt presented the petition of Samuel Knox, of Mecklenburg county, praying to be placed on the pension list. The petition was, on motion by Mr. Hartt, referred to the committee on Propositions and Grievances.

The Speaker laid before the House certain certificates from the clerks of the Superior and County Courts of Moore, shewing the number of suits now pending in their courts respectively. These papers, on motion by Mr. Seawell, were laid on the table.



On motion by Mr. A. Wooten,

*Resolved*, That a message be sent to the Senate, proposing to raise a joint select committee to inquire into the expediency of changing the manner of making contracts for the supply of fuel for the use of the two Houses of the Legislature; and that they report by resolution or otherwise.

The Speaker laid before the House a communication from the Public Treasurer, transmitting, in obedience to the resolution of yesterday, sundry documents relating to the progress and present condition of the affairs of the Roanoke Navigation Company. On motion by Mr. M'Gehee, the same were ordered to be printed.

On motion, ordered that a message be sent to the Senate, informing of the readiness of this House *now* to receive the Senate in the Commons Hall for the purpose of witnessing the qualification of the Governor elect.

It being now 12 o'clock, Monfort Stokes, the Governor elect for the ensuing year, attended by the joint select committee heretofore appointed, waited upon the General Assembly, both branches being assembled in the Commons Hall, and took and subscribed the several oaths of office prescribed by law for his qualification—the oaths having been administered by Nathaniel G. Rand, a justice of the peace for the county of Wake.

Mr. Ziglar presented a bill directing the manner in which constables shall hereafter be elected in the county of Stokes; which was read the first time and passed.

The bill to authorise the County Courts of this State to establish poor and work houses in their respective counties; a resolution allowing compensation to certain jurors in the county of Buncombe; and a bill to authorise the County Court of the county of New Hanover to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State; the bill to repeal an act, passed in the year 1830, entitled an act to provide for summoning the original venire to the County Courts of Randolph, Rockingham, Buncombe, Brunswick and Chatham in future; the bill to provide for having the militia laws of this State digested, amended and published; the bill to repeal an act, passed in the year 1830, entitled an act to amend an act, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county; the bill to prescribe the manner in which lands shall be sold for taxes in the county of Washington; the bill to repeal part of the act of 1741, chapter 35, authorising the County Courts of this State to grant certificates in certain cases; the bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 155, entitled an act concerning those persons who are interested in the beach and marshy lands lying in the county of Currituck; and the bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick, were severally read the second time and passed.

Mr. Freeman presented a bill for the better regulation of a light infantry company in the county of Beaufort, called the Washington Guards; which was read the first time and passed.

The bill to amend an act, passed in the year 1830, entitled an act to amend an act, passed in the year 1829, entitled an act to vest the right of electing sheriffs in the several counties within this State in the free white men thereof, was read, and, on Mr. Sawyer's motion, laid on the table.

The engrossed resolution in favor of Wm. Thompson, sheriff of Wayne

county, heretofore rejected by this House, was, on motion by Mr. Edmonston, reconsidered; and, on motion by Mr. Sasser, the said resolution was ordered to be laid on the table, and leave granted Mr. Sasser to withdraw the accompanying certificate of the clerk of Wayne County Court.

The bill to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear river, was, on Mr. Henry's motion, laid on the table.

Mr. M'Neil presented the certificate of the clerk of the County Court of Cumberland in favor of Ann Morrison, allowing her a pension of forty dollars. The same was countersigned by the Speaker of the Commons, and ordered to be transmitted to the Senate.

The bill to subject to entry certain lands in the county of Haywood, was read, and, on Mr. Sawyer's motion, laid on the table.

Mr. Sawyer presented a bill to limit and define the power of courts in issuing attachments and inflicting punishments for contempts; which was read the first time and passed, and referred, on Mr. Worth's motion, to the committee on the Judiciary.

The bill for the better regulation of slaves and free persons of color in the county of Camden, was read the second time and rejected.

The bill authorising the administrator of Samuel Pemberton, dec'd, late sheriff of the county of Montgomery, to collect the arrearages of taxes due the said Pemberton for the years 1827 and 1828, was read the third time, amended on Mr. Haywood's motion, and passed, and ordered to be engrossed.

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

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WEDNESDAY, DECEMBER 14, 1831.

On motion by Mr. Mebane, ordered that a message be sent to the Senate, proposing that one member on the part of each House be added to the joint select committee on the subject of Banks and the circulating medium. William Gaston was, on motion, added to the said committee on the part of the Commons.

Messrs. Daniel and Worth were, by the Speaker, added to the committee on Enrolled Bills.

Mr. Henry presented a bill to incorporate the trustees of the Ravenscroft Academy of Fayetteville; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Nicholson presented a petition from sundry citizens of the county of Halifax, and a bill to carry the prayer of the petitioners into effect, entitled a bill to authorise the building of a toll bridge over Roanoke river at the town of Weldon, and to incorporate a company for that purpose. The said bill was read the first time and passed.

Mr. Cox, from the joint select committee to which was referred a bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside, reported the same with sundry amendments, and recommended its passage. The proposed amendments were concurred in, and the bill read the second time and passed.

Mr. Edmonston, from the committee on the subject of roads, to which was referred the bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations or lay out new roads in

said county, reported said bill with sundry amendments. The report and bill were, on Mr. Edmonston's motion, laid on the table.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to prevent frauds in packing cotton, reported the same with sundry amendments. The amendments were read and concurred in; and, on motion by Mr. Gaston, the said bill was laid on the table.

Mr. Henry, from the same committee, reported unfavorably on the bill to amend an act, passed A. D. 1830, entitled an act to prevent the burning of the Court Houses and other public buildings. The said bill was, on motion by Mr. Sawyer, postponed indefinitely.

Received from his excellency the Governor, by his private secretary Mr. Muse, the following communication:

*To the honorable the General Assembly of the State of North Carolina.*

GENTLEMEN,—I herewith transmit a report of a committee of the stockholders of the State Bank of North Carolina, made to their annual meeting on the 5th instant, at which meeting Romulus M. Saunders, Esquire, attorney general, attended as a commissioner on the part of the State. Accompanying the same, will be found a communication from General Saunders, relative to the propriety of authorising the stockholders to make a partial dividend of their capital stock; to which I invite the attention of the Legislature.

I have the honor to be, gentlemen, your ob'dt serv't.

M. STOKES.

On motion by Mr. Edmonston, ordered that the same be transmitted to the Senate, with a proposition that the communication and accompanying documents be referred to the joint select committee on the subject of Banks, and that they be printed.

Mr. Gaston presented a bill to incorporate the North Carolina Central Rail Road Company; which was read the first time and passed, and, on Mr. Gaston's motion, referred to the joint select committee raised upon the subject of Rail Roads.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to provide for the collection of debts where there is no visible property, reported the same with amendments. The amendments were read and concurred in. Mr. Stallings moved that the said bill be postponed indefinitely. The question thereon was decided in the negative.—yeas 30, nays 90. The yeas and nays demanded by Mr. Glenn.

Those who voted in the affirmative, were Messrs. Bell, Dozier, Edmonston, Gillespie, Grandy, Gaston, Haywood, Howard, Jackson, Judkins, Lyon, M'Lean, M'Millan, Peeples, Riddick, Simmons, Singleton, J. M. Skinner, Smith, Speight, Stallings, Stephens, L. Thompson, Toole, Wadsworth, Weaver, Webb, Wilson, Worth, W. Wright—30.

Those who voted in the negative, were Messrs. Abernathy, Allison, Barringer, Beckwith, Boddie, Bogle, Bonner, Bragg, Brevard, Broadhurst, Brooks, Burgin, Calloway, Cansler, Chamblee, Cherry, Clayton, Cleman, Courts, Cox, Crump, Cunningham, Daniel, Davidson, Davis, Doherty, Emmett, Faddis, Flowers, Freeman, Gause, Glass, Glenn, Gwyn, Harper, Hartt, Heartly, Henry, Hill, Hogan, Houlder, Hunt, Jarvis, J. B. Jones, J. F. Jones, Larkins, Leak, Little, Long, Mask, Mebane, Miller, Monk, Moody, Moore, Morris, M'Cain, M'Cleese, M'Gehee, M'Laurin, M'Neill, M'Queen, Nicholson, Outlaw, Pearson, Petty, Pittman, Polk, Powell, Rand, Robertson, Sanders, Sasser, Seawell, Settle, Sherwood, J. H. Skinner, Sloan, Spruill, Sumner, Swanner, Tatham, Thomas, Watson, Whitaker, Winston, Witcher, A. W. Wooten, C. Wooten, Ziglar—90.

On motion by Mr. Spruill, the said bill was laid on the table.

Mr. Pearson presented a bill to incorporate the Cape Fear and Yadkin Rail Road Company; which was read the first time and passed, and referred to the joint select committee on Rail Roads.

Mr. Allison presented a bill concerning the County Court of Orange county; Mr. Burgin, a bill to exempt certain persons from paying toll on the turnpike road from Old Fort, in Burke, to Ashville, in Buncombe; and Mr. Toole, a bill to prevent obstructions to the passage of fish up the Tar river. These bills were read the first time and passed.

On motion by Mr. Bragg,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of prohibiting by law the public execution of criminals.

Mr. Gaston gave notice that he should, on to-morrow, move the following amendment to the rules of order, viz.

“Upon the first reading of any bill or resolution, which, by the rules of the House, is required to be read three times, it shall not be in order to amend or commit it; and every bill and resolution as aforesaid shall be deemed to have passed its first reading, unless, on a motion formally made for that purpose, it be rejected, postponed indefinitely, or ordered to lie on the table.”

On motion by Mr. Cox,

*Resolved*, That Tuesday evening next be set apart for the purpose of recommending field officers and justices of the peace in the different counties in this State; and that the Senate be informed thereof by message.

Mr. Mebane, from the committee on Internal Improvements, to which sundry resolutions had been referred, in relation to the dredging machine belonging to the State, reported a bill to carry into effect the provisions of an act, passed in 1825, entitled an act to provide for the removal of the shoal in the Tar river, below the town of Washington. The said bill was read the first time and passed.

Mr. Townsend, from the committee of Finance, to which was referred the bill to amend an act, passed in 1822, chapter 1st, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government, reported the same with amendments. The amendments were read and concurred in; and, on motion by Mr. Davidson, ordered that the bill as amended lie on the table and be printed.

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

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THURSDAY, DECEMBER 15, 1831.

The bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations or lay out new roads in said county, was taken up and considered. The amendments proposed by the committee on Roads were concurred in, and the bill read the second time and passed.

Mr. Allison presented a bill to vest the right of electing the clerks of the Superior and County Courts in the several counties within this State in the free white men thereof; which was read the first time and passed.

Mr. Gaston, from the joint select committee to which was referred the communication, and documents accompanying, from his excellency the Governor, in relation to the repairing of the Statue of Washington, made a detailed report thereon, and recommended the adoption of a resolution authorising said repairs to be made. The said resolution was read the first time and passed; and, on motion by Mr. Sumner, ordered that the report of the committee and resolution be printed, ten copies for each member of the General Assembly.

On motion by Mr. Outlaw,

*Resolved*, That the committee on so much of the Governor's message as relates to incendiary publications, slaves and free persons of color, be instructed to inquire into the expediency of increasing the reward for the apprehension of runaway slaves; and that they have leave to report by bill or otherwise.

On motion by Mr. Gause,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of altering the quarantine law, past at the last session; and that they report by bill or otherwise.

Mr. Polk presented a petition and counter petition from sundry citizens of the county of Rowan, in relation to the opening of Crane creek. The reading of these petitions was dispensed with, and, on motion of Mr. Polk, they were referred to the committee on Propositions and Grievances.

Mr. Little presented a bill supplemental to an act, passed in the year 1830, entitled an act to regulate the time of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson; Mr. Faddis a bill to alter the time of laying the county and poor taxes and appointing constables in the county of Orange, and for other purposes; and Mr. Webb a bill to appoint an additional place of public sale in the county of Rutherford. These bills were read severally the first time and passed.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred the petition from sundry citizens of Lenoir county, in relation to Cox's bridge, reported that it is inexpedient to legislate upon the subject, and prayed to be discharged from the further consideration thereof. The report was concurred in.

On motion by Mr. Calloway, ordered that a message be sent to the Senate, proposing to ballot on to-morrow for a brigadier general of the 9th brigade, and informing that William Horton is nominated for the appointment. The name of Samuel F. Patterson was, by Mr. Courts, added to the nomination.

Mr. C. Wooten presented a resolution authorising the Executive to request of the United States' Government a supply of cavalry arms; which was read, and, on Mr. O'Brien's motion, laid on the table.

The amendment to the rules of order, proposed by Mr. Gaston on yesterday, was now, in pursuance of notice, taken up and considered, and adopted.

On motion by Mr. Sawyer,

*Resolved*, That all resolutions introduced into this House making a requisition on the Treasury for money, shall be read three several times.

A message from the Senate, proposing that the two houses ballot on to-morrow for Public Treasurer and Comptroller, and informing that William S. Mhoon is in nomination for the first, and James Grant for the second named office. The proposition was agreed to.

A message from the Senate, informing that they had passed the following engrossed bill and resolutions, viz. a bill to allow compensation to the jurors of the County and Superior Courts of the county of Macon; resolution in favor of the Public Treasurer; and a resolution directing the printing of the report of the committee of Finance on the state of the Public Treasury; and asking the concurrence of this House. The said bill and resolutions were read the first time and passed.

Mr. Morris presented a bill to provide for the final settlement of executors and administrators; which was read, and, on Mr. Morris's motion, referred to the committee on the Judiciary, and, on motion by Mr. Crump, ordered to be printed.

A message from the Senate, informing that they had passed the engrossed resolution to appoint an agent to collect evidence and attend to the surveying of the lands which are the subject of suit in the Supreme Court of this State; and asking the concurrence of this House. The said resolution was, on motion by Mr. Edmonston, laid on the table.

A message from the Senate, informing that they had passed the engrossed resolution authorising the burning of Treasury notes, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

The bill for the better regulation of a light infantry company in the county of Beaufort, called the Washington Guards, was read the second time and passed.

The bill to appoint a superintendent of public works, and to repeal in part an act, passed in the year 1819, entitled an act to create a fund for Internal Improvements and to establish a board for the management thereof, was read, and, on motion by Mr. Haywood, laid on the table—yeas 96, nays 31. The yeas and nays demanded by Mr. Emmett.

Those who voted in the affirmative, were messrs. Abernathy, Allison, Arrington, Barringer, Beckwith, Bogle, Bonner, Bragg, Brevard, Brooks, Burgin, Calloway, Canster, Clayton, Courts, Cox, Cunningham, Daniel, Davidson, Doherty, Edmonston, Faddis, Freeman, Garland, Gause, Glass, Glenn, Gwyn, Hart, Haywood, Heartly, Henry, Hill, Hogan, Howard, Hunt, J. F. Jones, Judkins, Larkins, Laspeyre, Leak, Little, Long, Lyon, Mask, Mebane, Miller, Monk, Moody, Moore, Morris, M'Cain, M'Gehee, M'Laurin, M'Lean, M'Millan, M'Neil, M'Queen, Nelson, Outlaw, Pearson, Peebles, Petty, Pittman, Polk, Powell, Rand, Robertson, Sanders, Sasser, Seawell, Settle, Sherwood, Simmons, Singleton, J. H. Skinner, Smith, Speight, Stephens, Sumner, Tatham, Thomas, L. Thompson, Toole, Townsend, Wadsworth, Watson, Weaver, Webb, Whitaker, Wilson, Winston, Witcher, Worth, C. Wooten, Ziglar—96.

Those who voted in the negative, were messrs. Bell, Boddie, Broadhurst, Chamblee, Cherry, Cloman, Crump, Dozier, Emmett, Flowers, Gillespie, Grandy, Harper, Houlder, Jackson, Jarvis, J. B. Jones, M'Cleese, Nicholson, O'Brien, Riddick, Sawyer, J. M. Skinner, Sloan, Spruill, Stallings, Swanner, J. B. Thompson, G. A. Thompson, A. W. Wooten, W. Wright—31.

The engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson, was read the third time, amended on motion by Mr. Miller, and passed. Ordered that the concurrence of the Senate be asked in said amendment.

On motion by Mr. Sumner,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether titles to real estate can be tried on petitions for partition, and, if not, to inquire into the expediency of providing by law that whenever the title to real estate shall come in question upon a petition filed for the division of real estate, the court in which such petition shall be filed may proceed to try the question of title by submitting such issues to a jury as may be necessary and proper, and to decree accordingly.

The bill more effectually to prevent slaves from hiring their own time, and from being allowed to go at large without employment, was read, and, on motion by Mr. Crump, postponed indefinitely.

A message from the Senate, agreeing to the proposition to ballot on to-morrow for a brigadier general of the ninth brigade.

A message from the Senate, proposing that the two Houses ballot on Wednesday next for counsellors of State, and informing that Robert C. Watson is nominated for the appointment. The proposition was agreed to.

Ordered that the resolutions in favor of the Public Treasurer, and directing the printing of the report of the committee of Finance on the state of the Public Treasury, be enrolled.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 16, 1831.

Mr. Robertson presented the petitions of Francis Ange, William Mizell and William Maye, of Martin county, praying for pensions. The petitions were read and referred, with the accompanying documents, to the committee on Propositions and Grievances.

Mr. presented the petition of sundry citizens of Duplin and Wayne counties, praying for the establishment of the boundary line between said counties, and Mr. Gillespie a counter petition upon the same subject. These were referred to the committee on Propositions and Grievances.

The petition of Elisha Harrell, of South Carolina, a soldier of the Revolution, praying to be placed on the pension list of this State, was laid before the House by the Speaker, and, on Mr. O'Brien's motion, referred to the committee on Propositions and Grievances.

Mr. Mebane, from the committee on Internal Improvements, to which was referred the petition of the Tennessee River Turnpike Company, reported a bill to aid in making the Tennessee River Road in Macon county; which was read the first time and passed.

Mr. Mebane, from the joint select committee on the subject of banks, to which was referred the bill to amend an act, passed in 1829, entitled an act to enable the State Bank to wind up gradually, and to fix a uniform rate of collection, reported the same without amendment, and recommended its passage. The said bill was read the second time and passed.

Mr. Polk presented a bill for the better regulation of cavalry; which was read the first time and passed.

The resignations of Caleb Leonard, a lieut. col. of the Nash regiment of militia, and of A. Flemming, as a justice of the peace of the county of Cabarrus; and of James M'Brayer, a justice of the peace of the county of Buncombe, were presented, read and accepted.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to limit and define the power of courts in issuing attachments and inflicting punishments for contempts, reported the same with an amendment, and recommended its passage. The bill and amendment were, on motion by Mr. Outlaw, laid on the table.

Ordered that Messrs. Webb and J. B. Thompson form the committee to conduct the balloting for a brigadier general of the ninth brigade.

Mr. Grandy presented a bill to prevent obstructions to the passage of fish up Aranuse creek, in the county of Camden; and Mr. C. Wooten a bill to incorporate the United Brothers' Library Society in the county of Lenoir. These bills were read the first time and passed.

Mr. Whitaker presented a bill to repeal part of an act, passed at the last session of the General Assembly, entitled an act to prevent all persons from teaching slaves to read and write, the use of figures excepted. Mr. Sawyer moved that the said bill be indefinitely postponed. The question thereon was decided in the affirmative—yeas 99, nays 25. The yeas and nays demanded by Mr. Edmonston.

Those who voted in the affirmative, were messrs. Abernathy, Arrington, Barclay, Beckwith, Bell, Boddie, Bonner, Bragg, Broadhurst, Brooks, Cansler, Chamblee, Cherry, Cloman, Courts, Cox, Daniel, Davis, Dozier, Emmett, Faddis, Fleming, Flowers, Freeman, Garland, Gause, Gillespie, Glenn, Grandy, Gwyn, Harper, Haywood, Heartly, Henry, Hill, Hogan, Houlder, Howard, Hunt, Jackson, Jarvis, J. B. Jones, J. F. Jones, Judkins, Larkins, Laspeyre, Leak, Little, Long, Lyon, Mask, Miller, Monk, Moore, Morris, M'Cain, M'Cleese, M'Gehee, M'Millan, M'Neill, M'Queen, Nelson, Nicholson, Outlaw,

O'Brien, Pearson, Petty, Pittman, Powell, Riddick, Robertson, Sanders, Sawyer, Sasser, Seawell, Settle, Sherwood, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Spruill, Stallings, Stephens, Swanner, L. Thompson, J. B. Thompson, G. A. Thompson, Toole, Townsend, Watson, Webb, Wilson, Winston, A. W. Wooten, C. Wooten, W. Wright, Wyche—99.

Those who voted in the negative, were messrs. Allison, Barringer, Bogle, Brevard, Burgin, Calloway, Clayton, Cunningham, Davidson, Doherty, Edmonston, Glass, Hartt, Mebane, M'Laurin, M'Lean, Peebles, Smith, Tatham, Thomas, Wadsworth, Weaver, Whitaker, Witcher, Worth—25.

On motion by Mr. Glenn, he was excused from serving on the joint select committee raised on Rail Roads, and Mr. Gaston substituted in his place.

On motion by Mr. Seawell, ordered that a message be sent to the Senate, proposing that another member, on the part of each House, be added to the joint select committee on Rail Roads, and informing that Mr. Glenn is added to said committee on the part of the Commons.

A message from the Senate, informing that Messrs. Davenport and Elliott form their balloting committee for a brigadier general of the ninth brigade.

A message from the Senate, informing that Messrs. Askew and Montgomery, of Orange, attend this House to conduct the balloting for Public Treasurer & Comptroller, heretofore agreed on to be had this day. Messrs. Broadhurst and M'Cain were appointed to compose this committee on the part of the Commons.

A message from the Senate, agreeing to refer the late message of his Excellency the Governor, and the accompanying documents, to the joint select committee raised on the subject of banks.

A message from the Senate, informing that Messrs. Nathan B. Whitfield, George W. Jeffreys, Alfred Jones, David Newland, Daniel M. Forney, William Williams, of Warren, and Owen Holmes have been added to the nomination for counsellors of State.

A message from the Senate, agreeing to raise a joint select committee upon the expediency of changing the mode of supplying the Legislature with fuel, and informing that Messrs. Hall, Simmons, Howell, Vanhook and Underwood form said committee on the part of the Senate. Messrs. A. W. Wooten, Clayton, Gause, J. M. Skinner and Sloan compose said committee on the part of the Commons.

A message from the Senate, agreeing to the proposition of this House to add two members to the joint select committee on so much of the Governor's message as relates to the banks and circulating medium, and informing that John M. Dick is added to said committee on the part of the Senate.

A message from the Senate, agreeing to the proposition of this House that Tuesday next be set apart for the appointment of field officers and justices of the peace.

A message from the Senate, informing that they had passed the engrossed bill to provide for the collection of cost in certain cases, with an amendment, and asking the concurrence of this House therein. The amendment was read and concurred in.

The engrossed resolution to appoint an agent to collect evidence and attend to the surveying of the lands which are the subject of a suit in the Supreme Court, was, on motion by Mr. Bragg, referred to the committee on the Judiciary.

The resolution authorising the Executive to request of the United States'



Government a supply of cavalry arms, was read and adopted, and ordered to be engrossed.

Mr. Harper presented a bill to provide for rebuilding the State House on Union Square in the city of Raleigh; which was read the first time and passed, and, on motion by Mr. Sawyer, referred to a committee of the whole House, and made the order of the day for Wednesday next.

The certificate of the County Court of Cumberland in favor of Ann Morrison, a pensioner of the State, was received from the Senate countersigned by the Speaker of that House.

Mr. Webb, from the committee appointed to conduct the balloting for brigadier general of the ninth brigade, reported that Samuel F. Patterson had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Thomas presented the petition of Sarah Burrow, wife of Henry Burrow, praying that alimony be allowed her out of the estate of her said husband. The said petition was referred to the committee of Claims.

A message from the Senate, informing that they had passed the engrossed bill to amend the second section of an act, passed A. D. 1796, entitled an act to enforce the duty of Inspectors in this State, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Moody presented a bill to regulate the fees allowed the clerks of the Superior and County Courts of this State, so far as respects the county of Northampton; which was read the first time and passed.

Mr. Singleton, from the select committee to which was referred the bill for the better regulation of pilotage on vessels trading within the several ports in this State, reported the same with amendments, and recommended its passage. The amendments were concurred in, and the bill read the second time and passed.

The bill to extend to the teachers and scholars of all the schools within this State the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law, was read the second time. Mr. Henry moved to amend the bill by striking out the whole thereof after the enacting clause, and inserting "that all laws now in force in this State which exempt teachers and students of academies and common schools from working on roads, be, and the same are hereby repealed." Mr. Webb moved to amend the proposed amendment by adding after the words "common schools," the words "and University of North Carolina." The question on Mr. Webb's motion was decided in the negative. On the amendment proposed by Mr. Henry, Mr. Mebane called for a division of the question, and the question being put on striking out the original bill after the enacting clause, it was decided in the negative. Mr. Haywood moved to amend the bill by adding the following proviso: "Provided, however, that nothing in this act shall be so construed as to extend to any teacher or his scholars where the number of said scholars shall fall short of six." This motion was lost. The question then recurring on the passage of the bill its second reading, was decided in the affirmative—yeas 92, nays 37. The yeas and nays demanded by Mr. Allison.

Those who voted in the affirmative, were, Messrs. Barclay, Barringer, Beckwith, Boddie, Bragg, Chamblee, Cherry, Courts, Cox, Crump, Cunningham, Daniel, Davidson, Davis, Doherty, Faddis, Garland, Gause, Gillespie, Glenn, Grandy, Gaston, Hartt, Haywood, Hartley, Henry, Hogan, Houlder, Howard, Hunt, Jarvis, J. B. Jones, J. F. Jones, Judkins, Laspeyie,

Leak, Little, Long, Lyon, Mask, Mebane, Miller, Monk, Moody, Moore, Morris, M'Cain, M'Gehee, M'Laurin, M'Lean, M'Millan, M'Neill, M'Queen, Nicholson, Outlaw, O'Brien, Pearson, Petty, Polk, Powell, Rand, Riddick, Sanders, Sawyer, Sasser, Seawell, Sherwood, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Spruill, Stallings, Stephens, Sumner, Swanner, Tatham, Thomas, J. B. Thompson, Toole, Townsend, Watson, Webb, Whitaker, Wilson, Worth, A. W. Wooten, C. Wooten, W. Wright, Wyche, Ziglar—92.

Those who voted in the negative, were Messrs. Abernathy, Allison, Arrington, Bell, Bogle, Bonner, Brevard, Brooks, Burgin, Calloway, Canler, Clayton, Cloman, Dozier, Edmonston, Fleming, Flowers, Freeman, Glass, Gwyn, Harper, Hill, Jackson, Larkins, M'Cleese, Nelson, Peoples, Pittman, Robertson, Settle, Smith, L. Thompson, G. A. Thompson, Wadsworth, Weaver, Winston, Witcher—37.

The bill to repeal part of an act, passed in the year 1806, chapter 708, entitled an act to revise the militia laws of this State relative to infantry, was read the second time. Mr. Wilson moved that the said bill be postponed indefinitely. The question thereon was decided in the affirmative—yeas 76, nays 40. The yeas and nays demanded by Mr. Allison.

Those who voted in the affirmative, were Messrs. Barclay, Barringer, Beckwith, Bonner, Chamblee, Cherry, Courts, Crump, Daniel, Davidson, Davis, Doherty, Garland, Glenn, Grandy, Gwyn, Gaston, Harper, Hart, Heartley, Henry, Hogan, Houlder, Howard, Hunt, Jarvis, J. B. Jones, J. F. Jones, Judkins, Laspeyre, Leak, Little, Lyon, Mask, Mebane, Monk, Moody, Moore, Morris, M'Cain, M'Cleese, M'Gehee, M'Laurin, M'Lean, M'Millan, M'Neill, Nicholson, Outlaw, O'Brien, Pearson, Petty, Pittman, Riddick, Sanders, Sawyer, Sasser, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Spruill, Stallings, Stephens, Sumner, Swanner, Thomas, G. A. Thompson, Toole, Townsend, Watson, Whitaker, Wilson, Worth, A. W. Wooten, Wyche—76.

Those who voted in the negative, were Messrs. Abernathy, Allison, Arrington, Bell, Bogle, Brevard, Brooks, Calloway, Canler, Clayton, Cloman, Cox, Cunningham, Dozier, Edmonston, Fleming, Flowers, Freeman, Gause, Glass, Haywood, Hill, Jackson, Larkins, Miller, Nelson, Peoples, Powell, Rand, Robertson, Seawell, Settle, Smith, Tatham, Wadsworth, Weaver, Webb, Winston, Witcher, Ziglar—40.

Arthur Speight obtained leave of absence from the service of this House for to-morrow.

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



SATURDAY, DECEMBER 17, 1831.

Mr. M'Cain, from the committee appointed to conduct the balloting for a Public Treasurer and Comptroller, reported that William S. Mhoon for Public Treasurer, and James Grant for the office of Comptroller, had each received a majority of the whole number of votes, and were duly elected. The report was concurred in.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill authorising the administrator of Samuel Pemberton, dec'd, late sheriff of the county of Montgomery, to collect the arrearages of taxes due the said Pemberton for the years 1827 and 1828.

On motion by Mr. Mebane, leave of absence from the service of this House was granted to Mr. Allison for this day.

Mr. Pittman presented a bill for the better regulation of the town of Tarborough, in the county of Edgecomb; and Mr. Brooks, a bill to incorporate Tick Creek Academy, in the county of Chatham. These bills were read the first time and passed.

Mr. Clayton presented the petition of sundry citizens of Buncombe county, praying that Benjamin Buckner, John Harwood and Wm. Fisher be restored to the privileges of a citizen, forfeited by a conviction and punishment for the crime of petit larceny; and Mr. Barclay the petition of sundry citizens of Cumberland county, praying that John Taylor, of said county, be restored to credit, heretofore forfeited for the like offence. These petitions were referred to the committee on Propositions and Grievances.

Mr. Little presented the petition of Arthur Davis, of Anson county, praying compensation for a horse pressed into the service of the militia of said county. This petition was referred to the committee on Claims.

The resignation of John A. Hughes, a justice of the peace of Surry county, was presented, read and accepted.

Mr. Robertson presented a bill to prevent slaves and free persons of color from commanding boats on Roanoke river; and Mr. Edmonston a bill for the better regulation of the County Courts of Haywood, and also a bill to alter the time of holding the Superior Courts for the county of Haywood. These bills were read the first time and passed.

Mr. Brevard presented a bill to authorise the erection of mills on Big Ivey creek, in the county of Buncombe, accompanied by a petition from sundry citizens of said county upon that subject. The said bill was read the first time and passed, and, on Mr. Brevard's motion, referred to the committee on Propositions and Grievances.

Mr. Bragg presented a bill more effectually to compel the attendance of witnesses for the purpose of procuring their depositions, to grant facilities for obtaining the testimony of witnesses in prison, and for other purposes; which was read the first time and passed, and, on Mr. Bragg's motion, referred to the committee on the Judiciary.

The bill to authorise the County Court of the county of New Hanover to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State; and the bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside, were each read the third time and passed, and ordered to be engrossed.

The resolution allowing compensation to certain jurors in the county of Buncombe, was read the third time, passed, and ordered to be engrossed.

The bill to prescribe the manner in which lands shall be sold for taxes in the county of Washington, was read the third time, and, on motion by Mr. A. W. Wooten, indefinitely postponed.

Mr. C. Wooten presented a bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases; which was read the first time and passed, and, on motion by Mr. Edmonston, referred to the committee on the Judiciary.

The bill to extend the laws of the State over that part of territory now occupied by the Cherokee nation of Indians and included within the chartered limits of this State, was, on motion by Mr. Whitaker, taken up and considered. Mr. Henry moved that said bill be amended, and Mr. Edmonston moved that the bill and proposed amendment be postponed indefinitely. The question was decided in the affirmative—yeas 96, nays 31.

Those who voted in the affirmative, were messrs. Abernathy, Arrington, Barclay, Barringer, Beckwith, Bell, Boddie, Bogle, Bonner, Bragg, Broadhurst, Brooks, Caloway, Cansler, Chamblee, Cherry, Cloman, Courts, Cox, Crump, Cunningham, Daniel, Davis, Doherty, Dozier, Edmonston, Emmett, Faddis, Flowers, Garland, Gause, Gillespie, Glass, Glenn, Grandy, Gwyn, Gaston, Hartt, Haywood, Heartly, Hogan, Houlder, Howard, Hunt, Jackson, Jarvis, J. B. Jones, J. F. Jones, Judkins, Larkins, Laspeyre, Little, Mebane, Miller, Monk, Moody, Morris, M'Cain, M'Cleese, M'Gehee, M'Laurin, M'Queen, Nelson, O'Brien, Pearson, Peeples, Petty, Pittman, Rand, Riddick, Robertson, Sanders, Seawell, Sherwood, Simmons, J. H. Skinner, J. M. Skinner, Sloan, Smith, Spruill, Stallings, Stephens, Sumner, Swanner, Thomas, L. Thompson, J. B. Thompson, G. A. Thompson, Townsend, Weaver, Wilson, Witcher, Worth, A. W. Wooten, C. Wooten, Wyche—96.

Those who voted in the negative, were messrs. Brevard, Burgin, Clayton, Davidson, Fleming, Freeman, Harper, Henry, Hill, Leak, Long, Lyon, Moore, M'Lean, M'Millan, M'Neil, Nicholson, Outlaw, Polk, Powell, Sawyer, Settle, Singleton, Tatham, Toole, Wadsworth, Watson, Webb, Whitaker, W. Wright, Ziglar—31.

The bill to provide for having the militia laws of this State digested, amended and published, was read, and, on Mr. Wyche's motion, ordered to lie on the table.

The bill to incorporate the Mecklenburg Gold Mining Company, was read, and, on motion by Mr. Gaston, referred to a select committee consisting of Messrs. Gaston, Haywood, Barringer, Henry and Wyche.

The bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick; and the bill to authorise the County Courts of this State to establish poor and work-houses in their respective counties; and the bill to repeal an act, passed in the year 1830, entitled an act to amend an act, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county, were severally read the third time, passed, and ordered to be engrossed.

The bill to amend an act, passed in 1829, entitled an act to enable the State Bank to wind up gradually and to fix a uniform rate of collection, was read, and, on motion by Mr. Haywood, laid on the table.

The engrossed bill to repeal part of the act of 1741, chapter 35, authorising the County Courts of this State to grant certificates in certain cases; and the engrossed bill to repeal an act, passed in the year 1830, entitled an act to provide for summoning the original venire to the County Courts of Randolph, Rockingham, Buncombe, Brunswick and Chatham in future, were read the third time, passed and ordered to be enrolled.

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

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MONDAY, DECEMBER 19, 1831.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of the county of Cumberland, praying to be attached to the county of Wake, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Polk, from the same committee, reported unfavorably on the petition of Selah Smith, of Montgomery county, and prayed to be discharged from the further consideration thereof. The report was read & concurred in.

Mr. Polk, from the same committee, reported unfavorably on the petition of Samuel Turner, of Burke county, and prayed to be discharged from the further consideration of the petition. The report was concurred in and the committee discharged.

Mr. Heartly presented the memorial of a number of the citizens of Craven county, in relation to slaves hiring their own time, the unlawful trading with slaves, and the indiscriminate permission given to slaves to fish in the waters of Neuse river. Said memorial was, on motion by Mr. Heartly, referred to the joint select committee heretofore raised upon the subject of slaves, free negroes, &c.

The resignation of William Horton, colonel of the 2nd regiment of the militia of Wilkes county; of Josiah M'Keil, colonel commandant of the Chowan regiment of militia; of William Houston, of Mecklenburg county,

and of William L. Band, of Burke county, justices of the peace, were presented, read and accepted.

On motion by Mr. Calloway, ordered that the Senate be informed that John Arrington, of Nash, is added to the list of persons nominated for Counsellors of State. The name of John H. Wheeler, of Hertford county, was, by Mr. Moore, added to the nomination.

Mr. O'Brien, from the committee on Incorporations, to which was referred the bill to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes, reported the same without amendment, and recommended its passage. The said bill was read the third time, passed, and ordered to be engrossed.

Mr. Sawyer, in pursuance of notice heretofore given, moved the following additional rule of order:

"After the Journal is read, the House shall proceed to consider reports from committees, memorials and petitions, bills and resolutions, on their first reading; but after the orders of the day are taken up, no new business shall be introduced except by leave of two thirds of the House."

The same was now considered and adopted.

Mr. Peeples presented the memorial of the president and directors of the Cape Fear Navigation Company; which was read and ordered to be transmitted to the Senate.

Mr. Sherwood presented the memorial of sundry citizens of the counties of New Hanover and Brunswick, and of the town of Wilmington, upon the utility and practicability of constructing a rail road from the town of Wilmington, through Fayetteville, to some point on the Yadkin river; and thence westwardly to the mountains. The memorial was read, and, on motion by Mr. Sherwood, referred to the joint select committee on rail roads.

Mr. Burgin presented the petition of William T. Prestwood, of Burke county, praying compensation for services by him rendered in surveying certain lands of the Cherokee purchase preparatory to a sale. The said petition was, on motion by Mr. Burgin, referred, with its accompanying documents, to the committee on Claims.

Mr. Bonner presented the petition of many citizens of Beaufort county, asking an appropriation from the Public Treasury for improving the navigation of Pungo river; which was read and referred to the committee on Internal Improvements.

Mr. Sasser obtained leave of absence from the service of this House for this day.

Mr. Leak, from the committee of Claims, to which was referred the memorial of Green B. Palmer, made a favorable report thereon, concluding with a resolution authorising the Public Treasurer to pay the said Palmer fifteen hundred dollars, for work done on Broad river. The resolution was read the first time and passed; and, on motion by Mr. Clayton, ordered that the report and resolution be printed.

Mr. Henry, from the committee on the Judiciary, to which was referred the engrossed resolution to appoint an agent to collect evidence and attend to the surveying of the lands which are the subject of a suit in the Supreme

Court, reported the same with sundry amendments, and recommended its adoption. The said resolution was, on motion by Mr. Wyche, ordered to lie on the table.

Mr. Henry, from the same committee, to which had been referred the bill to exempt from execution a certain portion of the land of the citizens of North Carolina, reported the same with an amendment, and recommended its passage. The said bill and amendment were made the order of the day for to-morrow, and, on motion by Mr. Cox, the proposed amendment ordered to be printed.

Mr. Cox presented a bill to authorise a justice of the peace to issue a commission and take depositions in certain cases; which was read the first time and passed, and, on Mr. Cox's motion, referred to the committee on the Judiciary.

Mr. Smith presented a bill to incorporate the Oconaluftee Turnpike Company, in Haywood county; which was read the first time and passed, and, on Mr. A. W. Wooten's motion, referred to the committee on Incorporations.

Mr. Cloman presented a bill to amend an act, passed in the year 1823, entitled an act to amend an act, passed at the last session of the General Assembly, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government, so far as respects the county of Martin; which was read the first time and passed, and, on Mr. Wyche's motion, referred to the committee on Finance.

Mr. Freeman presented a bill to extend an act, passed in the year 1830, chapter 151, entitled an act to authorise Maj. J. Clarke, or him and his associates, to build a toll bridge across Pungo river, at Log House Landing; which was read the first time and passed.

The resignation of John Sloan, as lieutenant colonel of the 68th regiment of North Carolina militia, was presented, read and accepted.

A message from the Senate, agreeing that another member on the part of each House be added to the joint select committee on Rail Roads, and informing that Mr. Toomer has been added on behalf of the Senate.

Mr. Judkins obtained leave of absence from the service of the House for this day.

The bill to provide for the collection of debts where there is no visible property, was read the third time, and, on motion by Mr. Sawyer, indefinitely postponed—yeas 99, nays 29.

Those who voted in the affirmative, were messrs. Arrington, Barclay, Barringer, Beckwith, Bell, Boddie, Bragg, Broadhurst, Brooks, Canler, Chamblee, Cherry, Clayton, Cloman, Cunningham, Daniel, Davis, Doherty, Dozier, Edmonston, Emmett, Faddis, Fleming, Flowers, Freeman, Garland, Gause, Gillespie, Grandy, Gwyn, Gaston, Harper, Hart, Haywood, Heartly, Henry, Hogan, Howard, Hunt, Jackson, Jarvis, J. B. Jones, J. F. Jones, Laspeyre, Leak, Little, Long, Lyon, Mask, Mebane, Miller, Monk, Moody, Moore, Morris, M'Cleese, M'Gehee, M'Laurin, M'Lean, M'Millan, M'Neill, Nelson, Nicholson, Outlaw, O'Brien, Peebles, Peltz, Pittman, Powell, Riddick, Robertson, Sanders, Sawyer, Settle, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Smith, Speight, Spruill, Stallings, Stephens, Sumner, Swanner, Tatham, L. Thompson, G. A. Thompson, Toole, Townsend, Walton, Weaver, Webb, Whitaker, Wilson, Worth, A. W. Wooten, W. Wright, Winston—99.

Those who voted in the negative, were messrs. Abernathy, Allison, Bogle, Bonner, Brevard, Burgin, Calloway, Courts, Cox, Crump, Davidson, Glass, Glenn, Hill, Houlder, Larkins, M'Cain, M'Queen, Pearson, Polk, Rand, Seawell, Thomas, J. B. Thompson, Wadsworth, Witcher, C. Wooten, Wyche, Ziglar—29.

The petition of William Parker, of Haywood county, praying indulgence on his purchase of certain Cherokee lands, was presented by Mr.

Edmonston, and referred, on his motion, to a select committee, consisting of Messrs. Edmonston, Tatham, Sumner, Long and Stephens.

Mr. Outlaw presented the petition of Samuel Calvert, John White and others, of Northampton county, asking remuneration for provisions furnished a portion of the militia of said county, called out during the excitement occasioned by the Southampton insurrection; which was referred to a select committee, consisting of Messrs. Outlaw, Swanner, W. Wright, Moore and Cherry.

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

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TUESDAY, DECEMBER 20, 1831.

Mr. Wyche, from the committee of Finance, to which was referred a resolution instructing them to inquire into the expediency of extending the time for perfecting grants on entries made in the year 1829, reported that it is inexpedient to legislate on the subject. The report was concurred in.

Mr. Wyche, from the same committee, to which was referred the bill to amend an act, passed in the year 1823, entitled an act to amend an act, passed at the last session of the General Assembly, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government, so far as respects the county of Martin, reported unfavorably to the passage thereof. The said bill was read, and, on motion by Mr. L. Thompson, indefinitely postponed.

Mr. Mebane, from the joint select committee raised on the subject of banks and the circulating medium of the State, reported a bill to establish two banks, one by the name and style of the Farmers' Bank of North Carolina, and the other by the name and style of the Merchants' Bank of North Carolina. This bill was read the first time and passed, and, on motion by Mr. Moody, ordered to be printed, and, on motion by Mr. Haywood, referred to the committee of the whole House, and made the order of the day for Monday next.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred the bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county by the name of Yancey, made a detailed report thereon. Before the reading of the report was concluded, Mr. Wilson moved that the report and bill be postponed indefinitely. The Speaker decided the motion to be out of order, as contravening the spirit and construction heretofore given by this House to the 41st rule of order—the report of the committee in this case being held equivalent to the notice specified in said rule. From this decision Mr. Pittman appealed to the House, and, after discussion, the question being put, “is the decision of the Chair correct?” it was decided in the affirmative. The reading of the report of the committee was thereupon concluded, and the bill made the order of the day for Tuesday next. On motion by Mr. Freeman, the said report was ordered to be printed.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases, reported favorably thereon, and recommended its passage. The said bill was thereupon made the order of the day for to-morrow.

Mr. Henry, from the same committee, to which was referred the bill to

provide for the collection of demands against ships and vessels, reported unfavorably thereon. The bill was accordingly made the order of the day for to-morrow.

Mr. Calloway, from the select committee to which the subject had been heretofore referred, reported sundry resolutions on the public lands of the United States. On motion by Mr. Outlaw, the said resolutions were laid on the table.

Mr. Henry, from the committee on the Judiciary, to which was referred a resolution directing them to inquire into the expediency of repealing, altering or amending the act of 1828, providing for the collection of debts out of deceased persons' estates, reported that in the opinion of said committee, it is not expedient to legislate upon the subject. The report was concurred in.

Mr. Henry, from the same committee, to which was referred the resolution directing them to inquire into the propriety of altering the quarantine law passed at the last session, reported that it is not fit to legislate upon the subject, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

The resignation of Joseph Gillespie, a justice of the peace of the county of Duplin, was presented, read and accepted.

The Speaker laid before the House a communication from the Public Treasurer, transmitting statements of the affairs of the State Bank of North Carolina and the Bank of Newbern, received at that Department since the date of the Treasurer's annual report. On motion by Mr. Wyche, ordered that the said documents be sent to the Senate and be printed.

A message from the Senate, informing that they had passed the engrossed bill to provide for the collection of fines imposed upon free persons of color, with amendments, and asking the concurrence of this House. The amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed bills to amend an act, passed in the year 1818, entitled an act to establish the town of New Salem, on the lands of Benjamin Marmon, Esq. on the east side of Deep river, in Randolph county; and to incorporate Shiloh Academy, in the county of Camden, and asking the concurrence of this House. The said bills were read, the first named the first reading and passed, and the second named bill the first, second and third times, passed, and ordered to be enrolled.

Mr. Leak, from the committee on Claims, to which was referred the petition of Jacob Caler, made a favorable report thereon, accompanied by a resolution authorising the Public Treasurer to pay the said Caler the sum of four dollars and two cents. The said resolution was read the first time and passed.

Mr. Stallings presented a bill to prevent the felling of timber in, or otherwise obstructing the run of Catherine creek, in Gates and Chowan counties; which was read the first time and passed.

On motion by Mr. Townsend, the House agreed to reconsider the passage of the bill on the third reading, entitled a bill to incorporate Shiloh Academy, in the county of Camden.

On motion by Mr. Worth, leave of absence from the service of the House, from and after this day till the end of the session, was granted to Mr. John F. Jones.



The resignation of John L. Smith, a justice of the peace of Haywood county, was presented, read and accepted.

Mr. Barringer, from the select committee to which was recommitted the bill to incorporate the Mecklenburg Gold Mining Company, reported the same with sundry amendments. The amendments were concurred in, and the bill read the third time as amended, passed, and ordered to be engrossed—yeas 90, nays 40. The yeas and nays demanded by Mr. Pittman.

Those who voted in the affirmative, were messrs. Barclay, Barringer, Beckwith, Bogle, Bonner, Bragg, Brevard, Brooks, Burgin, Calloway, Clayton, Courts, Crump, Cunningham, Davidson, Doherty, Edmonston, Emmett, Faddis, Freeman, Garland, Gause, Gillespie, Glass, Glenn, Gwyn, Gaston, Hart, Haywood, Heartly, Henry, Hogan, Howard, Hunt, J. F. Jones, Judkins, Laspeyre, Leak, Little, Long, Lyon, Mask, Mebane, Miller, Moore, M'Cain, M'Gehee, M'Laurin, M'Lean, M'Millan, M'Neil, M'Queen, Nelson, Nicholson, Pearson, Peeples, Petty, Polk, Powell, Rand, Robertson, Sanders, Sasser, Seawell, Settle, Sherwood, Singleton, J. H. Skinner, Smith, Speight, Stephens, Sumner, Tatham, Thomas, L. Thompson, J. B. Thompson, G. A. Thompson, Toole, Townsend, Wadsworth, Watson, Weaver, Whitaker, Wilson, Winston, Witcher, Worth, C. Wooten, Wyche, Ziglar—90.

Those who voted in the negative, were messrs. Abernathy, Allison, Arrington, Bell, Boddie, Broadhurst, Cansler, Chamblee, Cherry, Cloman, Cox, Daniel, Davis, Dozier, Fleming, Flowers, Grandy, Harper, Hill, Houlder, Jackson, Jarvis, J. B. Jones, Larkins, Monk, Morris, M'Cleese, Outlaw, O'Brien, Pittman, Riddick, Sawyer, J. M. Skinner, Sloan, Spruill, Stallings, Swanner, Webb, A. W. Wooten, W. Wright—40.

The House then adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, DECEMBER 21, 1831.

A message from the Senate, informing that Messrs. Williams and Campbell attend this House to conduct the balloting for Counsellors of State, and informing that the name of Thomas Turner, of Granville county, is withdrawn from the nomination. Ordered that the Senate be informed that Messrs. Boddie and Singleton form said committee on the part of the Commons.

Mr. Townsend, from the committee on Propositions and Grievances, to which were referred the petitions of Samuel Knox and Elisha Harrell, praying that pensions be allowed them for revolutionary services, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. Haywood presented the petition of Daniel H. Bingham, of the city of Raleigh, asking permission to use certain mathematical instruments belonging to the State for a limited time. The petition was read, and referred, on Mr. Haywood's motion, to the committee on Internal Improvements.

Mr. Davidson presented the petition of Absalom Simonton, of Iredell county, praying to have corrected certain errors in a grant for lands heretofore issued by the Secretary of State. The reading of the petition was dispensed with, and, on Mr. Davidson's motion, ordered that it be referred to the committee on Claims.

On motion by Mr. Fleming,

*Resolved*, That the Public Treasurer be instructed to communicate to this House whether the sum of 3,000 dollars, loaned to John M'Rae by this State, has been repaid to the State, according to the resolution adopted at the last session.

Mr. Brevard presented a bill for the better regulation of the County Courts of Buncombe; and Mr. M'Laurin a bill to authorise the County Courts of Richmond county to transcribe and record certain papers in the office of the County Court clerk. These bills were read the first time and passed.

Mr. Wyche presented a bill to change the disposition of the money constituting the Agricultural Fund; which was read the first time and passed, and referred to the committee on Finance.

Mr. Emmett presented a bill directing the manner in which constables shall hereafter be elected in the county of Wilkes; which was read the first time and passed.

Mr. Hartt, on motion, obtained leave to withdraw from the records of this House the petition of Samuel Knox, of Mecklenburg county.

Mr. Petty presented the following resolution, which was read and adopted:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the act of 1826, so as to limit further the period in which trespasses, misdemeanors and other offences shall be prosecuted; and that they report by bill or otherwise.

On motion by Mr. Calloway,

*Resolved* by the General Assembly of North Carolina, That the Secretary of State be, and he is hereby directed to issue to William Austin and David Carson a grant for one hundred acres of land in Ashe county, on entry No. 5114.

The resignation of Lemuel Perkins, a justice of the peace of the county of Pitt, was presented, read and accepted.

Mr. Gaston, from the joint select committee to which was referred the bill to incorporate the North Carolina Central Rail Road Company, and the bill to incorporate the Cape Fear and Yadkin Rail Road Company, reported the same with sundry amendments. The said report was, on motion, laid on the table, and made the order of the day for to-morrow.

The House proceeded to the order of the day, and resolved itself into a committee of the Whole, Mr. Sawyer in the Chair, on the bill to provide for rebuilding the State House on Union Square, in the city of Raleigh; and, after some time spent therein, the committee rose and reported the said bill to the House. Mr. Edmonston moved that the said bill be laid on the table; which was agreed to.

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

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THURSDAY, DECEMBER 22, 1831.

Mr. Singleton, from the committee appointed to conduct the balloting for Counsellors of State, reported that Nathan B. Whitfield, Meshack Franklin, Owen Holmes, Alfred Jones, George W. Jeffreys, William Williams of Warren, and Robert C. Watson, had each received a majority of the whole number of votes, and were duly elected. The report was concurred in.

Mr. Polk, from the committee of Propositions and Grievances, to which was referred the petition of sundry citizens, praying that a new county be erected out of a portion of the counties of Mecklenburg and Anson, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Outlaw, from the same committee, to which were referred the petitions of Benjamin Buckner, John Harwood, William Fisher and Thomas Yarborough, praying to be restored to credit, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Polk presented a bill respecting the toll to be paid by horsemen for crossing Beard's bridge, on the Yadkin river, in Rowan county; and a bill to authorise William Chambers to erect gates across a public road; and

Mr. Seawell, a bill for the better regulation of constables for the county of Moore. These bills were read the first time and passed.

Mr. Larkins presented a bill to incorporate the Wilmington Transportation Company in the town of Wilmington; and Mr. Beckwith, a bill to incorporate the Plymouth Volunteer Guards. These bills were read the first time and passed, and referred to the committee on Incorporations.

The engrossed resolution in favor of William Thompson, sheriff of Wayne county, was read the second time and passed.

Mr. Singleton presented a memorial from sundry citizens of the town of Wilmington, in relation to the appointment of commissioners of navigation and pilotage on the Cape Fear river. The said memorial was referred to a select committee, consisting of Messrs. Singleton, G. A. Thompson, Henry, Sherwood and Lyon.

Mr. Webb, from the committee of Propositions and Grievances, to which were referred a petition and counter petition in relation to the opening of Crane creek, in the county of Rowan, reported that the subject matter is not worthy Legislative interference, and prayed to be discharged from the further consideration thereof. The report was concurred in.

The bill to provide for having the militia laws of this State digested, amended and published, was read the third time, amended, on Mr. Wyche's motion, and passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to repeal in part an act, passed in the year 1829, to provide for the payment of jurors in the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; and a resolution in favor of Thomas Bragg; in which they ask the concurrence of this House. The said bill and resolution were read the first time and passed.

Mr. Nicholson, from the committee on Military Affairs, to which had been referred a resolution upon the subject, reported a bill to repeal an act, passed in the year 1827, entitled an act to reduce the number of petty musters to two in a year. The said bill was read the first time and passed.

Mr. Haywood moved that the House now proceed to the consideration of the bill to provide for rebuilding the State House on Union Square, in the city of Raleigh. The motion prevailed, and the day having been consumed in discussion on the bill, Mr. Henry, at a late hour, moved that the House adjourn; and accordingly the House did adjourn until to-morrow morning, 10 o'clock.



FRIDAY, DECEMBER 23, 1831.

The Speaker laid before the House the following communication from his Excellency the Governor:

*Executive Office, 21st December, 1831.*

*To the honorable the General Assembly of the State of North Carolina.*

GENTLEMEN,—I have the honor herewith to transmit you, in obedience to an act of Assembly, the annual report of the Treasurer of the University of North Carolina for the past year. The disbursements at the treasury as aforesaid have been examined by a committee of the board, and are found to be supported by regular and proper vouchers. There are at present five vacancies in the board of trustees, to be filled by joint ballot of the Legislature. I avail myself also of this occasion to make known to your honorable body that the trustees of this institution, at a special meeting convened in this city during the past summer, declined accepting the loan upon the terms and conditions proposed by an act of the last General Assembly, entitled "an act for the relief of the University of North Carolina."

I have the honor to be, &c. &c.

M. STOKES, Pres. ex off.  
of the Trustees Univ. of N. C.

On motion by Mr. Sawyer, ordered that said communication be transmitted to the Senate, and be printed, together with the report therein referred to.

The Speaker also laid before the House a letter from the Public Treasurer, transmitting the information required by a resolution of this House of the 21st inst. in relation to the loan made by the State to John MacRae. On motion by Mr. Henry, the same was ordered to lie on the table.

Mr. Mebane presented a bill to establish a bank by the name and style of the President and Directors of the Bank of Albemarle; which was read the first time and passed, and ordered to be printed and made the order of the day for Wednesday next.

Mr. Leak presented a bill to amend an act of 1830, entitled an act to prevent obstructing the passage of fish up the Pedee and Main Yadkin rivers; which was read the first time and passed.

A message from the Senate, agreeing to the proposition of this House to refer the petition of sundry citizens of Craven county to the joint select committee raised on the subject of slaves, free negroes, &c. &c.

A message from the Senate, informing that they had passed the engrossed bill to repeal an act, passed in the year 1830, entitled an act to amend an act, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county, 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 prevent the felling of timber in Haw river, in Guilford and Rockingham counties, and Mairs Fork, in Guilford county; and a resolution in favor of Wilson Carter; and asking the concurrence of this House. These were read the first time and passed, and the said resolution referred to the committee of Claims.

Mr. Bonner presented a bill to extend the jurisdiction of justices of the peace; which was read the first time and passed.

Mr. Mask presented a resolution authorising the Secretary of State to issue to the heirs of Colin M'Rae a grant for fifty acres of land. On motion by Mr. Outlaw, this resolution was referred to the committee on Claims.

Mr. Mask presented the petition of sundry tavern-keepers in Lawrenceville, asking compensation for provisions furnished the militia of Montgomery during an apprehended insurrection of the slaves; which was read, and referred, on Mr. M'Cain's motion, to the committee of Claims.

Mr. Barringer presented a bill to incorporate the Cabarrus Gold Mining Company; which was read the first time and passed.

The resignation of Josiah Houlder, a justice of the peace of the county of Johnston, was presented, read and accepted.

The House, on motion by Mr. O'Brien, proceeded to the consideration of the unfinished business of yesterday, and took up the bill to provide for rebuilding the State House on Union Square, in the city of Raleigh; and the question being on the passage of the bill its second reading, Mr. Pittman demanded the yeas and nays, and the vote was, yeas 65, nays 68.

Those who voted in the affirmative, were messrs. Arrington, Beckwith, Bell, Boddie, Bonner, Bragg, Broadhurst, Chamblee, Cherry, Cloinan, Cox, Crump, Daniel, Davis, Dozier, Flowers, Freeman, Gillespie, Glenn, Grandy, Gaston, Harper, Haywood, Heartly, Houlder, Howard, Hunt, Jackson, Jarvis, J. B. Jones, J. F. Jones, Judkins, Long, Moody,

Moore, M<sup>c</sup>Cleese, M<sup>c</sup>Gehee, Nelson, Nicholson, Outlaw, O'Brien, Pittman, Rand, Riddick, Robertson, Sanders, Sawyer, Sasser, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Speight, Spruill, Stallings, Sumner, Swanner, L. Thompson, G. A. Thompson, Toole, Townsend, Wilson, A. W. Wooten, C. Wooten, Wyche—65.

Those who voted in the negative, were messrs. Abernathy, Allison, Barclay, Barring-er, Bogle, Brevard, Brooks, Burgin, Calloway, Cansler, Clayton, Courts, Cunningham, Davidson, Doherty, Edmonston, Emmett, Faddis, Fleming, Garland, Gause, Glass, Gwyn, Hart, Henry, Hill, Hogan, Larkins, Laspeyre, Leak, Little, Lyon, Mask, Mebane, Miller, Monk, Morris, M<sup>c</sup>Cain, M<sup>c</sup>Laurin, M<sup>c</sup>Lean, M<sup>c</sup>Millan, M<sup>c</sup>Neill, M<sup>c</sup>Queen, Pearson, Peoples, Petty, Polk, Powell, Seawell, Settle, Sherwood, Sloan, Smith, Stephens, Tatham, Thomas, J. B. Thompson, Wadsworth, Watson, Weaver, Webb, Whitaker, Winston, Witcher, Worth, W. Wright, W. J. Wright, Ziglar—68.

And so the said bill was rejected.

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



SATURDAY, DECEMBER 24, 1831.

Mr. Outlaw presented a bill to incorporate the Bertie Legion; which was read the first time and passed.

Mr. Wyche presented the following resolution; which was read, and, on his motion, laid on the table:

*Resolved*, That this House will hold evening sessions after Monday next.

A message from the Senate, informing that Mr. Dick has been appointed a member of the joint select committee on Incorporations, in the place of Mr. Toomer, excused.

A message from the Senate, informing that they had passed a bill to extend the provisions of an act, passed in the year 1828, entitled an act to establish a poor house in the county of Person; and a resolution in favor of Leslie Gilliam, sheriff of Granville county, and asking the concurrence of this House. The said bill and resolution were read the first time and passed.

Leave of absence was, on motion, granted to Mr. Houlder for this day.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the trustees of the Ravenscroft Academy, in the town of Fayetteville, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in.

Mr. Faddis presented a bill to encourage the publication of a history of North Carolina; which was read the first time and passed, and, on Mr. Faddis's motion, referred to the committee on Propositions and Grievances.

Mr. Leak, from the committee on Claims, to which were referred the petitions of Arthur Davis and Sarah Burrows, reported unfavorably thereon, and prayed that the committee be discharged from the further consideration of the petitions. The report was concurred in.

The bill for the better regulation of the County Courts of Buncombe, was read the second and third times, passed and ordered to be engrossed.

The resignation of Adam G. Banks, major of the first regiment of Wake militia; and of H. G. Hampton, major of the second regiment of Surry militia, were presented, read and accepted.

The bill to prevent obstructions to the passage of fish up the Tar river, was read the second and third times, passed and ordered to be engrossed.

Mr. Daniel presented the petition of sundry citizens of Halifax county, praying that a certain slave therein named be liberated. The said petition was referred to the committee on slaves, free negroes, &c.

Mr. O'Brien presented a bill to exempt from execution growing crops, and to secure to debtors a certain portion of the same, after they have been

severed from the freehold; which was read the first time and passed, and, on Mr. O'Brien's motion, referred to the committee on the Judiciary.

The bill to amend an act, passed in the year 1830, entitled an act to amend an act, passed in the year 1829, entitled an act to vest the right of electing sheriffs in the several counties within this State in the free white men thereof, was read the second time, and, on Mr. Wyche's motion, postponed indefinitely.

The bill to render persons whose names are forged competent witnesses in prosecutions for such forgeries, was read, and, on motion by Mr. Outlaw, postponed indefinitely.

Mr. Long presented the petition of Jesse H. Simmons, of the town of Halifax, praying remuneration for certain losses sustained by him during the late apprehended insurrection of the slaves. The said petition was referred to the committee on Claims.

Mr. Outlaw, from the committee on Propositions and Grievances, to which was referred the bill to repeal an act, passed in the year 1827, entitled an act to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters, reported the same with an amendment, and recommended its passage. The report and amendment were, on Mr. Beckwith's motion, laid on the table.

The Speaker laid before the House a memorial from Thomas P. Deveureux, in relation to the time required by law for the publication of the reports of the Supreme Court; which was read, and, on Mr. Gaston's motion, referred to the committee on the Judiciary.

Mr. Rand presented the petition of sundry citizens of Wake county, praying that David Thomas, heretofore convicted of petit larceny, be restored to credit. The petition was read, and, on Mr. Rand's motion, referred to the committee on Propositions and Grievances.

Mr. C. Wooten presented a bill to incorporate the Lenoir Volunteer Guards; which was read the first time and passed.

The bill to regulate the fees allowed the clerks of the Superior and County Courts of this State, so far as respects the county of Northampton, was read, and, on motion by Mr. Wyche, postponed indefinitely.

The bill to abolish the punishment of cutting off the ears, was read the second time. Mr. Pearson moved that the said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 57, nays 64. The yeas and nays called for by Mr. Weaver.

Those who voted in the affirmative, were messrs. Abernathy, Arrington, Boddie, Bogle, Brevard, Brooks, Cansler, Chamblee, Clayton, Crump, Daniel, Davis, Doherty, Dozier, Edmonston, Emmett, Fleming, Gillespie, Glass, Harper, Hill, Jackson, J. B. Jones, Laspeyre, Long, Lyon, Miller, Moore, M'Cain, M'Gehee, M'Laurin, M'Lean, M'Millan, M'Queen, Nelson, Pearson, Peebles, Pittman, Polk, Powell, Sawyer, Sasser, Seawell, Settle, Smith, Spruill, Stallings, Swanner, Thomas, Wadsworth, Webb, Whitaker, Wilson, Winston, A. W. Wooten, C. Wooten—57.

Those who voted in the negative, were messrs. Allison, Barclay, Barringer, Beckwith, Bonner, Burgin, Calloway, Cherry, Cloman, Courts, Cox, Cunningham, Davidson, Faddis, Flowers, Freeman, Garland, Gause, Glenn, Grandy, Gwyn, Gaston, Hartt, Haywood, Hearly, Henry, Hogan, Howard, Jarvis, Judkins, Larkins, Leak, Little, Mask, Mebane, Monk, Moody, Morris, M'Neill, Outlaw, O'Brien, Rand, Riddick, Robertson, Sanders, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Sumner, Tatham, L. Thompson, J. B. Thompson, G. A. Thompson, Toole, Townsend, Watson, Weaver, Witcher, Worth, W. Wright, Wyche, Ziglar—64.

The question then recurring on the passage of the bill, the same was amended, read the second time and passed.

Whereupon the House adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 26, 1831.

Mr. Webb, from the committee on Propositions and Grievances, to which was referred the petition of Benjamin Long, of Caswell county, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Leak, from the committee of Claims, to which were referred the petitions of Duncan M'Rea and others, of Montgomery county, and of David Shuler, of Macon county, reported unfavorably thereon, and prayed to be discharged from the further consideration of the same. The report was concurred in, and, on motion by Mr. Whitaker, leave granted to David Shuler to withdraw from the records of this House the documents accompanying his petition.

Mr. Leak, from the same committee, to which was referred a resolution in favor of the heirs of Collin M'Rae, reported favorably thereon, and recommended its passage. The said resolution was read and adopted, and ordered to be engrossed.

Mr. Leak, from the same committee, to which was referred the resolution in favor of Wilson Carter, made a favorable report recommending its passage. The said resolution was read and adopted, & ordered to be engrossed.

Mr. M'Neill asked and obtained leave to withdraw from the records of this House the petition of sundry citizens of Cumberland county.

Mr. Nelson presented a bill to incorporate a volunteer company, called the Beard's Creek Guards; and Mr. Doherty a bill to incorporate the Charlotte Gold Mining Company. These bills were read the first time and passed.

Mr. Singleton presented a bill for revising and digesting the law of executors and administrators; which was read the first time and passed, and, on Mr. Singleton's motion, referred to the committee on the Judiciary.

Mr. Mebane presented the memorial of sundry citizens of Orange county, in relation to the establishment of a central rail road. On motion by Mr. Sawyer, the said memorial was laid on the table and ordered to be printed.

Mr. Whitaker presented a bill founded on a petition, entitled a bill to legitimate certain children of Gideon Morris; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

The bill to amend an act, passed in the year 1820, entitled an act to repeal an act, passed in the year 1796, entitled an act to punish persons for removing debtors out of one county to another and out of the State, and for other purposes; the bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations or lay out new roads in said county; the bill to abolish the punishment of cutting off the ears; the bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 155, entitled an act concerning those persons who are interested in the beach and marshy lands lying in the county of Currituck; the bill for the better regulation of pilotage on vessels trading within the Cape Fear Inlets, in this State; and the bill to extend to the teachers and scholars of all the schools within this State the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law, were severally read the third time, passed, and ordered to be engrossed.

The engrossed resolution in favor of William Thompson, sheriff of Wayne, was read the third time, passed, and ordered to be enrolled.

The engrossed resolution in favor of Thomas Bragg, was read the second time and passed as amended.

Mr. Outlaw, from the select committee to which was referred the petition of Samuel Calvert and others, of Northampton county, made a detailed report of facts, and prayed to be discharged from the further consideration of the subject. The said report was, on motion by Mr. Outlaw, laid on the table.

The bill to incorporate the North Carolina Central Rail Road Company, and the bill to incorporate the Cape Fear and Yadkin Rail Road Company, were each read the second time, amended and passed.

The resolution heretofore submitted by Mr. Wyche, in relation to the holding of evening sessions, was considered and rejected.

The bill to exempt from execution a certain portion of the land of the citizens of North Carolina, was, on Mr. Crump's motion, made the order of the day for Wednesday next.

The bill to incorporate the United Brothers' Library Society in the county of Lenoir; and the bill to authorise William Chambers to erect gates across a public road; were severally read the second and third times, passed, and ordered to be engrossed.

The bill for the better regulation of constables for the county of Moore, was read the second time and indefinitely postponed.

The bill directing the manner in which constables shall hereafter be elected in the county of Wilkes, was read the second time and passed.

The bill to authorise the building of a toll bridge over Roanoke river at the town of Weldon, and to incorporate a company for that purpose, was read the second time and passed.

The bill to limit and define the power of courts in issuing attachments and inflicting punishments for contempts; and the bill to insure the fair valuation of lands in this State when the same shall be given in for taxation, were, on Mr. Sawyer's motion, made the order of the day for to-morrow.

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

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TUESDAY, DECEMBER 27, 1831.

Mr. Outlaw, from the committee on Propositions and Grievances, to which were referred the petitions of John Kinnear, praying to be allowed a pension, and of David Thomas, praying to be restored to credit, reported unfavorably thereon, and asked to be discharged from the further consideration of the petitions. The report was concurred in.

Mr. Bragg, from the same committee, to which was referred the petition of William May, William Mizzell and Francis Ange, praying for pensions, made an unfavorable report thereon, and asked to be discharged from the further consideration thereof. The report was concurred in. Mr. Robertson asked and obtained leave to withdraw from the files of this House the papers accompanying said petition.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred a petition on that subject, reported a bill to establish the dividing line between Duplin and Wayne counties. The said bill was read the first time and passed.

Mr. Polk, from the same committee, to which was referred a bill to authorise the erection of mills on Big Ivey creek, in the county of Bun-



combe, reported the same without amendment. The said bill was thereupon read the second time and passed.

Mr. Gaston, from the committee on the Judiciary, who were instructed to inquire into the expediency of amending the act of 1826 so as to limit further the period within which trespasses, misdemeanors and other offences shall be prosecuted, reported that the committee believe it inexpedient to alter the said act in the manner suggested, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Polk, from the committee on Military Affairs, to which was referred the bill to encourage the formation of volunteer companies, reported the same without amendment. The said bill was accordingly made the order of the day for to-morrow.

Mr. Wyche, from the committee of Finance, to which was referred the bill to change the disposition of the money constituting the Agricultural Fund, reported the same without amendment. The said bill was accordingly made the order of the day for to-morrow.

Mr. Whitaker, from the committee on Incorporations, to which was referred the bill to incorporate the Oconaluftee Turnpike Company in Haywood county, reported the same with an amendment. Mr. Whitaker, from the same committee, to which was referred the bill to incorporate the Wilmington Transportation Company in the town of Wilmington, reported the same without amendment. These bills were made the order of the day for to-morrow.

Mr. Gaston, from the committee on the Judiciary, to which was referred the bill to authorise a justice of the peace to take depositions in certain cases, reported the same with an amendment. This bill was made the order of the day for to-morrow.

Mr. Leak, from the committee on Claims, to which was referred the petition of William T. Prestwood, reported a resolution in his favor; which was read the first time and passed.

Mr. Seawell presented a bill to provide for the payment of jurors for the county of Moore; and Mr. Swanner a bill to regulate the toll of millers in the county of Washington. These bills were read the first time and passed.

The engrossed resolution in favor of Thomas Bragg, was read the third time and passed. Ordered that the concurrence of the Senate be asked in the amendments heretofore made to said resolution.

On motion by Mr. Arrington,

*Resolved*, That the committee on Military Affairs be instructed to ascertain what number of infantry and field artillery tactics is now remaining on hand and not distributed by the act of 1830 and 1831; and that they suggest to this House by bill or otherwise what disposition is necessary to be made with the same.

The bill to amend the 5th section of an act, passed in the year 1816, chapter 912, entitled an act for the more speedy trial of slaves in capital cases, was read the third time, amended and passed—yeas 65, nays 58. The yeas and nays demanded by Mr. M'Lean.

Those who voted in the affirmative, were Messrs. Abernathy, Beckwith, Bragg, Broadhurst, Brooks, Calloway, Cansler, Cloman, Courts, Cox, Crump, Cunningham, Daniel, Davidson, Freeman, Garland, Gause, Gillespie, Gwyn, Gaston, Haywood, Heartley, Howard, Jarvis, Judkins, Larkins, Laspeyre, Little, Mebane, Miller, Monk, Moody, Moore, M'Cleese, M'Gehee, M'Millan, M'Queen, Nelson, O'Brien, Pearson, Pittman, Polk, Powell, Rand, Robertson, Sanders, Sawyer, Sasser, Settle, Sherwood, Simmons, Singleton, Sloan, Sumner, L. Thompson, J. B. Thompson, G. A. Thompson, Toole, Townsend, Webb, Worth, A. W. Wooten, C. Wooten, W. Wright, Ziglar—65.

Those who voted in the negative, were Messrs. Allison, Arrington, Barelay, Barringer, Bell, Boddie, Bogle, Bonner, Brevard, Burgin, Chamblee, Cherry, Clayton, Davis, Doherty, Edmonston, Emmett, Faddis, Fleming, Flowers, Glass, Glenn, Grandy, Harper, Hartt, Hill, Hogan, Houlder, Jackson, J. B. Jones, Leak, Long, Morris, M'Cain, M'Laurin, M'Lean, M'Neill, Outlaw, Peeples, Petty, Seawell, J. H. Skinner, J. M. Skinner, Smith, Spruill, Stallings, Stephens, Swanner, Tatham, Thomas, Wadsworth, Watson, Weaver, Whitaker, Wilson, Winston, Witcher, Wyche—58.

Ordered that said bill be engrossed.

Mr. Moody presented sundry resolutions in favor of John Calvert and others, of Northampton county; which were read the first time and passed.

Mr. Sawyer presented a bill prescribing the distance from Ocracock bar at which masters of vessels shall be required to take a pilot on board; which, on motion by Mr. Singleton, was indefinitely postponed.

Mr. Wilson introduced the following resolution, which was read, and, on Mr. Mebane's motion, laid on the table,

Whereas the Government House is too far from most of the boarding houses to have evening sessions, and as there is much business now before the House of Commons: therefore,

*Be it resolved*, That they will sit each and every day until the hour of 4 o'clock, if the business shall require it.

Mr. Jarvis presented the following resolution, which was read, and, on motion by Mr. Sawyer, laid on the table:

*Resolved*, That a message be sent to the Senate, proposing that the Houses adjourn on Monday, the 9th of January next sine die, and that the clerks of the two Houses be instructed to make up the estimates to that day inclusive.

On motion by Mr. Bragg, ordered that a message be sent to the Senate, proposing that the two Houses ballot on to-morrow for five trustees of the University of North Carolina, to fill the vacancies now existing in said Board, and informing that Thomas G. Polk, John Bragg, John B. Tate, David L. Swain, William M. Green, Thomas S. Singleton and William D. Mosely are nominated for the appointment.

Mr. Haywood moved that the bill heretofore laid upon the table, on his motion, entitled a bill to appoint a superintendent of public works, and to repeal in part an act, passed in the year 1819, entitled an act to create a fund for internal improvements, and to establish a board for the management thereof, be now taken up and considered. The motion was agreed to, and the said bill amended, read the second time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. a bill to establish a Bank on the funds of the State; and a bill to give longer time for paying in entry money; and asking the concurrence of this House. The last named bill was read the 1st time and passed.

The engrossed bill to establish a Bank on the funds of the State, was read the first time. Mr. Boddie moved that said bill be indefinitely postponed. The question was determined in the affirmative—yeas 64, nays 58. The yeas and nays called for by Mr. Bragg.

Those who voted in the affirmative, were Messrs. Arrington, Barringer, Boddie, Bonner, Bragg, Broadhurst, Clayton, Courts, Davidson, Davis, Doherty, Freeman, Garland, Gause, Gillespie, Glenn, Grandy, Gwyn, Gaston, Harper, Hartt, Heartley, Houlder, Hunt, Jarvis, J. B. Jones, Judkins, Larkins, Leak, Little, Long, Mebane, Miller, Moody, Moore, M'Cain, M'Gehee, M'Laurin, M'Lean, M'Millan, M'Neill, Nelson, Outlaw, O'Brien, Polk, Powell, Sanders, Sasser, Seawell, Sherwood, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Stephens, Sumner, L. Thompson, Townsend, Watson, Wilson, Worth, A. W. Wooten, C. Wooten, Wyche—64.

Those who voted in the negative, were Messrs. Abernathy, Allison, Beckwith, Bell, Bogle, Brevard, Brooks, Burgin, Calloway, Cansler, Chamblee, Cloman, Cox, Cunningham, Daniel, Edmonston, Emmett, Faddis, Fleming, Flowers, Glass, Haywood, Hill, Hogan, Howard, Jackson, Laspeyre, Monk, Morris, M'Cleese, M'Queen, Pearson, Peeples, Petty, Pittman, Rand, Riddick, Robertson, Sawyer, Settle, Spruill, Sloan, Smith, Stallings, Swanner, Tatham, Thomas, J. B. Thompson, G. A. Thompson, Toole, Wadsworth, Weaver, Webb, Whitaker, Winston, Witcher, W. Wright, Ziglar—58.

The resolution in favor of Wm. Austin and David Carson, was read the second time and passed.

Ordered that the Senate be informed that the name of Benjamin Sumner is added to those already in nomination for trustees of the University.

Whereupon the House adjourned till to-morrow morning, 10 o'clock.



WEDNESDAY, DECEMBER 28, 1831.

Mr. Whitaker, from the committee on Incorporations, to which was referred a bill to incorporate a light infantry company in the town of Plymouth, reported the same with an amendment. The said bill was read the second time and passed.

The name of Joseph A. Hill was added to those heretofore nominated as trustees of the University.

Mr. Webb, from the committee of Propositions & Grievances, to which was referred the bill to legitimate certain children of Gideon Morris, reported the same without amendment. The said bill was read the second time, and, on motion by Mr. Wilson, postponed indefinitely.

On motion by Mr. Edmonston,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of vesting the courts of this State with power to require security for the payment of cost, to be given by the plaintiff in cases of appeals by defendants from the judgment of a justice of the peace.

On motion by Mr. Davidson.

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of so amending the law relative to clerks and masters, as to make it their duty to enrol in a suitable book all bills of complaint, answers and original and leading processes, and to allow them reasonable compensation for the same.

A message from the Senate, agreeing to ballot this day for trustees of the University, informing that Bedford Brown, of Caswell county, is added to the nomination, and that Messrs. Tyson and Cowper of Gates attend this House as superintendents. Messrs. Crump and Moore were appointed to conduct said balloting on the part of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to authorise the County Court of the county of New Hanover to have the records of said county transcribed, and to make copies of said transcribed records evidence in all suits at law and equity in this State, with an amendment, and asking the concurrence of this House therein. The amendment was read and concurred in.

Mr. Mebane, from the committee on Internal Improvements, to which was referred a resolution instructing them to inquire whether certain navigation companies therein named had not forfeited their charters, reported a resolution, entitled a resolution instructing the Board of Internal Improvement. This resolution was read and adopted, and ordered to be engrossed.

Mr. Mebane, from the same committee, to which was referred the memorial of Daniel H. Bingham, relative to the use of certain mathematical instruments belonging to the State, reported a resolution authorising said loan to be made; which was read and adopted, and ordered to be engrossed.

Mr. George A. Thompson submitted certain resolutions in favor of the militia of Onslow county; which were read the first time and passed, and referred to the committee on Claims.

Mr. Crump presented a bill to alter the time of holding elections in the counties of Martin, Halifax and Northampton; and Mr. Smith, a bill for

the better regulation of the militia of Haywood county. These bills were read the first time and passed.

On motion by Mr. Calloway, ordered that a message be sent to the Senate, proposing that the two Houses ballot on to-morrow for cavalry officers attached to the ninth brigade of North Carolina militia; and informing that William P. Witherspoon is nominated as colonel, Joel Vannoy as lieutenant colonel, and James P. Waugh as major.

A message from the Senate, informing that they had passed the engrossed bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside, with amendments, and asking the concurrence of this House. The amendments were read and agreed to.

A message from the Senate, proposing that the two Houses ballot on to-morrow for colonel of cavalry in the third brigade and 6th division of the militia, and informing that Gabriel Holmes, of Wilmington, is nominated for the appointment. A message from the Senate, proposing to ballot also on to-morrow for lieut. colonel of cavalry in the second brigade and eighth division, and informing that Wm. M. Allbritton is nominated for the appointment. These propositions were agreed to.

A message from the Senate, agreeing to print the exposes of the State Bank and the Bank of Newbern, heretofore transmitted by the Public Treasurer.

A message from the Senate, informing that they had passed the engrossed bills and resolutions following, viz. A bill to amend an act, passed in the year 1777, entitled an act declaring what fences are sufficient, and to provide a remedy for abuses; a bill for the relief of co-securities; a bill to repeal an act, passed in the year 1827, entitled an act to compel the sheriff of Burke county to give written summons to the jurors of said county; a resolution in favor of Luke G. Lamb, sheriff of Camden county; and a resolution in favor of Samuel W. W. Vick, sheriff of Nash county; and asking the concurrence of this House. The said bills and resolutions were read the first time and passed, and the two first named bills were, on motion, referred to the committee on the Judiciary.

Mr. Whitaker presented sundry resolutions relating to the expediency of calling a convention for the revision of the constitution of this State. These resolutions were, on Mr. Whitaker's motion, ordered to be laid on the table, and be printed, and, on motion by Mr. Cox, made the order of the day for Tuesday next.

The resignations of Samuel P. Wilson and Daniel Watson, of Ruthersford, and of Granberry Vick, of Nash county, justices of the peace, received from the Senate, were read and accepted.

The resignation of James Graham, a justice of the peace of Orange county, was presented, read and accepted.

Mr. Moore, from the committee appointed to conduct the balloting for trustees of the University, reported that William D. Mosely, Thomas G. Polk, Joseph A. Hill and David L. Swain had each received a majority of the whole number of votes, and were duly elected, and that no other person had received a majority. The report was concurred in.

On motion by Mr. L. Thompson, ordered that a message be sent to the Senate, proposing another balloting to-morrow for one trustee yet to be elected.

The bill to exempt from execution a certain portion of the land of the citizens of North Carolina, was read the second time. Mr. Abernathy moved that said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 48, nays 77. The yeas and nays demanded by Mr. Wilson.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Barringer, Boddie, Bonner, Bragg, Brevard, Broadhurst, Brooks, Burgin, Cansler, Chamblee, Cherry, Clayton, Crump, Doherty, Garland, Gause, Gillespie, Glass, Grandy, Gwyn, Harper, Jackson, J. B. Jones, Judkins, Little, Lyon, Moody, Moore, M'Cain, M'Cleese, M'Gehee, M'Lean, M'Millan, Polk, Powell, Sawyer, Sasser, Simmons, J. M. Skinner, Smith, Stephens, L. Thompson, J. B. Thompson, Watson, Wilson, A. W. Wooten—48.

Those who voted in the negative, were Messrs. Arrington, Barclay, Beckwith, Bell, Bogle, Calloway, Cloman, Courts, Cox, Cunningham, Daniel, Davidson, Davis, Edmonston, Emmett, Faddis, Fleming, Flowers, Freeman, Glenn, Gaston, Hartt, Haywood, Heartly, Hill, Hogan, Houlder, Howard, Hunt, Larkins, Leak, Long, Mask, Mebane, Miller, Monk, Morris, M'Laurin, M'Neill, M'Queen, Nelson, Outlaw, O'Brien, Pearson, Peoples, Petty, Pittman, Rand, Riddick, Robertson, Sanders, Seawell, Settle, Sherwood, Singleton, J. H. Skinner, Sloan, Spruill, Stallings, Sumner, Swanner, Tatham, Thomas, G. A. Thompson, Toole, Townsend, Worth, Wadsworth, Weaver, Webb, Whitaker, Winston, Witcher, C. Wooten, W. Wright, Wyche, Ziglar—77.

Mr. Courts proposed to amend the bill by striking out, in the first section, the words "one hundred," and to insert "fifty." The motion was lost. Mr. Webb proposed to insert after the word "exceed," the words "in value five hundred dollars, and which shall, if it is worth no more include." This motion was lost. Mr. Haywood moved to amend the bill by adding, after the word "after," in the first section, the words "ninety days from the time when." This motion was agreed to. The question then being on the passage of the bill as amended its second reading, it was decided in the affirmative—yeas 67, nays 59. The yeas and nays demanded by Mr. Allison.

Those who voted in the affirmative, were messrs. Arrington, Barclay, Beckwith, Bell, Bogle, Calloway, Cloman, Courts, Cox, Daniel, Davidson, Davis, Emmett, Faddis, Fleming, Flowers, Freeman, Glenn, Gaston, Hartt, Haywood, Heartly, Houlder, Howard, Hunt, Jarvis, Larkins, Leak, Long, Mask, Mebane, Miller, Monk, M'Neill, M'Queen, Nelson, Outlaw, Pearson, Peoples, Petty, Rand, Riddick, Robertson, Sanders, Settle, Sherwood, Singleton, J. H. Skinner, Sloan, Spruill, Stallings, Swanner, Tatham, Thomas, G. A. Thompson, Toole, Townsend, Wadsworth, Weaver, Whitaker, Winston, Witcher, Worth, C. Wooten, W. Wright, Wyche, Ziglar—67.

Those who voted in the negative, were messrs. Abernathy, Allison, Barringer, Boddie, Bonner, Bragg, Brevard, Broadhurst, Brooks, Burgin, Cansler, Chamblee, Cherry, Clayton, Crump, Cunningham, Doherty, Edmonston, Garland, Gause, Gillespie, Glass, Grandy, Gwyn, Harper, Hill, Hogan, Jackson, J. B. Jones, Judkins, Little, Lyon, Moody, Moore, Morris, M'Cain, M'Cleese, M'Gehee, M'Laurin, M'Lean, M'Millan, O'Brien, Pittman, Polk, Powell, Sawyer, Sasser, Seawell, Simmons, J. M. Skinner, Smith, Stephens, Sumner, L. Thompson, J. B. Thompson, Watson, Webb, Wilson, A. W. Wooten—59.

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



THURSDAY, DECEMBER 29, 1831.

Mr. Singleton, from the select committee to which was referred the bill to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear river, reported the same without amendment. The said bill was accordingly made the order of the day for to-morrow.

Mr. Edmonston, from the select committee to which was referred the petition of William Parker, of Haywood county, reported a resolution in his favor; which was read the first time and passed.

Mr. Leak, from the committee of Claims, to which were referred resolutions in favor of the militia of Onslow county, reported favorably thereon.

The said resolution was accordingly made the order of the day for to-morrow.

Mr. Gwyn presented the petition of Elisha Evans, a militia soldier of the Revolution, praying a pension; which was read, and, on motion by Mr. Gwyn, referred to the committee on Propositions and Grievances.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Wilkes County Volunteer Artillery Company, and the engrossed bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick with amendments, and asking the concurrence of the Commons therein.—The said amendments were read and concurred in.

A message from the Senate, agreeing to print the report of the Treasurer of the Board of Trustees of the University, heretofore transmitted to the Legislature by his Excellency the Governor.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill to authorise the Courts of Pleas and Quarter Sessions of the several counties in this State to erect poor houses in their respective counties; a bill for the better regulation of the town of Nixonton, in the county of Pasquotank; a bill to incorporate the Charlotte Fire Engine Company; a resolution in favor of Bynum W. Bell; a bill for the better regulation of the town of Waynesborough, in Wayne county; a resolution in favor of Marmaduke Powell; a resolution in favor of the Public Treasurer; a resolution in favor of David L. Swain and Romulus M. Saunders; a bill amending the laws relative to the manner of appointing jurors for the Superior and County Courts of this State; a bill amendatory of the act, passed in the year 1830, in relation to the appointment of commissioners to superintend the erection of a court house in the county of Burke; a bill to authorise the County Court of Guilford to appoint overseers and hands to clear out the channel of the Reedy Fork of Haw river, in Guilford county; a bill to incorporate Contentnea Academy, in the county of Pitt, and to appoint the trustees thereof; a bill to appoint an additional place of sale in Hyde county; a bill to alter the name of Edwin Stokes, and to legitimate him; and a resolution in favor of Elizabeth Forbis, and asking the concurrence of the Commons therein. These bills and resolutions were severally read the first time and passed.

A message from the Senate, concurring in the amendments proposed by the House of Commons to the engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson, except so much of the second amendment as proposes to strike out the county of Richmond. On motion, this House agreed to recede from their said proposed amendment.

A message from the Senate, proposing to refer certain resolutions, therewith transmitted, on the subject of the Tariff, to a joint select committee, and informing that Messrs. Dishongh, Seawell, Wilson, M'Farland and Spaight form said committee on their part. The proposition was agreed to, and Messrs. Henry, Bragg, Outlaw, Sawyer and Faddis appointed to compose said committee on the part of this House.

Mr. Hartt, from the committee appointed to consider the patrol laws, reported a bill for the better regulation of the patrol; which was read the first time and passed, and, on motion by Mr. Clayton, ordered to be printed.

Messrs. Boddie and Fleming were appointed a committee to conduct the balloting for lieutenant colonel of cavalry in the 2d brigade and 6th division of the militia. A message from the Senate, informing that Messrs. Moyer of Greene and M'Daniel form said committee on their part.

A message from the Senate, proposing another balloting immediately for one trustee of the University, and informing that the name of Bedford Brown is withdrawn from the nomination. The proposition was agreed to, and Messrs. Thomas and Toole appointed to conduct said balloting on the part of this House. A message from the Senate, informing that Messrs. Marshall of Anson and Hawkins form said committee on behalf of the Senate.

Mr. Gaston, from the committee on the Judiciary, to which was referred the memorial of Thomas P. Devereux, reported a bill to extend the time within which the reports of the Supreme Court shall be published; which was read the first time and passed.

The resolution in favor of William Austin and David Carson was read the third time, passed, and ordered to be engrossed.

Mr. Fleming, from the committee appointed to conduct the balloting for a lieutenant colonel of cavalry of the 2d brigade and 6th division, reported that William M. Allbritton had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Thomas, from the committee appointed to conduct the balloting for a trustee of the University, reported that no person had received a majority of the whole number of votes. The report was concurred in.

Messrs. Long and Davidson were appointed a committee to superintend, on the part of the Commons, the balloting for colonel of cavalry of the 3d brigade and 6th division of militia. A message from the Senate, informing that Messrs. Campbell and Hall compose said committee on the part of the Senate.

The bill to incorporate the North Carolina Central Rail Road Company, was read the third time. Mr. Outlaw proposed to amend the bill by adding the following proviso:

*“Provided, That any application on the part of said company to the Federal Government for an appropriation of money or subscription of stock thereto, shall amount to a forfeiture of their charter.”*

This amendment was rejected—yeas 31, nays 92. The yeas and nays demanded by Mr. Sawyer.

Those who voted in the affirmative, were messrs. Allison, Barclay, Bell, Bragg, Brooks, Cansler, Courts, Daniel, Emmett, Fleming, Grandy, Harper, Houlder, Jackson, J. B. Jones, Judkins, Long, Moody, Nicholson, Outlaw, Pittman, Riddick, Sawyer, Simmons, Stallings, Stephens, Swanner, Toole, Watson, Webb, Whitaker—31.

Those who voted in the negative, were messrs. Abernathy, Arrington, Barringer, Beckwith, Bogle, Bonner, Brevard, Burgin, Calloway, Cherry, Clayton, Cloman, Cox, Crump, Cunningham, Davidson, Davis, Doherty, Edmonston, Faddis, Flowers, Freeman, Garland, Gause, Gillespie, Glass, Glenn, Gwyn, Gaston, Hartt, Haywood, Heartly, Henry, Hogan, Howard, Hunt, Jarvis, Larkins, Laspeyre, Leak, Little, Lyon, Mask, Mebane, Miller, Monk, Moore, Morris, M'Cain, M'Cleese, M'Gehee, M'Laurin, M'Lean, M'Neill, M'Queen, Nelson, O'Brien, Pearson, Peeples, Petty, Polk, Powell, Rand, Robertson, Sanders, Sasser, Seawell, Settle, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Smith, Speight, Spruill, Sumner, Tatham, Thomas, L. Thompson, J. B. Thompson, G. A. Thompson, Townsend, Wadsworth, Weaver, Wilson, Witcher, Worth, A. W. Wooten, C. Wooten, W. Wright, Wyche, Zigar—92.

The question on the passage of the bill its third reading was decided in the affirmative. Ordered that the said bill be engrossed.

The bill to incorporate the Cape Fear and Yadkin Rail Road Company, was read the third time, passed, and ordered to be engrossed.

Mr. Davidson, from the committee appointed to conduct the balloting for a colonel of cavalry of the third brigade and sixth division, reported that Gabriel Holmes had received a majority of the whole number of votes and was duly elected. The report was concurred in.

Mr. Polk, from the committee of Propositions and Grievances, to which was referred the petition of John Taylor, of Cumberland county, reported a bill to restore to credit John Taylor, of the county of Cumberland. The said bill was read the first time and passed.

The bill directing the manner in which constables shall hereafter be elected in the county of Wilkes; and the bill to authorise the erection of mills on Big Ivey Creek, in the county of Buncombe, were severally read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate Shiloh Academy in the county of Camden, was read the third time, passed, and ordered to be enrolled.

The resignation of James J. Phillips, of Edgecomb, of George Reinhardt, of Cabarrus, and of John Edmundson, of Greene county, justices of the peace, received from the Senate, were read and accepted.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

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FRIDAY, DECEMBER 30, 1831.

Mr. Leak, from the committee of Claims, to which was referred the petition of Absalom Simonton, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Mebane presented a bill to alter the mode of keeping in repair the streets in the village of Chapel Hill; and Mr. Wyche, a bill to amend an act, passed in the year 1812, entitled an act to amend the laws relative to the Supreme Court. These bills were read the first time and passed.

Mr. Outlaw moved that the resolutions heretofore laid on the table, relating to the public lands of the United States, be now considered. They were accordingly read and adopted, and ordered to be engrossed.

A message from the Senate, informing that they do not concur in the amendment proposed by the House of Commons to the engrossed resolution in favor of Thomas Bragg. On motion by Mr. O'Brien, the House agreed to recede from said proposed amendment.

A message from the Senate, proposing that another balloting be had immediately for one trustee of the University. The proposition was agreed to, and Messrs. Gwyn and Glass appointed a committee to conduct said balloting on the part of this House.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to incorporate the Guilford Gold Mining Company, and to provide a mode in which corporations may be dissolved for misbehaviour; a bill to incorporate a company styled the Catawba Gold Mining Company; and a bill for the relief of William Simkins, of Craven county, and asking the concurrence of the Commons. The said bills were read the first time and passed.

A message from the Senate, informing that Messrs. Simmons and Selby attend this House to conduct, on behalf of the Senate, the balloting for one trustee of the University.

The bill to exempt from execution a certain portion of the land of the citizens of North Carolina, was read the third time. Mr. Houlder proposed to amend the bill by adding, after the first section, the words



"Provided, that the freehold shall not include any mill that is already built, or shall be built before the freehold is so laid off."

The motion was lost. Mr. Weaver proposed the following as an additional section:

"That hereafter a portion of the ordinary tools or implements of husbandry of each and every of the farmers, citizens of this State, shall be exempt from execution for all debts contracted, or causes of action arising after the fourth day of July next: Provided however, that this exemption shall only extend to one horse or mule, together with one set of the usual and ordinary implements of agriculture."

This motion was also lost. The question being then put on the passage of the bill its third reading, it was decided in the affirmative—yeas 63, nays 61. The yeas and nays called for by Mr. Cherry.

Those who voted in the affirmative, were messrs. Arrington, Barclay, Beckwith, Bell, Bogle, Calloway, Cloman, Courts, Cox, Daniel, Davidson, Davis, Emmett, Faddis, Fleming, Flowers, Freeman, Glenn, Gaston, Hartt, Heartly, Henry, Houlder, Howard, Hunt, Larkins, Laspeyre, Leak, Long, Mask, Mebane, Miller, Monk, M'Neill, M'Queen, Nelson, Nicholson, Outlaw, Pearson, Petty, Rand, Riddick, Robertson, Sanders, Settle, Singleton, J. H. Skinner, Sloan, Spruill, Stallings, Swanner, Tatham, Toole, Townsend, Wadsworth, Whitaker, Winston, Witcher, Worth, C. Wooten, W. Wright, Wyche, Ziglar—63.

Those who voted in the negative, were messrs. Abernathy, Allison, Barringer, Boddie, Bonner, Bragg, Brevard, Broadhurst, Brooks, Burgin, Cansler, Chamblee, Cherry, Clayton, Crump, Cunningham, Edmonston, Garland, Gillespie, Glass, Grandy, Gwyn, Harper, Hill, Hogan, Jackson, J. B. Jones, Judkins, Little, Lyon, Moody, Moore, Morris, M'Cain, M'Cleese, M'Gehee, M'Laurin, M'Lean, M'Millan, M'O'Brien, Peeples, Pittman, Polk, Powell, Sawyer, Sasser, Seawell, Simmons, J. M. Skinner, Smith, Speight, Stephens, Sumner, Thomas, L. Thompson, J. B. Thompson, G. A. Thompson, Weaver, Webb, Wilson, A. W. Wooten—61.

Ordered that the said bill be engrossed.

The bill to amend an act, passed in 1819, entitled an act to create a fund for Internal Improvements, and to establish a board for the management thereof, was read the third time, passed and ordered to be engrossed.

Mr. Gwyn, from the committee appointed to conduct the balloting for a trustee of the University, reported that no person had received a majority of the whole number of votes. The report was concurred in.

On motion by Mr. Edmonston, ordered that a message be sent to the Senate, proposing another balloting immediately for a trustee. A message from the Senate, agreeing to this proposition, and informing that Messrs. Sherard and Underwood attend this House as their balloting committee; and informing further, that the name of Thomas S. Singleton is withdrawn from the nomination. Messrs. Jarvis and M'Queen were appointed a committee of balloting on behalf of the Commons.

The bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county by the name of Yancey, was read the second time and rejected—yeas 57, nays 67. The yeas and nays demanded by Mr. Gaston.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Barclay, Barringer, Bogle, Brevard, Burgin, Calloway, Cansler, Clayton, Courts, Cunningham, Davidson, Doherty, Edmonston, Emmett, Faddis, Fleming, Garland, Glass, Gwyn, Hartt, Henry, Hill, Hogan, Laspeyre, Leak, Little, Lyon, Mask, Mebane, Miller, Morris, M'Cain, M'Gehee, M'Laurin, M'Lean, M'Millan, M'Neill, M'Queen, Peeples, Petty, Polk, Powell, Seawell, Settle, Smith, Tatham, Thomas, Wadsworth, Weaver, Webb, Whitaker, Winston, Witcher, Worth, Ziglar—57.

Those who voted in the negative, were Messrs. Arrington, Beckwith, Bell, Boddie, Bonner, Bragg, Broadhurst, Chamblee, Cherry, Cloman, Cox, Crump, Daniel, Davis, Flowers, Freeman, Gillespie, Glenn, Grandy, Gaston, Harper, Haywood, Heartly, Houlder, Howard, Hunt, Jackson, Jarvis, J. B. Jones, Judkins, Larkins, Long, Moody, Moore, M'Cleese, Nelson, Nicholson, Outlaw, O'Brien, Pittman, Rand, Riddick, Robertson, Sanders, Sawyer, Sasser, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Speight, Spruill, Stallings, Ste-

phens, Sumner, Swanner, L. Thompson, J. B. Thompson, G. A. Thompson, Toole, Townsend, Wilson, A. W. Wooten, C. Wooten, W. Wright, Wyche—67.

Mr. M<sup>c</sup>Queen, from the committee appointed to conduct the balloting for a trustee of the University, reported that no person had received a majority of the whole number of votes.

The bill to vest the right of electing the clerks of the Superior and County Courts in the several counties within this State in the free white men thereof, was read the second time, and, on Mr. C. Wooten's motion, postponed indefinitely—Yeas 63, nays 59. The yeas and nays demanded by Mr. Weaver.

Those who voted in the affirmative, were messrs. Barringer, Beckwith, Boddie, Bonner, Bragg, Brevard, Calloway, Chamblee, Clayton, Crump, Cunningham, Daniel, Davidson, Davis, Flowers, Freeman, Garland, Gillespie, Glenn, Grandy, Gwyn, Gaston, Harper, Haywood, Heartly, Henry, Hogan, Houlder, Howard, Hunt, Judkins, Little, Long, Mebane, Miller, Moody, Moore, M<sup>c</sup>Cain, M<sup>c</sup>Cleese, M<sup>c</sup>Gehee, M<sup>c</sup>Lean, M<sup>c</sup>Millan, M<sup>c</sup>Neill, Nelson, Nicholson, Outlaw, Pitman, Sanders, Sasser, Sherwood, Singleton, J. H. Skinner, J. M. Skinner, Speight, Spruill, Sumner, Thomas, L. Thompson, Toole, Worth, A. W. Wooten, C. Wooten, Wyche—63.

Those who voted in the negative, were messrs. Abernathy, Allison, Arrington, Barclay, Bell, Bogle, Broadhurst, Burgin, Cansler, Cherry, Cloman, Courts, Cox, Doherty, Edmonston, Emmett, Faddis, Fleming, Glass, Hart, Hill, Jackson, J. B. Jones, Larkins, Leak, Lyon, Mask, Monk, Morris, M<sup>c</sup>Laurin, M<sup>c</sup>Queen, O'Brien, Peeples, Polk, Powell, Rand, Riddick, Robertson, Seawell, Settle, Simmons, Sloan, Smith, Stallings, Stephens, Swanner, Tatham, J. B. Thompson, G. A. Thompson, Townsend, Wadsworth, Weaver, Webb, Whitaker, Wilson, Winston, Witcher, W. Wright, Ziglar—59.

On motion by Mr. Abernathy, ordered that a message be sent to the Senate, proposing to ballot to-morrow for cavalry officers attached to the tenth brigade and fifth division of the militia; and informing that Henry Fullenweider as colonel and John D. Hoke as lieutenant colonel, are in nomination.

On motion, the House then adjourned until to-morrow morning, 10 o'clock—yeas 56, nays 52. The yeas and nays called for by Mr. Allison.

Those who voted in the affirmative, were Messrs. Bogle, Calloway, Cansler, Chamblee, Cox, Crump, Cunningham, Davidson, Doherty, Edmonston, Emmett, Faddis, Fleming, Garland, Gillespie, Glenn, Grandy, Gaston, Henry, Hill, Howard, Hunt, Larkins, Laspeyre, Lyon, Mask, Moody, Morris, M<sup>c</sup>Cain, M<sup>c</sup>Cleese, M<sup>c</sup>Millan, M<sup>c</sup>Neill, Nelson, Outlaw, Pittman, Polk, Powell, Rand, Sasser, Seawell, Singleton, Spruill, Stephens, Swanner, Tatham, J. B. Thompson, Toole, Townsend, Weaver, Whitaker, Winston, Witcher, Worth, A. W. Wooten, C. Wooten, Wyche—56.

Those who voted in the negative, were Messrs. Abernathy, Allison, Arrington, Barringer, Boddie, Bonner, Broadhurst, Burgin, Cherry, Clayton, Cloman, Courts, Daniel, Davis, Flowers, Freeman, Glass, Gwyn, Harper, Hart, Haywood, Heartley, Houlder, Jackson, Jarvis, J. B. Jones, Mebane, Monk, M<sup>c</sup>Laurin, M<sup>c</sup>Lean, M<sup>c</sup>Queen, Nicholson, Peeples, Petty, Riddick, Robertson, Sanders, Sawyer, Settle, Simmons, J. H. Skinner, J. M. Skinner, Smith, Stallings, Sumner, Thomas, G. A. Thompson, Webb, Wilson, W. Wright, Ziglar—52.

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SATURDAY, DECEMBER 31, 1831.

The bill to repeal part of an act, passed in the year 1827, entitled an act to prevent obstructions to the passing of fish up the Roanoke and Cashie rivers, or their waters, was, on motion by Mr. Outlaw, taken up and considered and passed its second reading.

Mr. Robertson presented a bill to prevent free negroes and mulattoes from owning or carrying guns in this State; which was read the first time and passed.

Mr. M<sup>c</sup>Neill presented a resolution in favor of John Black, sheriff of Cumberland county; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Mebane, from the committee on Internal Improvements, to which was referred the memorial of sundry citizens of Beaufort county, asking

an appropriation for the improvement of the navigation of Pungo river, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof. The report was concurred in, and leave granted to Mr. Bonner to withdraw from the files the said memorial.

Mr. Gaston, from the committee on the Judiciary, to which was referred the bill more effectually to compel the attendance of witnesses for the purpose of procuring their depositions, to grant facilities for obtaining the testimony of witnesses in prison, and for other purposes, and to which was also referred the bill to provide for the final settlement of executors and administrators, reported unfavorably thereon. The said bills were accordingly made the order of the day for Monday.

Mr. Gaston presented a bill to allow appeals to the Supreme Court from interlocutory judgments, orders and decrees of the Superior Courts of Law and Courts of Equity; which was read the first time and passed.

The bill to amend an act of 1830, entitled an act to prevent obstructing the passing of fish up the Pedee and Main Yadkin rivers, was read the second time, and, on Mr. Pearson's motion, indefinitely postponed.

Mr. M'Queen presented a bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Chatham; which was read the first and second times and passed.

Mr. Davidson asked and obtained leave to withdraw from the records of the House the petition, and papers accompanying, of Absalom Simonton.

Mr. Heartly presented a bill to authorise the wardens of the poor to hold property for the benefit of the poor; which was read the first time and passed, and referred to the committee on the Judiciary.

A message from the Senate, proposing another balloting immediately for a trustee of the University, and informing that the name of Hugh M'Queen is added to the nomination. The proposition was agreed to, and Messrs. Cherry and Jackson appointed a committee on the part of this House to conduct the balloting. A message from the Senate, informing that Messrs. Gilmore and Underwood attend this House as a balloting committee on the part of the Senate.

Mr. Gaston presented a bill in aid of the North Carolina Central Rail Road and Cape Fear and Yadkin Rail Road Companies; which was read the first time and passed, and, on Mr. Courts's motion, ordered to be printed.

A message from the Senate, agreeing to ballot, as heretofore proposed by this House, for colonel and lieut. colonel of the tenth brigade and fifth division of the militia, and informing that Messrs. M'Daniel and Hoover attend the Commons to conduct the balloting. Messrs. Webb and Abernathy were appointed the committee on the part of this House.

The bill to incorporate the Cabarrus Gold Mining Company, and the bill to incorporate the Charlotte Gold Mining Company, were severally read the second time and passed.

Received from his Excellency the Governor the following communication:

*To the honorable the General Assembly of the State of North Carolina:*

GENTLEMEN,—I take the liberty of laying before you the accounts of expenditures incurred in preparing the Government House for the reception of the Legislature, including such alterations as have been made by the direction of the honorable the Speakers of the two Houses and the clerks.

On leaving the Government House, I have subjected myself to a small expense for house rent, which I have no doubt will be provided for. I have also to observe, that it has been customary to make an appropriation for keeping the Government House and lots in repair. I

avail myself of this opportunity to call your attention to the distribution of a small amount of bank stock and money mentioned in Gov. Owen's message of last year, as set apart for the benefit of James N. Forsythe, who was lost in the sloop of war Hornet.

I have only to observe that no information has reached me relative to the family of Maj. Forsythe since I came into office.

I am, gentlemen, most respectfully, your obedient servant,

M. STOKES.

*Executive Office, 31st December, 1831.*

The foregoing message was read, and, on motion by Mr. Wyche, ordered to be transmitted to the Senate, with a proposition that it be referred to the committee on Finance.

Mr. O'Brien presented a bill to incorporate the Oxford Volunteer Company, which was read the first time and passed.

Mr. Cherry, from the committee appointed to conduct the balloting for a trustee of the University, reported that no one had received a majority of the whole number of votes. The report was concurred in.

Received from the Senate the following message:

*In Senate, 31st Dec. 1831.*

*Mr. Speaker,*—The Senate having transmitted to the House of Commons the engrossed "bill to alter the time of holding the Superior Courts of Law and Equity in the counties of Martin and Pitt," and being desirous of regaining the possession of the said bill, respectfully request of the House of Commons to return the same to the Senate.

Signed D. F. CALDWELL, S. S.

By order. S. F. PATTERSON, C. S.

The said bill not having been announced and read to the House, and being therefore not strictly *in its possession*, it was ordered by the House of Commons that the same be returned to the Senate.

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

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MONDAY, JANUARY 2, 1832.

Mr. Sloan presented a bill to amend an act, passed in the year 1826, entitled an act to amend an act, passed in the year 1825, entitled an act directing the manner in which constables shall be hereafter appointed in the county of Sampson; and Mr. Moody a bill allowing compensation to jurors of the County and Superior Courts of the county of Northampton. These bills were read the first time and passed.

Mr. Abernathy, from the committee appointed to conduct the balloting for cavalry officers attached to the 10th brigade and 5th division, reported that Henry Fullenweider was duly elected colonel and John D. Hoke lieutenant colonel. The report was concurred in.

Mr. Faddis presented a bill for the better regulation of the town of Hillsborough; which was read the first time and passed.

Mr. Edmonston, from the committee on Roads, to which was referred the bill to appoint commissioners to lay off a road from Neill Howard's mills, in Wilkes county, up Elk creek, to Ashe county line, reported the same with an amendment. The bill was made the order of the day for tomorrow.

Mr. Edmonston, from the same committee, to which was referred the petition of Wilson Reid, reported a bill to authorise Wilson Reid to erect two gates across the public road leading through his farm along the bank of the Albemarle Sound. The said bill was read the first time and passed.

Mr. Leak, from the committee on Claims, to which were referred the petitions of Andre Matthiew, of Rowan, and Jesse H. Simmons, of Halifax, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subjects. The report was concurred in.

A message from the Senate, proposing another balloting for a trustee of the University. The proposition was agreed to, and Messrs. Edmonston and Tatham appointed a committee to conduct the balloting, and the name of Benjamin Sumner withdrawn from the nomination. A message from the Senate, informing that Messrs. Melchor and Howell form said committee on their part.

Mr. Wyche, from the committee on Finance, which was instructed to inquire into the emoluments appertaining to the office of clerk of the Supreme Court, reported a bill to amend an act, passed in the year 1812, entitled an act to amend the laws relative to the Supreme Court. This bill was read the first time and passed.

Mr. Arrington, from the committee on Military Affairs, to which the subject had been referred, reported a bill to distribute the remaining tactics; which was read the first time and passed.

Mr. Polk presented the petition of Daniel Call, executor of Robert Means, praying payment of certain public certificates alleged to be due his testator. The said petition was, on motion by Mr. O'Brien, ordered to lie on the table.

Mr. Weaver presented a bill for the protection of farmers; which was read, and, on Mr. Wyche's motion, laid on the table.

Mr. Edmonston, from the balloting committee for a trustee of the University, reported that no person had received a majority of the votes. The report was concurred in.

A message from the Senate, proposing another balloting immediately for a trustee. The proposition was agreed to, and Messrs. Grandy and Broadhurst appointed a committee to superintend the balloting. A message from the Senate, informing that Messrs. Rowland and Brittain form their committee on the said balloting.

The bill to establish two banks, one by the name and style of the Farmers' Bank of North Carolina, and the other by the name and style of the Merchants' Bank of North Carolina, was read the second time, and postponed, on motion by Mr. Townsend, indefinitely—yeas 84, nays 39. The yeas and nays called for by Mr. Thomas.

Those who voted in the affirmative, were Messrs. Allison, Arrington, Barclay, Bell, Boddie, Bogle, Bragg, Brevard, Broadhurst, Brooks, Burgin, Chamblee, Cherry, Clayton, Cloman, Crump, Cunningham, Daniel, Davidson, Davis, Emmett, Fleming, Flowers, Gillespie, Glass, Glenn, Grandy, Harper, Haywood, Hill, Hogan, Houlder, Jackson, Jarvis, J. B. Jones, Judkins, Larkins, Leak, Lyon, Monk, Moody, Morris, M'Cain, M'Cleese, M'Millan, M'Neill, M'Queen, Nelson, Nicholson, Pearson, Peebles, Pittman, Powell, Rand, Riddick, Robertson, Sanders, Sawyer, Sasser, Seawell, Settle, Simmons, Sloan, Smith, Speight, Spruill, Stallings, Stephens, Swanner, Tatham, Thomas, J. B. Thompson, G. A. Thompson, Toole, Townsend, Wadsworth, Weaver, Whitaker, Wilson, Winston, A. W. Wooten, C. Wooten, W. Wright, Ziglar—84.

Those who voted in the negative, were Messrs. Abernathy, Barringer, Beckwith, Bonner, Calloway, Canisler, Courts, Doherty, Edmonston, Faddis, Freeman, Garland, Gwyn, Gaston, Hartt, Hearty, Henry, Howard, Hunt, Little, Long, Mebane, Moore, M'Gehee, M'Laurin, M'Lean, Outlaw, O'Brien, Petty, Polk, Sherwood, Singleton, J. H. Skinner, J. M. Skinner, Sumner, Webb, Witcher, Worth, Wyche—39.

The bill to establish a bank by the name and style of the President and Directors of the Bank of Albemarle, was read, and, on motion by Mr. Emmett, indefinitely postponed.

The resolution in favor of Green B. Palmer, was read the second time and passed, and, two thirds of the House concurring, the said resolution was read the third time, passed and ordered to be engrossed.

The bill for the protection of farmers, was, on Mr. Wyche's motion, taken up and referred to the committee on the Judiciary.

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

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TUESDAY, JANUARY 3, 1832.

Mr. Edmonston presented a bill to compensate justices of the peace in the county of Haywood for their services; Mr. Calloway, a bill declaring valid all grants for land issued by this State, where the owners have been chain carriers in surveying the same; and Mr. Freeman, a bill for the better government of the Washington Toll Bridge Company. These bills were severally read the first time and passed.

Mr. Sumner, from the committee on the Judiciary, who were instructed to inquire whether titles to real estate can be tried on petitions for partition, reported a bill to provide for the partition of lands, tenements and hereditaments held in common. The said bill was read the first time and passed, and, on Mr. Sumner's motion, ordered to be laid on the table and be printed.

Mr. Henry, from the committee on the Judiciary, to which were referred the bill to protect honest debtors from imprisonment for debt; and the bill to amend an act, passed in 1777, entitled an act declaring what fences are sufficient, and to provide a remedy for abuses, reported the same without amendment. The said bills were accordingly made the order of the day for to-morrow.

On motion by Mr. Settle, ordered that a message be sent to the Senate, proposing another balloting immediately for a trustee of the University; and informing that the name of William M. Green is withdrawn from the nomination.

Mr. McCain asked and obtained leave to withdraw from the files of this House the petition of Selah Smith, of Montgomery county.

Mr. Henry, from the committee on the Judiciary, who were instructed by resolution to inquire into the propriety of amending the law relative to clerks and masters, reported that it is not expedient to legislate upon the subject in the manner contemplated in said resolution, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Henry, from the same committee, to which was referred the bill for the relief of co-securities, reported the same with an amendment. The bill was accordingly made the order of the day for to-morrow.

Mr. Henry, from the same committee, to which was referred the bill to establish an entry taker's office in the county of Macon, reported unfavorably thereon. The said bill was made the order of the day for to-morrow.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Mecklenburg Gold Mining Company; and the bill to authorise the erection of mills on Big Ivey creek in the county of Buncombe; and the resolution for board of Internal Improvements, with amendments, and asking the concurrence of this House therein. The said several amendments were read and concurred in, and the Senate informed thereof.

A message from the Senate, informing that Messrs. Kerr and Rencher form their balloting committee for a trustee of the University. Messrs. Houlder and Speight were appointed said committee on the part of this House.

A message from the Senate, informing that they had passed the engrossed bill concerning corporations, the officers and managers of corporations, and trustees of funds for public purposes; and asking the concurrence of this House. The said bill was read the first time and passed. On motion by Mr. Henry, two thirds of the House concurring, the bill was again read the second time. Mr. Haywood moved to strike out the words "reimburse the stockholders thereof," in the fourth section of the bill, and insert the words "pay one half the surplus (if any) into the Treasury of this State, subject to the directions of the General Assembly of this State." The motion was rejected, and the bill passed its second reading.

Mr. Cox moved that the House do now proceed to the orders of the day, and take up the resolutions heretofore submitted, in relation to the expediency of calling a convention. The House refused now to consider them, and, on motion by Mr. Cox, the said resolutions were referred to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Houlder, from the committee appointed to conduct the balloting for a trustee of the University, reported that John Bragg had received a majority of the whole number of votes and was duly elected. The report was concurred in.

The bill to repeal part of an act, passed in the year 1827, entitled an act to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters, was read the third time, passed and ordered to be engrossed.

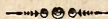
The bill to authorise the building of a bridge over Roanoke river at the town of Weldon, and to incorporate a company for that purpose, was read the third time, amended, on motions by Mr. Wyche and Mr. L. Thompson, passed, and ordered to be engrossed.

The bill to incorporate the Cabarrus Gold Mining Company was read the third time and passed—yeas 58, nays 21. The yeas and nays demanded by Mr. Cherry.

Those who voted in the affirmative, were messrs. Abernathy, Allison, Barringer, Beckwith, Boddie, Broadhurst, Brooks, Burgin, Calloway, Cansler, Clayton, Courts, Cunningham, Davidson, Freeman, Gause, Gillespie, Glass, Glenn, Gaston, Hartt, Haywood, Heartly, Henry, Hogan, Judkins, Laspeyre, Leak, Little, Lyon, Mebane, Monk, M'Gehee, M'Laurin, M'Lean, M'Millan, M'Queen, Nelson, Outlaw, Pearson, Petty, Robertson, Smith, Stephens, Sumner, Tatham, Thomas, Toole, Wadsworth, Watson, Weaver, Whitaker, Wilson, Witcher, Worth, C. Wooten, Wyche, Ziglar—58.

Those who voted in the negative, were messrs. Cherry, Cloman, Daniel, Davis, Fleming, Harper, Hill, Houlder, Jackson, Morris, Pittman, Powell, Sanders, Sawyer, Settle, Sloan, Speight, Townsend, Webb, A. W. Wooten, W. Wright—21.

The House adjourned till 4 o'clock, P. M.



The bill to incorporate the Plymouth Volunteer Guards; the bill for the better regulation of a light infantry company in the county of Beaufort, called the Washington Guards; and the bill to incorporate the Charlotte Gold Mining Company, were each read the third time, passed and ordered to be engrossed.

The bill to increase the liability of sheriffs, and to provide more effectually for the collection of taxes, was read the second time, amended and passed.

The bill directing the manner in which Constables shall hereafter be elected in the county of Stokes, was read the second and third times, passed and ordered to be engrossed.

The bill to regulate the toll of millers in the county of Washington, was read the second time and rejected.

The bill to incorporate the Lenoir Volunteer Guards; the bill to incorporate Tick Creek Academy, in the county of Chatham; the bill to incorporate the Bertie Legion; the bill to incorporate the Oxford Volunteer Company; and the bill to restore to credit John Taylor, of Cumberland county, were severally read the second and third times, passed and ordered to be engrossed.

The engrossed bill to incorporate Contentnea Academy, in the county of Pitt, and to appoint the trustees thereof; and the engrossed bill to incorporate the Charlotte Fire Engine Company, were severally read the second and third times, passed and ordered to be enrolled.

The bill to incorporate a volunteer company called the Beard's Creek Guards; and the bill to prevent the falling of timber in, or otherwise obstructing the channel of Hunting creek in the counties of Rowan and Iredell, were severally read the second and third times, passed and ordered to be engrossed.

The bill to prevent the falling of timber in Haw river, in Guilford and Rockingham counties, and Main's Fork, in Guilford county, was read the second and third times, passed and ordered to be enrolled.

The bill for the better regulation of the militia of Haywood county; the bill to prevent obstructions to the passage of fish up Aranuse creek, in the county of Camden; and the bill for the better government of the Washington Toll Bridge Company, were severally read the second and third times, passed and ordered to be engrossed.

The bill to provide for the payment of jurors for the county of Moore, was read the second and third times, amended, on Mr. Seawell's motion, and passed, and ordered to be engrossed.

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

The engrossed bill for the better regulation of the town of Nixonton, in the county of Pasquotank, was read the second and third times, passed and ordered to be enrolled.

The engrossed bill to appoint one additional place of sale in Hyde county, was read the second and third times, passed and ordered to be enrolled.

The bill concerning the County Court of Orange county, was read the second and third times, passed and ordered to be engrossed.

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

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WEDNESDAY, JANUARY 4, 1832.

John B. Thompson obtained leave of absence from the service of this House from and after this day for the residue of the session.

Mr. Henry, from the committee on the Judiciary, to which the subject had been referred, reported a bill to authorise the Superior and County Courts of this State to compel plaintiffs in certain cases to give security for the costs of suit. The said bill was read the first time and passed.

Mr. Pearson presented a bill to incorporate the Rowan Troopers; which was read the first time and passed.

The engrossed bill to give longer time for paying in entry money, was read the second time, amended and passed.



A message from the Senate, informing that they had passed the following engrossed resolutions, viz. Resolution on the subject of fuel for the use of the Legislature; a resolution in favor of Nevin Clark, of Moore county; and a resolution in favor of Wilkings & Co. These resolutions were read the first time and passed.

A message from the Senate, agreeing to the proposition of this House, that the communication of his excellency the Governor relative to the expense of fitting up the Government House for the reception of the Legislature, be referred to the committee on Finance.

A message from the Senate, informing that they had passed the engrossed bills altering the laws in respect to the allotment of widows' dower, and to authorise the sheriff of Hyde county to execute warrants and collect executions for sums less than one hundred dollars; and the engrossed resolution for Public Treasurer; and asking the concurrence of the Commons. The said bills and resolution were read the first time and passed.

A message from the Senate, proposing that the two Houses ballot immediately for colonel, lieutenant colonel and major of cavalry of the 18th brigade; and nominating Thomas J. Harper for the first, Nathan W. Fletcher for the second, and Joseph B. G. Roulhac for the third appointment named. The proposition was agreed to, and Messrs. Spruill and Smith appointed a committee to conduct the balloting.

A message from the Senate, proposing to the House of Commons that the proceedings which were had on Saturday last, in relation to the bill to regulate the time of holding the Superior Courts of Law and Equity for the counties of Martin and Pitt, be expunged from the Journals of both Houses, informing that the said bill had been inadvertently sent to this House before the time for reconsideration had expired. Ordered that the Senate be informed that the House of Commons do not agree to expunge from their own Journal their notice of said proceedings.

Mr. Wyche moved that the resolution to appoint an agent to collect evidence and attend to the surveying of the lands which are the subject of a suit, &c. be now taken up and considered. The said resolution was read the first time, amended and passed.

A message from the Senate, informing that they had passed the engrossed bill to regulate the time of holding the Superior Courts of Law and Equity for the counties of Martin and Pitt; and asking the concurrence of this House. The said bill was read, and, on motion by Mr. Cherry, indefinitely postponed.

The House, on motion by Mr. Cox, resolved itself into a committee of the Whole, Mr. Haywood in the Chair, and took into consideration the following resolutions heretofore submitted by Mr. Whitaker:

Whereas many of the good people of North Carolina entertain the opinion that the Constitution of the State is defective in some of its fundamental provisions, and requires amendment—more especially in the present mode of representation, which, instead of being on the just and equitable basis of taxation and population, is according to counties, unequal in size, and greatly disproportionate in wealth and numbers:

And whereas local jealousies and divisions, growing out of this state of things, have for many years existed among us, creating dissensions among the people, distracting the councils of the State, and obstructing liberal and wholesome legislation—a condition of things which the character and prosperity of the State loudly require should be removed from among us, that we may become *one people*, possessing common rights, and influenced by a common principle:

And whereas many of the good people of this State entertain the opinion that the seat of government should be removed to some place uniting more advantages than the city of Raleigh. Therefore, for the purpose of removing these defects on principles of compromise and mutual

concession, and with a view of restoring good feeling among our citizens and harmony in the councils of the General Assembly,

*Be it resolved by the General Assembly of the State, and it is hereby resolved by the authority of the same,* That it is expedient to call a Convention of the free men of North Carolina, for the purpose of considering the propriety of amending the Constitution of the State, and also of removing the seat of government.

2. *Resolved further,* That it shall be the duty of the sheriffs of the several counties in this State, on the day of next, after twenty days' notice, to open polls at the places where elections are usually held in their respective counties, under the same rules and regulations as elections for members of the General Assembly are now held; and all free white men over the age of twenty-one years, having been citizens of the State twelve months immediately preceding the day of election, are requested to attend said polls, and vote for delegates to a Convention.

3. *And be it further resolved,* That the delegates to be chosen shall be distributed among the several counties as follows, the same being on the basis of federal numbers, that is to say: the counties of Ashe, Bladen, Brunswick, Columbus, Carteret, Currituck, Chowan, Camden, Gates, Greene, Hertford, Hyde, Haywood, Jones, Lenoir, Macon, Martin, Nash, Onslow, Pasquotank, Perquimons, Robeson, Fyrrrell and Washington, each one delegate. The counties of Anson, Bertie, Beaufort, Cabarrus, Chatham, Cumberland, Caswell, Craven, Duplin, Davidson, Edgecomb, Franklin, Halifax, Johnston, Moore, Montgomery, Northampton, New Hanover, Person, Pitt, Randolph, Rockingham, Richmond, Sampson, Surry, Wilkes, Warren and Wayne, each two delegates. The counties of Buncombe, Burke, Guilford, Granville, Iredell, Mecklenburg, Rutherford, Stokes and Wake, each three delegates. And the counties of Lincoln, Orange and Rowan, each four delegates.

4. *Be it further resolved,* That the delegates so chosen shall meet in Convention on the day of next; and when duly organized, shall proceed to consider the propriety of adopting the following articles as a part of the Constitution of the State; and said Convention shall be restricted and limited to the propriety of adopting or rejecting these articles, or any or either of them, and no others:

Article I. The Senate shall be composed of members biennially chosen, one from each county in the State. Both Senators and their electors shall possess the same qualifications as are now required of each respectively by the Constitution.

Article II. The House of Commons shall be composed of members biennially chosen by the free white men of the State in the manner as hereinafter prescribed; and the members and their electors shall possess respectively the same qualifications as now required by the Constitution.

Article III. Representation in the House of Commons shall be equal and uniform, and shall be regulated and ascertained by the General Assembly once in every ten years, on the basis of federal numbers; that is, three-fifths of the black population added to the whole of the white population. The ratio on which the representatives shall be distributed among the several counties at the period of every ten years, shall be so fixed by law as not to give fewer than ninety, nor more than one hundred members to the House of Commons, over and above the representation of the towns, if the borough system should be retained.

When a county may not contain a sufficient amount of federal numbers to entitle it to a member, and when the fractions of the adjacent counties added thereto are still less than the ratio, then two or more counties may be joined together for the purpose of sending one or more members, according to what they may be entitled to send by the settled ratio.

When there are two or more counties adjacent to each other having fractions over and above the ratio fixed on, if such fractions when added together will amount to the ratio, then one member shall be added to the county having the largest fraction.

The first arrangement on the principle of this amendment shall be made by the General Assembly in the year 1841, and until then the House of Commons shall be composed of members from the several counties as follows, to wit: Anson, &c.

Article IV. The General Assembly shall meet once in every two years; but should the public interest require it, the Governor in the interim may call an extra session.

Article V. The Governor, Public Treasurer and Secretary of State shall be biennially chosen by joint ballot of the two Houses. No person shall be eligible to the office of Governor longer than four years in eight successive years.

Article VI. Whenever any town in this State, not now entitled to representation, shall possess a population of souls, such town shall become entitled to send one member to the House of Commons; and when any town, now represented, or hereafter to be represented, shall cease to possess a population of souls, then such town shall forfeit the right of representation.

Article VII. No higher taxes shall be imposed on the slave than on the white poll; and slaves shall not be taxed at an earlier age than twelve years, nor at a later age than fifty years.

Article VIII. The Convention shall determine on the expediency of removing the seat of government; and if they determine on removing it, then they shall fix the place of removal, which shall become the permanent seat of government until removed by the people in Convention assembled.

After some time spent in the consideration of the subject, the committee rose, and the Speaker having resumed the Chair, the chairman reported that the committee had made progress therein, and asked leave to sit again. Leave was granted.

And thereupon the House adjourned until to-morrow morning, 10 o'clock.

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THURSDAY, JANUARY 5, 1832.

Mr. Haywood presented a bill to regulate retailers of spirituous liquors; and Mr. Seawell a bill to compel the clerks of the County and Superior Courts, and other officers, of the county of Moore, to keep their respective offices at the court house of said county. These bills were read the first time and passed.

A message from the Senate, informing that Messrs. Allen and Moye, of of Pitt, attend this House to conduct the balloting for cavalry officers of the 18th brigade.

The engrossed resolution in favor of Marmaduke Powell, and the engrossed resolution in favor of Elizabeth Forbis, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to give longer time for paying in entry money, was read the third time and passed. Ordered that the concurrence of the Senate be asked in the amendment heretofore made in this House.

The bill to increase the liability of sheriffs and to provide more effectually for the collection of taxes, was read the third time, passed, and ordered to be engrossed.

The bill to change the disposition of the money constituting the Agricultural Fund; the resolution in favor of Jacob Caler; the resolution in favor of David L. Swain and Romulus M. Saunders; the resolution in favor of the Public Treasurer; and the resolution in favor of Bynum W. Bell, were severally read the second time and passed.

A message from the Senate, proposing to ballot immediately for lieutenant-colonel of cavalry of the third brigade, and informing that Robert H. Cowan is nominated for the appointment. The proposition was agreed to, and Messrs. Bonner and Rand appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Guinn and Hoke form said committee on behalf of the Senate.

The House now proceeded to the order of the day, and, on motion by Mr. Outlaw, again resolved itself into a committee of the Whole, Mr. Haywood in the Chair, on the convention resolutions; and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the committee of the Whole had considered the subject, and instructed him to report the said resolutions to the House without amendment.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

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FRIDAY, JANUARY 6, 1832.

Mr. Wyche, from the committee on Finance, to which was referred a message from the Governor relating to work done on the Government House, reported a resolution to pay sundry persons for work and materials used in preparing for the accommodation of the General Assembly; which was read the first time and passed; also a resolution to provide for repairs and furnishing Governor's House; also a resolution in favor of James N. Forsythe's relatives; which were read the first time and passed.

Resolution in favor of David L. Swain and Romulus M. Saunders, and a resolution in favor of the Public Treasurer, were severally read the third time, passed, and ordered to be enrolled.

Resolution in favor of Bynum W. Bell was read, and, on motion by Mr. Wyche, ordered to lie on the table.

A bill to change the disposition of the money constituting the Agricultural Fund, was read the third time, passed, and ordered to be engrossed.

Mr. Monk with leave presented a bill to incorporate the Jackson Mounted Guards; which was read the first time and passed.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred the resolution in favor of John Black, sheriff of Cumberland county, reported the resolution without amendment, and recommended its adoption. The resolution was made the order of the day for to-morrow.

Mr. Polk, from the same committee, to which was referred the memorial of Archibald D. Murphy, and a bill to encourage the publication of a history of North Carolina, reported that it is inexpedient and improper to raise the necessary funds in the manner proposed in said memorial. The bill was made the order of the day for to-morrow.

Resolution in favor of Jacob Caler was read the third time, passed, and ordered to be engrossed.

Alexander Little obtained leave of absence from the service of this House, from and after this day, until the end of the session.

Mr. C. Wooten with leave presented a bill to repeal the second section of an act, passed in the year 1823, entitled an act to amend the militia laws of this State relative to the cavalry; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. A bill to authorise William M. Davidson to erect a gate or gates on his own land across the road leading through his plantation on Jonathan's creek, in Haywood county; a bill to incorporate three light infantry companies and one company of cavalry in the county of Edgecomb; a bill prescribing the manner of taking sheriffs' bonds for the counties of New Hanover, Bertie and Onslow; and a bill to amend an act, entitled an act to authorise the justices of the Court of Pleas and Quarter Sessions of the county of Northampton to employ a suitable person to transcribe part of the records of said county; and a resolution in favor of John M. Allen, sheriff of Montgomery. These bills and resolution were read the first time and passed.

Mr. Bonner with leave presented a bill to extend the powers of the commissioners of the town of Washington; which was read the first time and passed.

The engrossed bill concerning corporations, the officers and managers of corporations, and trustees of funds for public purposes, was read the third time. Mr. Haywood moved to strike out, in the conclusion of the fourth section, the words "and afterwards to reimburse the stockholders thereof, under such rules, regulations, provisions and restrictions as the court rendering such final judgment shall direct," and insert the following:

"And out of the surplus, if any there be, the Court shall direct 5 per cent. on the capital stock of said company to be retained, and the residue shall be divided among the stockholders after such rules and regulations as the court shall deem just and right: Provided, that the said 5 per cent. shall never exceed one thousand dollars; and the court shall further direct one half of the said sum retained to be paid to the State where

there is a relator, and the other half to the relator. And if there be no relator, the court shall direct the whole of it to be paid to the State.

*Be it further enacted,* That the court shall have power in all cases brought before them under this act, to make an allowance to the attorney of the State corresponding with his labor and trouble in the suit, and such allowance shall be paid by the defendants, if judgment be rendered against them, and it shall be paid by the relators, if the court shall adjudge in favor of the defendants, and if the court shall be of opinion that it is just and proper to charge the same against the relator."

This amendment was rejected. Mr. Pearson moved to strike out the word "gross," in the last page and twelfth line of the bill; which was agreed to. The said bill as thus amended then passed its third reading. Ordered that the concurrence of the Senate be asked in said amendment.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Lenoir Volunteer Guards with an amendment, and asking the concurrence of this House. The said message was, on motion by Mr. C. Wooten, laid on the table.

Mr. Spruill, from the committee appointed to conduct the balloting for cavalry officers attached to the 18th brigade, reported that Thomas J. Harper was duly elected colonel, Nathaniel W. Fletcher, lieutenant colonel, and Joseph B. G. Roulhac, major. The report was concurred in.

Mr. Bonner, from the committee appointed to conduct the balloting for lieutenant colonel of cavalry of the third brigade, reported that Robert H. Cowan was duly elected. The report was concurred in.

The resignations of John D. Jones, lieutenant colonel of cavalry of the third brigade and sixth division; of Calvin Coor, major of the 40th regiment of North Carolina militia, and of Calvin R. Blackman, as lieutenant colonel of said regiment, were presented, read and accepted.

The House, on motion by Mr. Cherry, proceeded to the unfinished business of yesterday, and again took up the convention resolutions. Mr. Edmonston moved that the said resolutions lie on the table. This question was decided in the negative. Mr. Davis moved that their further consideration be postponed indefinitely. Pending this motion, Mr. Henry renewed the motion that the said resolutions lie on the table. The Speaker decided this motion to be now out of order. An appeal was taken from this decision to the House, and the decision of the Chair sustained. Mr. Pearson moved that the House adjourn until to-morrow morning, 10 o'clock. This question was decided in the negative—yeas 2, nays 122. The yeas and nays called for by Mr. Davis.

Those who voted in the affirmative, were Messrs. Davidson and M<sup>c</sup>Queen.

Those who voted in the negative, were Messrs. Abernathy, Allison, Arrington, Barringer, Beckwith, Bell, Boddie, Bogle, Bonner, Bragg, Brevard, Broadhurst, Brooks, Burgin, Calloway, Cansler, Chamblee, Cherry, Clayton, Clomas, Courts, Cox, Crump, Cunningham, Daniel, Davis, Doherty, Edmonston, Emmett, Faddis, Fleming, Flowers, Freeman, Garland, Gause, Gillespie, Glass, Glenn, Grandy, Gwyn, Gaston, Harper, Hartt, Haywood, Heartly, Henry, Hill, Hogan, Houlder, Howard, Hunt, Jarvis, J. B. Jones, Judkins, Larkins, Laspeyre, Leak, Long, Lyon, Mask, Mebane, Miller, Monk, Moody, Moore, Morris, M<sup>c</sup>Cain, M<sup>c</sup>Cleese, M<sup>c</sup>Laurin, M<sup>c</sup>Lean, M<sup>c</sup>Millan, M<sup>c</sup>Neill, Nelson, Nicholson, Outlaw, O'Brien, Pearson, Peeples, Petty, Pittman, Polk, Powell, Rand, Riddick, Robertson, Sanders, Sasser, Seawell, Settle, Sherwood, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Smith, Speight, Spruill, Stallings, Stephens, Sumner, Swanner, Tatham, Thomas, L. Thompson, G. A. Thompson, Toole, Townsend, Wadsworth, Watson, Weaver, Webb, Whitaker, Wilson, Winston, Witcher, Worth, A. W. Wooten, C. Wooten, W. Wright, Wyche, Ziglar—122.

Mr. Henry again moved that the said resolutions lie on the table. The

Speaker (pro tem. Mr. Sawyer) again decided the motion out of order, and Mr. Henry again appealed from this decision to the House. On the question is the decision of the Chair correct? Mr. Singleton demanded the yeas and nays, and the question was decided in the affirmative—yeas 66, nays 59.

Those who voted in the affirmative, were Messrs. Arrington, Beckwith, Bell, Boddie, Bonner, Bragg, Broadhurst, Chamblee, Cherry, Cloman, Cox, Crump, Daniel, Davis, Flowers, Freeman, Gillespie, Glenn, Grandy, Gaston, Harper, Haywood, Heartly, Houlder, Howard, Hunt, Jackson, Jarvis, J. B. Jones, Judkins, Long, Lyon, Moody, Moore, M'Cleese, M'Millan, Nelson, Nicholson, Outlaw, O'Brien, Pittman, Polk, Powell, Rand, Riddick, Robertson, Sanders, Sasser, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Speight, Spruill, Stallings, Sumner, Swanner, L. Thompson, G. A. Thompson, Toole, Townsend, Wilson, A. W. Wooten, C. Wooten, W. Wright, Wyche—66.

Those who voted in the negative, were Messrs. Abernathy, Allison, Barringer, Bogle, Brevard, Brooks, Burgin, Calloway, Cansler, Clayton, Courts, Cunningham, Davidson, Doherty, Edmonston, Emmett, Faddis, Fleming, Garland, Gause, Glass, Gwyn, Hartt, Henry, Hill, Hogan, Larkins, Laspeyre, Leak, Mask, Mebane, Miller, Monk, Morris, M'Cain, M'Laurin, M'Lean, M'Neill, M'Queen, Pearson, Peeples, Petty, Seawell, Settle, Sherwood, Sloan, Smith, Stephens, Tatham, Thomas, Wadsworth, Watson, Weaver, Webb, Whitaker, Winston, Witcher, Worth, Ziglar—59.

The question then recurring on the indefinite postponement of the resolutions, it was decided in the affirmative—yeas 70, nays 55. The yeas and nays demanded by Mr. Davis.

Those who voted in the affirmative, were messrs. Arrington, Beckwith, Bell, Boddie, Bonner, Bragg, Broadhurst, Chamblee, Cherry, Cloman, Cox, Crump, Daniel, Davis, Flowers, Freeman, Gause, Gillespie, Glenn, Grandy, Gaston, Harper, Haywood, Heartly, Houlder, Howard, Hunt, Jackson, Jarvis, J. B. Jones, Judkins, Larkins, Long, Lyon, Moody, Moore, M'Cleese, M'Millan, Nelson, Nicholson, Outlaw, O'Brien, Pittman, Powell, Rand, Riddick, Robertson, Sanders, Sasser, Settle, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Speight, Spruill, Stallings, Stephens, Sumner, Swanner, L. Thompson, G. A. Thompson, Toole, Townsend, Watson, Wilson, A. W. Wooten, C. Wooten, W. Wright, Wyche—70.

Those who voted in the negative, were messrs. Abernathy, Allison, Barringer, Bogle, Brevard, Brooks, Burgin, Calloway, Cansler, Clayton, Courts, Cunningham, Davidson, Doherty, Edmonston, Emmett, Faddis, Fleming, Garland, Glass, Gwyn, Hartt, Henry, Hill, Hogan, Laspeyre, Leak, Mask, Mebane, Miller, Monk, Morris, M'Cain, M'Laurin, M'Lean, M'Neill, M'Queen, Pearson, Peeples, Petty, Polk, Seawell, Sherwood, Sloan, Smith, Tatham, Thomas, Wadsworth, Weaver, Webb, Whitaker, Winston, Witcher, Worth, Ziglar—55.

Whereupon the House adjourned until 4 o'clock, P. M.

The bill for the better regulation of the town of Tarborough, in the county of Edgecomb; the bill to authorise Wilson Reed to erect two gates across the public road leading through his farm along the bank of the Albemarle Sound; the bill to appoint an additional place of sale in the county of Rutherford; the bill to authorise the County Court of Richmond county to transcribe and record certain papers in the office of the County Court Clerk; and the bill to incorporate the Jackson Mounted Guards, were severally read the second and third times, passed and ordered to be engrossed.

The bill to alter the name of Edwin Stokes and to legitimate him, was, on Mr. Wyche's motion, postponed indefinitely.

The amendment proposed by the Senate to the engrossed bill to incorporate the Lenoir Volunteer Guards, was taken up and concurred in, and a proposition made to the Senate further to amend said bill.

The engrossed bill to allow compensation to the jurors of the County and Superior Courts of the county of Macon; the bill amendatory of an act, passed in the year 1830, in relation to the appointment of commissioners to superintend the erection of a court house in the county of Burke, were read the second and third times, passed and ordered to be enrolled.

The bill allowing compensation to jurors of the County and Superior Courts of the county of Northampton; the bill to amend an act, passed in the year 1826, entitled an act to amend an act, passed in the year 1825, entitled an act directing the manner in which constables shall be hereafter appointed in the county of Sampson; and the bill to alter the mode of keeping in repair the streets in the village of Chapel Hill, were severally read the second and third times, passed and ordered to be engrossed.

The engrossed bill to amend an act, passed in the year 1818, entitled an act to establish the town of New Salem, on the lands of Benjamin Marmon, Esquire, was read the second and third times, passed, and ordered to be enrolled.

The bill for the better regulation of the town of Waynesborough, in Wayne county, and for other purposes, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

Mr. Outlaw moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was decided in the affirmative—yeas 56, nays 37. The yeas and nays demanded by Mr. Davis.

Those who voted in the affirmative, were Messrs. Arrington, Beckwith, Boddie, Bogle, Bragg, Brevard, Broadhurst, Brooks, Burgin, Courts, Cox, Cunningham, Davidson, Doherty, Edmonston, Emmett, Fleming, Freeman, Gillespie, Glenn, Grandy, Haywood, Heartley, Henry, Hogan, Howard, Larkins, Leak, Lyon, Miller, Morris, M'Cain, M'Neil, M'Queen, Nelson, Outlaw, Peoples, Pittman, Polk, Powell, Robertson, Sasser, Seawell, Simmons, J. M. Skinner, Smith, Stallings, Swanner, Tatham, Wadsworth, Whitaker, Witcher, Worth, A. W. Wooten, C. Wooten, Ziglar—56.

Those who voted in the negative, were Messrs. Abernathy, Allison, Bonner, Cansler, Cherry, Clayton, Cloman, Daniel, Davis, Flowers, Glass, Gwyn, Harper, Houlder, Jackson, Jarvis, J. B. Jones, Mebane, Monk, M'Cleese, M'Laurin, M'Lean, M'Millan, Nicholson, Petty, Sanders, Sloan, Speight, Spruill, Sumner, G. A. Thompson, Toole, Townsend, Weaver, Webb, Wilson, Wyche—37.

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SATURDAY, JANUARY 7, 1832.

Mr. Weaver presented the following resolution, which was read, and, on Mr. Wyche's motion, laid on the table:

*Resolved*, That from and after Monday next it shall not be in order to introduce any new bill into this House.

Mr. M'Millan presented a bill making compensation to tales jurors in the county of Bladen; which was read the first, second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. a bill to incorporate two companies of light infantry in the county of Pitt; a bill to alter the manner of appointing inspectors for the town of Wilmington; and a resolution in favor of Robert Ray; and asking the concurrence of this House. The said bills and resolution were severally read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, and asking the concurrence of this House, viz. a bill providing for the assignment of dower and for the partition of the whole real estate of deceased persons, where a part thereof lies in North Carolina and part in other States; a bill extending the provisions of an act, entitled an act securing to the widows of intestates the surplus of the personal estates of their deceased husbands, where no kindred claim the same, passed in the year of our Lord 1823; a bill to repeal the eighth section of an act, passed in the year of our Lord 1828, entitled an

act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions, issued by justices of the peace; a bill giving longer time to register grants of land in this State, mesne conveyances, powers of attorney, &c. &c. a resolution in relation to the Cherokee bonds; a resolution in favor of Levin Armwood; and a resolution in favor of John Bryson. These bills and resolutions were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Fayetteville and Yadkin Rail Road Company, and proposing that said bill be printed, three copies for each member of the Legislature. The proposition to print was agreed to.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the North Carolina Central Rail Road Company, with an amendment, and proposing that said bill be printed, three copies for each member of the Legislature. The proposed amendment and proposition to print were concurred in.

A message from the Senate, informing that they had passed the engrossed bill to incorporate a light infantry company in the town of Plymouth, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, concurring in the amendment proposed by the House of Commons to the engrossed bill to give longer time for paying in entry money.

Mr. Henry presented the following resolution:

Whereas the publication of an accurate map of this State is an enterprise of great risk and expense, and requires much time, and is an object of indispensable utility to the government of this State and its citizens at large; and whereas John M'Rae has completed a map of this State, except the engraving, and that the same is now in the hands of Henry S. Tanner, a celebrated map engraver of Philadelphia, and will be ready for delivery in a few months; and whereas the State made a loan of \$5000 heretofore to the said John M'Rae, (\$2000 of which has been paid,) under the expectation that he would be able to pay it out of the proceeds of the sale of his map, when completed, but which will be prevented by the intrinsic difficulty and expense of the project:

*Resolved, therefore,* That the Public Treasurer be instructed not to enforce the collection of the bond of the said John M'Rae, of three thousand dollars, due the 1st December last, until the 1st of December next, unless the safety of the debt may require its earlier collection; and provided also, that he shall continue to renew the said bond in the manner heretofore prescribed.

Mr. Fleming proposed to strike out the whole of the preceding resolution, and to insert the following:

*Resolved,* That his excellency the Governor be requested to procure from John M'Rae twenty-seven copies of the maps of this State as soon as the same may be completed, and present one copy to the General Government, and one to each of the States; and that he be authorized to draw upon the Treasurer for the amount expended in procuring and transmitting said copies.

*Resolved further,* That the Public Treasurer be directed to require payment from John M'Rae the balance of the five thousand dollars loaned by the State to said M'Rae, which still remains unpaid, being the sum of three thousand dollars, secured by the note of said John M'Rae, in the office of the Treasurer.

This amendment was rejected. The question then recurring on Mr. Henry's resolution, the same was adopted, and ordered to be engrossed.

The amendment proposed by the Senate to the engrossed bill to incorporate the North Carolina Central Rail Road Company, was reconsidered, and the said amendment amended by the House of Commons, by striking out the name of Littleton A. Gwyn.

The resolution in favor of Samuel Calvert and others; the bill respecting the toll to be paid by horsemen for crossing Beard's Bridge, on the



Yadkin river, in Rowan county; the bill to amend the law relative to malicious maiming and wounding; the bill to prevent the felling of timber in, or otherwise obstructing the run of Catherine creek and Warwick swamp, in Gates and Chowan counties; the bill to appoint commissioners to lay off a road from Neill Howard's mills, in Wilkes county, up Elk creek, to Ashe county line, were severally read the second time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend the fifth section of an act, passed A. D. 1816, chapter 912, entitled an act for the more speedy trial of slaves in capital cases, with amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

Mr. Bonner presented the following resolution, which was read, and, on Mr. Mebane's motion, laid on the table:

*Resolved*, That a message be sent to the Senate, proposing that the two Houses adjourn sine die on Friday next, and that the Clerks make out their estimates to that day inclusive.

The resignations of Wm. M. Ballard, of Orange county, and of Jo. Regan, of Robeson county, justices of the peace, were received from the Senate, and read and accepted.

The bill to exempt certain persons from paying toll on the turnpike road from Old Fort, in Burke, to Asheville, in Buncombe county, was read and rejected.

The bill to establish the dividing line between Duplin and Wayne counties, was read the second time. Mr. Gillespie proposed, by way of amendment and substitute, "a bill, entitled 'a bill to authorise the County Courts of the counties of Duplin and Wayne to appoint commissioners to run and mark the dividing line between the counties of Duplin and Wayne.'" The said amendment was rejected, and the bill passed its second reading.

The bill to extend the jurisdiction of justices of the peace, was read, and, on motion by Mr. Freeman, ordered to lie on the table.

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

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MONDAY, JANUARY 9, 1832.

Mr. Pittman presented a bill founded on a memorial of sundry citizens of Tarborough, to incorporate the Tarborough and Hamilton Rail Road Company; which was read, and, on Mr. Freeman's motion, postponed indefinitely.

Mr. Wyche gave notice that he would on to-morrow move that so much of the seventeenth rule of order as requires that no bill, petition, memorial, resolution or other papers that may be addressed to the House, shall be taken out of the possession of the House, or sent to the other House, until the time shall have elapsed for reconsideration, be rescinded for the remainder of the session.

The bill to amend the law relative to malicious and unlawful maiming and wounding, was read the third time, passed and ordered to be engrossed.

The resolutions in favor of Samuel Calvert and others, were read the third time. Mr. Allison moved that they be postponed indefinitely, and called for the yeas and nays. The question thereon was decided in the affirmative—yeas 61, nays 47.

Those who voted in the affirmative, were messrs. Abernathy, Allison, Arrington, Baringer, Bell, Boddie, Bonner, Calloway, Canler, Clayton, Courts, Davidson, Davis, Fleming, Flowers, Freeman, Gause, Glass, Glenn, Grandy, Gwyn, Harper, Hartt, Hill, Hogan,

Howard, Jackson, Jarvis, Lyon, Miller, Monk, Morris, M'Cain, M'Laurin, M'Lean, M'Millan, M'Neill, M'Queen, Pearson, Peeples, Pelly, Polk, Powell, Sawyer, Seawell, Settle, J. M. Skinner, Sloan, Smith, Speight, Spruill, Stephens, Swanner, Thomas, Townsend, Weaver, Webb, Wilson, Witcher, Worth, Wyche—61.

Those who voted in the negative, were messrs. Beckwith, Bogle, Bragg, Broadhurst, Brooks, Burgin, Cherry, Cloman, Crump, Cunningham, Edmonston, Emmett, Faddis, Gillespie, Haywood, Hunt, J. B. Jones, Judkins, Larkins, Leak, Mebane, Moody, Moore, M'Cleese, Nelson, Nicholson, Outlaw, O'Brien, Pittman, Rand, Robertson, Sanders, Sasser, Sherwood, Simmons, Singleton, J. H. Skinner, Sumner, L. Thompson, G. A. Thompson, Toole, Wadsworth, Watson, Whitaker, A. W. Wooten, C. Wooten, Ziglar—47.

Caleb Stephens obtained leave of absence from the service of this House, from and after to-morrow, until the end of the session.

Mr. Haywood presented a resolution to provide for a collection of the old Journals and Acts of the General Assembly from 1776 to 1830; and Mr. Crump, a bill to authorise the County Court of Northampton county to lay a tax to defray the expenses of the militia called out during the late insurrection in Virginia. The said resolution and bill were severally read the first time and passed.

The bill to prevent the felling of timber in, or otherwise obstructing the run of Catharine creek and Warwick swamp, in Gates and Chowan counties; and the bill to appoint commissioners to lay off a road from Neill Howard's mills, in Wilkes county, up Elk creek, to Ashe county line, were severally read the third time, passed and ordered to be engrossed.

Resolution authorising and directing the Public Treasurer to procure specie coin, was read the third time, passed, and ordered to be enrolled.

The bill to establish the dividing line between Duplin and Wayne counties, was read, and, on Mr. Gillespie's motion, laid on the table.

The engrossed bill to incorporate a company styled the Guilford Gold Mining Company, and to provide a mode in which corporations may be dissolved for misbehavior; and the engrossed bill to incorporate a company styled the Catawba Gold Mining Company, were severally read the second time and passed.

The bill to limit and define the power of courts in issuing attachments and inflicting punishments for contempts, was read, and, on motion by Mr. Fleming, postponed indefinitely—yeas 56, nays 33. The yeas and nays called for by Mr. Toole.

Those who voted in the affirmative, were messrs. Arrington, Barringer, Beckwith, Bell, Boddie, Bogle, Broadhurst, Burgin, Calloway, Cherry, Cloman, Courts, Crump, Cunningham, Davidson, Davis, Edmonston, Emmett, Fleming, Flowers, Gause, Glass, Glenn, Grandy, Gaston, Harper, Harit, Jarvis, Judkins, Larkins, Lyon, Mebane, Miller, M'Cain, M'Laurin, M'Neill, M'Queen, Nicholson, Pearson, Pelly, Powell, Robertson, Sanders, Settle, Singleton, Sloan, Stephens, L. Thompson, G. A. Thompson, Webb, Whitaker, Witcher, Worth, A. W. Wooten, C. Wooten, Ziglar—56.

Those who voted in the negative, were messrs. Abernathy, Allison, Brooks, Chamblee, Clayton, Daniel, Freeman, Garland, Gillespie, Gwyn, Haywood, Hill, Houder, Morris, M'Cleese, Nelson, Outlaw, O'Brien, Peeples, Pittman, Polk, Sawyer, Sasser, Sherwood, Smith, Speight, Spruill, Stallings, Sumner, Swanner, Toole, Townsend, Weaver—33.

The bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases, was read the second time, amended and passed.

The bill to alter the time of holding the Superior Courts for the county of Haywood, was read the second time and passed.

The bill to prevent slaves and free persons of color from commanding boats on the Roanoke river; the bill to provide for the collection of demands against ships and vessels; and the bill to carry into effect the provisions of an act, passed in the year 1825, entitled an act to provide for the

removal of the shoal in the Tar river below the town of Washington, were severally read and postponed indefinitely.

The resignation of William Bradshaw, a justice of the peace of the county of Orange, was presented, read and accepted.

The bill to authorise the County Courts of this State to appoint committees of finance; and the bill for the better regulation of the County Courts of Haywood, were read the second time and passed.

The bill for the better regulation of cavalry, was read, and, on Mr. Barringer's motion, laid on the table.

The bill supplemental to an act, passed in the year 1830, entitled an act to regulate the time of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson; and the bill to alter the time of laying the county and poor taxes and appointing constables in the county of Orange, and for other purposes, were read the second time and passed.

The House then adjourned until 4 o'clock, P. M.

The bill to compel the clerks of the County and Superior Courts and other officers of the county of Moore to keep their respective offices at the court house of said county; and the bill respecting the toll to be paid by horsemen for crossing Beard's Bridge on the Yadkin river, in Rowan county, were read the second and third times, passed and ordered to be engrossed.

The engrossed bill for the relief of William Simkins, of Craven county, was read the second and third times, passed and ordered to be enrolled.

The bill to extend an act, passed in the year 1830, chapter 151, entitled an act to authorise Major J. Clark, or him and his associates, to build a toll bridge across Pungo river at Loghouse Landing; the bill to authorise the County Court of Guilford to appoint overseers and hands to clear out the channel of the Reedy Fork of Haw river, in Guilford county; the bill to repeal in part an act, passed in the year 1829, to provide for the payment of jurors in the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; the bill to incorporate the Rowan Troopers; the bill to repeal an act, passed in the year 1827, entitled an act to compel the sheriff of Burke county to give written summons to the jurors of said county, were severally read the second time and passed.

A bill for the better regulation of the town of Hillsborough, was read the second and third times, passed and ordered to be engrossed.

The engrossed bill to amend an act, entitled an act to authorise the justices of the Court of Pleas and Quarter Sessions of the county of Northampton to employ a suitable person to transcribe part of the records of said county, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The engrossed bill to incorporate three light infantry companies and one company of cavalry in the county of Edgecomb; the engrossed bill to authorise the sheriff of Hyde county to execute warrants and collect executions for sums less than one hundred dollars; and the engrossed bill to authorise Wm. M. Davidson to erect a gate or gates on his own land across the road leading through his plantation on Jonathan's creek, in Haywood county, were severally read the second time and passed.

The bill to compensate justices of the peace in the county of Haywood

for their services, was read, and, on Mr. Wyche's motion, postponed indefinitely.

The bill to extend the powers of the commissioners of the town of Washington, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to incorporate two companies of light infantry in the county of Pitt, 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 bills for the better regulation of a light infantry company in the county of Beaufort, called the Washington Guards; and the bill to incorporate the Oxford Volunteer Company, with sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations or to lay out new roads in said county, with an amendment, and asking the concurrence of this House. The message was laid on the table.

A message from the Senate, informing that they had passed the engrossed bill to prevent obstructions to the passage of fish up Tar river, with amendments, and asking the concurrence of this House. This message was also laid on the table.

A message from the Senate, informing that they had rejected the engrossed bill to repeal part of an act, passed in the year 1827, entitled an act to prevent obstruction to the passage of fish up the Roanoke and Cashie rivers.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, and asking the concurrence of this House, viz. A bill to secure the more perfect administration of justice in certain cases; a bill pointing out the mode whereby the militia of this State shall hereafter be called into service in cases of insurrection or invasion and outlawed and runaway negroes; a bill for the relief of the citizens of this State; a bill for the distribution of a part of the public arms among the several counties of this State, and for the preservation and accounting for of the same; a bill to amend an act, passed in 1817, chapter 22, entitled an act to revise and amend the laws respecting wrecks and wrecked property in this State; a bill giving the power to regimental courts martial of laying off and altering the several captains' districts within their regiment; resolution respecting the Literary Fund; resolution for the Governor; and a resolution approbatory of the administration of Andrew Jackson.

The engrossed bill for the more perfect administration of justice in certain cases, was read the first time and passed, and, on Mr. Gaston's motion, referred to the committee on the Judiciary.

The engrossed bill for the distribution of a part of the public arms among the several counties of the State, and for the preservation and accounting for of the same; the engrossed bill giving the power to regimental courts martial of laying off and altering the several captains' districts within their regiment; also the engrossed bill pointing out the mode whereby the militia of this State shall hereafter be called into service in cases of insurrection or invasion and outlawed and runaway negroes; also the engrossed bill to amend an act, passed in the year 1817, chapter 22, enti-

tled an act to revise and amend the laws respecting wrecks and wrecked property in this State, were severally read the first time and passed.

The engrossed bill for the relief of the citizens of this State; also the engrossed resolution for the Governor; also the engrossed resolution approbatory of the administration of Andrew Jackson, were severally read and laid on the table.

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

TUESDAY, JANUARY 10, 1832.

Mr. Peebles presented a bill to repeal an act of 1801, entitled an act to fix a uniform time for taking the list of taxable property throughout the State, and for enforcing the collection of taxes, so far as relates to the county of Guilford; which was read the first time and passed.

Mr. Emmett presented a resolution authorising the Secretary of State to issue a grant of 50 acres of land to William Brown, of the county of Wilkes; which was read and adopted, and ordered to be engrossed.

The bill to authorise the County Courts of this State to appoint committees of Finance; the bill supplemental to an act, passed in the year 1830, entitled an act to regulate the time of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson; the bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases; the bill for the better regulation of the County Courts of Haywood, were severally read the third time, passed, and ordered to be engrossed.

The bill to alter the time of laying the county and poor taxes and appointing constables in the county of Orange, and for other purposes, was read the third time, amended and passed, and ordered to be engrossed.

The bill to alter the time of holding the Superior Courts for the county of Haywood, was read the third time, passed, and ordered to be engrossed.

A message from the Senate, concurring in the several amendments proposed by the House of Commons to the engrossed bills to incorporate the Lenoir Volunteer Guards; for the better regulation of the town of Waynesborough, in Wayne county, and for other purposes; and the engrossed bill concerning corporations, the officers and managers of corporations, and trustees of funds for public purposes.

A message from the Senate, informing that they had passed the engrossed resolution in favor of Jacob Caler with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

The engrossed resolution for the Governor was called up by Mr. Sumner, amended and adopted. Ordered that the concurrence of the Senate be asked in said amendment.

The House, on motion by Mr. Fleming, agreed to reconsider the vote of yesterday rejecting the bill to incorporate the Tarborough and Hamilton Rail Road Company. The said bill was, on Mr. Bragg's motion, laid on the table.

The House, on Mr. Wyche's motion, ordered that a part of the seventeenth rule of order be rescinded for the residue of this session, according to the notice given by Mr. Wyche on yesterday.

Mr. Henry, from the committee on the Judiciary, who were instructed to inquire whether the bastardy laws require amendment, reported that it is inexpedient to make any alteration or amendment of said laws, and

prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. O'Brien, from the committee on the Judiciary, to which was referred the bill to exempt from execution growing crops, and to secure debtors a certain portion of the same after they shall have been severed from the freehold, reported the same with an amendment. The bill was accordingly made the order of the day for to-morrow.

Mr. Haywood presented a bill to create a fund for purchasing a public library for the State; and Mr. Edmonston a bill amendatory of the act to authorise and point out the method how the road, commonly called the State road, running through the county of Haywood, may hereafter be altered. These bills were read the first time and passed.

Mr. Haywood, from the committee on Claims, to which was referred the petition of the Roanoke Navigation Company claiming interest on the subscriptions of the State to the stock of said company, made a detailed report thereon unfavorable to said claim, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Haywood moved that the bill to amend an act, passed in 1829, entitled an act to enable the State Bank to wind up gradually and to fix a uniform rate of collection, be now taken up and considered. The motion was agreed to, and the bill was read. Mr. Haywood moved to amend the bill by striking out the second section, and Mr. Sawyer moved that the said bill be postponed indefinitely. The question on Mr. Sawyer's motion was decided in the negative—yeas 46, nays 66. The yeas and nays demanded by Mr. Cherry.

Those who voted in the affirmative, were Messrs. Allison, Arrington, Beckwith, Bell, Bonner, Brooks, Chamblee, Cherry, Cloman, Cox, Daniel, Davis, Dozier, Faddis, Fleming, Gause, Gillespie, Glass, Grandy, Harper, Hogan, Jarvis, J. B. Jones, Long, Monk, Moody, Nicholson, Pittman, Powell, Sawyer, Simmons, J. H. Skinner, J. M. Skinner, Sloan, Speight, Spruill, Stallings, Swanner, Thomas, L. Thompson, G. A. Thompson, Wadsworth, Webb, Wilson, A. W. Wooten, C. Wooten—46.

Those who voted in the negative, were Messrs. Abernathy, Barclay, Barringer, Boddie, Bogle, Bragg, Burgin, Cansler, Clayton, Courts, Crump, Cunningham, Davidson, Doherty, Edmonston, Emmett, Flowers, Freeman, Garland, Gwyn, Gaston, Hart, Haywood, Heartly, Henry, Hill, Houlder, Judkins, Larkins, Lyon, Mask, Mebane, Miller, Moore, Morris, M'Cain, M'Gehee, M'Laurein, M'Lean, M'Millan, M'Neill, M'Queen, Nelson, Outlaw, O'Brien, Pearson, Peeples, Petty, Polk, Rand, Robertson, Sanders, Sasser, Seawell, Settle, Smith, Sumner, Toole, Townsend, Watson, Weaver, Whitaker, Witcher, Worth, Wyche, Ziglar—66.

Mr. Wyche moved to amend the amendment by striking out the whole of said bill after the enacting clause, and to insert "That it shall and may be lawful for the President and Directors of the State Bank and the Banks of Newbern and Cape Fear, at their discretion, to make loans on notes payable at any time or times not extending beyond the 31st Dec'r, 1834." The question thereon was decided in the negative. The question then recurring on Mr. Haywood's motion to strike out the second section, it was decided in the affirmative. The said bill was then, on motion by Mr. Pearson, postponed indefinitely.

The engrossed resolution approbatory of the administration of Andrew Jackson was taken up, adopted and ordered to be enrolled—yeas 88, nays 19. The yeas and nays demanded by Mr. Bragg.

Those who voted in the affirmative, were messrs. Abernathy, Allison, Arrington, Barclay, Bell, Boddie, Bogle, Bragg, Brooks, Burgin, Cansler, Cherry, Clayton, Cloman, Courts, Cox, Crump, Daniel, Davidson, Davis, Doherty, Edmonston, Emmett, Faddis, Fleming, Flowers, Garland, Glass, Glenn, Grandy, Gwyn, Harper, Haywood, Henry, Hill, Houlder, Hunt, Jarvis, J. B. Jones, Judkins, Larkins, Long, Lyon, Mebane, Miller,

Monk, Moody, Moore, Morris, M'Gehee, M'Neill, M'Queen, Nelson, Outlaw, O'Brien, Peeples, Petty, Pittman, Polk, Rand, Robertson, Sanders, Sawyer, Sasser, Settle, Sherwood, Simmons, J. H. Skinner, Sloan, Smith, Speight, Spruill, Stallings, Sumner, Thomas, L. Thompson, G. A. Thompson, Toole, Townsend, Wadsworth, Webb, Whitaker, Wilson, Witcher, A. W. Wooten, C. Wooten, Wyche, Ziglar—88.

Those who voted in the negative, were messrs. Barringer, Beckwith, Chamblee, Cunningham, Freeman, Gause, Gillespie, Gaston, Mask, M'Cain, M'Laurin, M'Lean, M'Millan, Pearson, Powell, Seawell, J. M. Skinner, Weaver, Worth—19.

The House then adjourned until 4 o'clock, P. M.

The bill to amend an act, passed in the year 1812, entitled an act to amend the laws relative to the Supreme Court, was read, and, on motion by Mr. Wyche, laid on the table.

The bill reported by the committee on Finance, entitled a bill to amend an act, passed in the year 1812, entitled an act to amend the laws relative to the Supreme Court; also the resolution in favor of William Parker; also the resolution in favor of Luke G. Lamb, sheriff of Camden; also the resolution in favor of Samuel W. W. Vick, sheriff of Nash county; also the bill to repeal the second section of an act, passed in the year 1823, entitled an act to amend the militia laws of this State relative to the cavalry, were severally read the second time and passed.

The bill to repeal an act, passed in the year 1827, entitled an act to reduce the number of petty musters to two in a year, was read the second time and rejected—yeas 48, nays 53. The yeas and nays called for by Mr. Weaver.

Those who voted in the affirmative, were Messrs. Allison, Arrington, Barclay, Barringer, Beckwith, Boddie, Bogle, Bonner, Broadhurst, Burgin, Chamblee, Cloman, Cox, Crump, Davis, Doherty, Emmett, Flowers, Freeman, Gillespie, Glass, Glenn, Gaston, Hartt, Haywood, Hill, J. B. Jones, Judkins, Larkins, Laspeyre, Mask, Moore, M'Lean, M'Neill, Nelson, Pittman, Polk, Robertson, Sherwood, Smith, Spruill, Sumner, Swanner, G. A. Thompson, Watson, A. W. Wooten, C. Wooten, Ziglar—48.

Those who voted in the negative, were Messrs. Abernathy, Brooks, Cansler, Cherry, Clayton, Courts, Cunningham, Davidson, Edmonston, Faddis, Fleming, Garland, Gause, Grandy, Gwyn, Harper, Hogan, Houlder, Jarvis, Lyon, Mebane, Miller, Monk, Morris, M'Cain, M'Laurin, M'Millan, M'Queen, Outlaw, O'Brien, Peeples, Petty, Powell, Rand, Sanders, Sasser, Seawell, Settle, J. H. Skinner, J. M. Skinner, Sloan, Speight, Stallings, Thomas, L. Thompson, Toole, Wadsworth, Weaver, Webb, Whitaker, Wilson, Witcher, Wyche—53.

The resolution in favor of William T. Preswood was read the second time and passed.

The bill to alter the time of holding elections in the counties of Halifax and Northampton was read the second time, amended and passed.

The bill to incorporate the Wilmington Transportation Company, in the town of Wilmington, was read, and, on motion by Mr. Wilson, laid on the table.

The resolution in favor of John Black, sheriff of Cumberland county, was read the second time and passed. Mr. Mebane moved that the said bill be now read the third time. It was so ordered, and upon the passage of the resolution its third reading Mr. Outlaw called for the yeas and nays, and the vote was, yeas 72, nays 24.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Arrington, Barclay, Barringer, Boddie, Bogle, Bonner, Broadhurst, Brooks, Burgin, Cansler, Chamblee, Cherry, Clayton, Cloman, Cox, Cunningham, Davidson, Davis, Edmonston, Emmett, Fleming, Flowers, Gause, Gillespie, Glass, Grandy, Gwyn, Hartt, Haywood, Hill, Houlder,

J. B. Jones, Larkins, Lyon, Mask, Mebane, Miller, Monk, Morris, M<sup>c</sup>Cain, M<sup>c</sup>Laurin, M<sup>c</sup>Lean, M<sup>c</sup>Neill, M<sup>c</sup>Queen, Nelson, Peeples, Petty, Polk, Rand, Robertson, Sanders, Seawell, Settle, J. H. Skinner, J. M. Skinner, Sloan, Smith, Speight, Thomas, G. A. Thompson, Toole, Wadsworth, Watson, Weaver, Webb, Wilson, Witcher, Worth, A. W. Wooten, Ziglar—72.

Those who voted in the negative, were Messrs. Courts, Crump, Daniel, Gaston, Harper, Hogan, Jarvis, Judkins, Moore, M<sup>c</sup>Millan, Outlaw, O'Brien, Pittman, Sawyer, Sasser, Spruill, Stallings, Sumner, Swanuer, L. Thompson, Townsend, Whitaker, C. Wooten, Wyche—24.

The said bill accordingly passed its third reading, and was ordered to be engrossed.

The engrossed bill to incorporate a company styled the Catawba Gold Mining Company, was read the third time, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The bill to extend an act, passed in the year 1830, chapter 151, entitled an act to authorise Major J. Clark, or him and his associates, to build a toll bridge across Pungo river at Lighthouse Landing; also the bill to incorporate the Rowan Troopers, were read the third time, passed and ordered to be engrossed.

The engrossed bill to incorporate a company styled the Guilford Gold Mining Company, was read the third time, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The engrossed bill to authorise the County Court of Guilford to appoint overseers and hands to clear out the channel of the Reedy Fork of Haw river, in Guilford county; also the engrossed bill to repeal in part an act, passed in the year 1829, to provide for the payment of jurors in the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; also the engrossed bill to repeal an act, passed in the year 1827, entitled an act to compel the sheriff of Burke county to give written summons to the jurors of said county; and the engrossed bill to incorporate three light infantry companies and one company of cavalry in the county of Edgecomb, were severally read the third time, passed, and ordered to be enrolled.

The engrossed bill to authorise the sheriff of Hyde county to execute warrants and collect executions for sums less than one hundred dollars, was read, and, on Mr. Sawyer's motion, laid on the table.

The engrossed bill to authorise Wm. M. Davidson to erect a gate or gates on his own land across the road leading through his plantation on Jonathan's creek, in Haywood county, was read the third time, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill to amend an act, entitled an act, passed in the year 1830, to authorise and direct the Public Treasurer to sell the public lands therein named belonging to the State; a bill to raise a fund to establish free schools in the county of Johnston, and for the management thereof; a bill to compel the clerk of the Superior Court in the county of Northampton, and the register of said county to keep their offices at the court house in the town of Jackson; a bill to incorporate a gold mining company called the Greensborough Gold Mining Company; a bill in addition to an act, passed at the last session of the General Assem-



bly of this State, in relation to the burning of the records of the county of Hertford; a bill to incorporate the Salisbury Gold Mining Company; and a resolution in favor of Edward Rigsby; and asking the concurrence of the Commons therein. The said bills and resolutions were severally read the first time and passed.

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

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WEDNESDAY, JANUARY 11, 1832.

On motion by Mr. Clayton,

*Resolved*, That a message be sent to the Senate, proposing that the two Houses adjourn sine die on Saturday next, and the clerks be instructed to make up the estimates to that day inclusive.

Mr. M'Queen presented the petition of Thomas Ragland, of Chatham county, praying to be relieved from a decree obtained against him in the Supreme Court of this State, at the instance of R. & C. M'Nair; which was, on Mr. M'Queen's motion, referred to the committee on Claims.

Mr. Pearson, from the committee on the Judiciary, to which was referred the engrossed bill to secure the more perfect administration of justice in certain cases, reported the same with an amendment. The said bill was accordingly made the order of the day for to-morrow.

Mr. Robertson gave notice that he should on to-morrow move a suspension, for the residue of the session, of the first clause of the 41st rule of order.

Mr. Whitaker, from the committee on Incorporations, to which was referred the memorial of a number of the citizens of Mecklenburg, in favor of granting acts of incorporation to mining companies, reported that the committee instructed him to return the said memorial to the House, and to ask to be discharged from the further consideration thereof. The committee was discharged.

Mr. M'Neill presented a bill to incorporate Flea Hill Academy, in the county of Cumberland, which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Bragg called up the bill to incorporate the Tarborough and Hamilton Rail Road Company; which was read the first time and passed.

The message from the Senate, proposing certain amendments to the engrossed bill to prevent obstructions to the passage of fish up Tar and Pamlico rivers, was taken up, and the said amendments concurred in.

The bill to repeal the second section of an act passed in the year 1823, entitled an act to amend the militia laws of this State relative to the cavalry, was read the third time, passed and ordered to be engrossed.

Mr. Courts moved that the House reconsider the vote of yesterday, postponing indefinitely the bill to amend an act, passed in 1829, entitled an act to enable the State Bank to wind up gradually, and to fix a uniform rate of collection. The question on reconsidering was decided in the negative—yeas 41, nays 70. The yeas and nays demanded by Mr. Haywood:

Those who voted in the affirmative, were messrs. Barclay, Barringer, Boddie, Bonner, Bragg, Burgin, Courts, Cox, Crump, Cunningham, Davidson, Freeman, Gaston, Haywood, Henry, Hunt, Judkins, Larkins, Lyon, Mebane, Moore, M'Cain, M'Lean, M'Millan, M'Neill, M'Queen, Outlaw, O'Brien, Petty, Polk, Robertson, Sanders, Sherwood, J. H. Skinner, Sumner, Toole, Townsend, Weaver, Witcher, Worth, A. W. Wooten—41.

Those who voted in the negative, were messrs. Abernathy, Allison, Arrington, Beekwith, Bell, Bogle, Brevard, Brooks, Cansler, Chamblee, Cherry, Clayton, Cloman, Daniel, Davis, Dozier, Edmonston, Faddis, Fleming, Flowers, Garland, Gause, Gillespie, Glass, Glenn, Grandy, Gwyn, Harper, Hartt, Heartly, Hill, Hogan, Houlder, Jackson, Jarvis, J. B. Jones,

Miller, Monk, Moody, Morris, M'Laurin, Pearson, Peeples, Pittman, Powell, Rand, Riddick, Sawyer, Sasser, Seawell, Settle, Simmons, J. M. Skinner, Sloan, Smith, Speight, Spruill, Stallings, Swanner, Thomas, L. Thompson, G. A. Thompson, Wadsworth, Watson, Webb, Whitaker, Wilson, C. Wooten, Wyche, Ziglar—70.

The bill to establish the dividing line between Duplin and Wayne counties, was read the third time, passed and ordered to be engrossed.

The bill prescribing the manner of taking the sheriffs' bonds for the counties of New Hanover, Bertie and Onslow, was read, and, on Mr. Wyche's motion indefinitely postponed.

The bill to extend the jurisdiction of justices of the peace, was read, and, on motion by Mr. Toole, postponed indefinitely—yeas 88, nays 23. The yeas and nays called for by Mr. Bonner.

Those who voted in the affirmative, were messrs. Abernathy, Arrington, Barclay, Barringer, Boddie, Bogle, Bragg, Brevard, Broadhurst, Burgin, Cansler, Chamblee, Courts, Crump, Cunningham, Daniel, Davidson, Davis, Doherty, Dozier, Edmonston, Emmett, Faddis, Fleming, Garland, Gause, Gillespie, Glenn, Gwyn, Gaston, Harper, Haywood, Henry, Hill, Hogan, Hunt, J. B. Jones, Long, Lyon, Mask, Mebane, Miller, Monk, Moody, Moore, Morris, M'Cain, M'Laurin, M'Lean, M'Millan, M'Neill, Outlaw, O'Brien, Pearson, Peeples, Petty, Pittman, Polk, Powell, Riddick, Sanders, Sawyer, Sasser, Seawell, Settle, Sherwood, Simmons, J. H. Skinner, J. M. Skinner, Sloan, Smith, Speight, Stallings, Sumner, Swanner, Tatham, Thomas, L. Thompson, G. A. Thompson, Toole, Webb, Whitaker, Wilson, Witcher, Worth, A. W. Wooten, C. Wooten, Wyche—88.

Those who voted in the negative, were messrs. Allison, Bell, Bonner, Brooks, Cherry, Cloman, Flowers, Freeman, Glass, Grandy, Hartt, Heartly, Houlder, Jackson, Judkins, Larkins, Rand, Robertson, Spruill, Townsend, Wadsworth, Weaver, Ziglar—23.

The resignation of Robert Wooten, a justice of the peace of the county of Lenoir, was presented, read and accepted.

The resolution authorising the repairing of the Statue of Washington, was now taken up. Mr. Mebane moved to amend the same by striking out all after the word "Resolved," and insert the following:

"That the Governor be requested to have all the parts of the Statue of Washington enclosed in such manner as to preserve it as much as can be from the influence of the atmosphere."

Pending this question, Mr. Davis moved that said resolution be indefinitely postponed. The question thereon was decided in the negative—yeas 24, nays 92. The yeas and nays called for by Mr. Edmonston.

Those who voted in the affirmative, were Messrs. Allison, Cherry, Cunningham, Davis, Emmett, Glass, Gwyn, Hill, Houlder, Miller, Monk, Peeples, Petty, Pittman, Powell, Settle, Sloan, Swanner, Thomas, Wadsworth, Weaver, Webb, Witcher, Ziglar—24.

Those who voted in the negative, were Messrs. Arrington, Barclay, Barringer, Beckwith, Bell, Boddie, Bogle, Bonner, Bragg, Brevard, Broadhurst, Brooks, Burgin, Cansler, Chamblee, Clayton, Cloman, Courts, Cox, Crump, Daniel, Davidson, Doherty, Dozier, Edmonston, Faddis, Fleming, Flowers, Freeman, Gause, Gillespie, Glenn, Grandy, Gaston, Harper, Hartt, Haywood, Heartly, Henry, Hogan, Hunt, Jackson, Jarvis, J. B. Jones, Judkins, Larkins, Long, Lyon, Mask, Mebane, Moody, Moore, Morris, M'Cain, M'Laurin, M'Lean, M'Millan, M'Neill, M'Queen, Nelson, Outlaw, O'Brien, Pearson, Polk, Rand, Riddick, Robertson, Sanders, Sawyer, Sasser, Seawell, Sherwood, Simmons, J. H. Skinner, J. M. Skinner, Smith, Speight, Spruill, Stallings, Sumner, Tatham, L. Thompson, G. A. Thompson, Toole, Townsend, Watson, Whitaker, Wilson, Worth, A. W. Wooten, C. Wooten, Wyche—92.

The question recurring on Mr. Mebane's motion, the said amendment was rejected. Mr. Courts moved that the following be added as an amendment, viz.

"Resolved further, That the Governor be authorised at any time pending the execution of the work to suspend the same if in his judgment the said artist shall not be likely to effect it in the style and manner proposed by him."

This was agreed to, and, thus amended, the resolutions passed their second reading—yeas 86, nays 30. The yeas and nays demanded by Mr. Clayton.

Those who voted in the affirmative, were Messrs. Arrington, Barringer, Beckwith, Bell, Boddie, Bogle, Bonner, Bragg, Brevard, Broadhurst, Burgin, Cansler, Chamblee, Cloman, Courts, Cox, Crump, Daniel, Davidson, Dozier, Edmonston, Faddis, Fleming, Flowers, Freeman, Gause, Gillespie, Glenn, Grandy, Gaston, Hartt, Haywood, Heartly, Henry, Hogan,

Hunt, Jackson, Jarvis, J. B. Jones, Larkins, Long, Lyon, Mask, Mebane, Moody, Moore, Morris, M'Cain, M'Laurin, M'Lean, M'Millan, M'Neill, M'Queen, Nelson, Outlaw, O'Brien, Pearson, Polk, Rand, Riddick, Robertson, Sanders, Sawyer, Sasser, Seawell, Sherwood, Simmons, J. H. Skinner, J. M. Skinner, Smith, Speight, Spruill, Stallings, Sumner, Tatham, L. Thompson, G. A. Thompson, Toole, Townsend, Watson, Whitaker, Wilson, Worth, A. W. Wonten, C. Wooten, Wyche—86.

Those who voted in the negative, were Messrs. Abernathy, Allison, Barclay, Brooks, Cherry, Clayton, Cunningham, Davis, Emmett, Glass, Gwyn, Harper, Hill, Houlder, Judkins, Miller, Monk, Peeples, Petty, Pittman, Powell, Settle, Sloan, Swanner, Thomas, Wadsworth, Weaver, Webb, Witcher, Ziglar—30.

Two-thirds of the House concurring, the said resolutions were again read the third time, passed and ordered to be engrossed.

Mr. Moody asked and obtained leave to withdraw from the files the papers accompanying the resolutions in favor of Samuel Calvert and others.

The House then adjourned until half past 3 o'clock, P. M.

A message from the Senate, concurring in the amendment proposed by the House of Commons to the Senate's amendment to the engrossed bill to incorporate the North Carolina Central Rail Road Company.

The bill to alter the time of holding elections in the counties of Halifax and Northampton; also the bill to amend an act, passed in the year 1812, entitled an act to amend the laws relative to the Supreme Court; also the resolution in favor of William T. Preswood; also the resolution in favor of William Parker, were severally read the third time, passed and ordered to be engrossed.

The engrossed resolution respecting the Literary Fund, was read, adopted, and ordered to be enrolled.

The bill for the better regulation of the patrol, was read the second time, and, on motion by Mr. J. H. Skinner, postponed indefinitely.

The bill to distribute the remaining Tactics, was read the second and third times, passed and ordered to be engrossed.

The bill to authorise the making of a turnpike from the top of the Smoky Mountain down the Oconoluftee river, as far as the house of John Beck, on said river, in Haywood county, and to incorporate a company for that purpose, was read the second time, amended and passed.

The engrossed bill in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford, was read the second time and passed.

The bill to authorise the County Court of Northampton county to lay a tax to defray the expenses of the militia called out during the late insurrection in Virginia, was read the second and third times, passed and ordered to be engrossed.

The bill to encourage the formation of volunteer companies, was read, and, on Mr. Haywood's motion, postponed indefinitely.

The resolutions in favor of the Onslow militia, were read the second and third times, passed and ordered to be engrossed.

The bill to authorise a justice of the peace to take depositions in certain cases, was read the second and third times, amended and passed, and ordered to be engrossed.

The bill to repeal an act of 1801, entitled an act to fix an uniform time for taking the list of taxable property throughout the State, and for enforcing the collection of taxes, so far as relates to the county of Guilford, was read the second time and rejected.

The resolution in favor of James N. Forsythe's relatives, was read the second and third times, passed and ordered to be engrossed.

Abner Heartly obtained leave of absence from the service of this House, from and after Friday next, until the end of the session.

The bill to prevent free negroes and mulattoes from owning or carrying guns in this State, was read, and, on motion by Mr. Mebane, postponed indefinitely.

The bill to extend the time within which the Reports of the Supreme Court shall be published; the bill to regulate retailers of spiritous liquors; the resolution to provide for repairing and furnishing the Governor's house; the resolution to pay sundry persons for work and materials used in preparing for the accommodation of the General Assembly; and the bill declaring valid grants for land, issued by this State, when the owners have been chain carriers in surveying the same, were severally read the second and third times, passed, and ordered to be engrossed.

The bill more effectually to compel the attendance of witnesses, for the purpose of procuring their depositions, to grant facilities for obtaining the testimony of witnesses in prison, and for other purposes, was read, and, on Mr. O'Brien's motion, indefinitely postponed.

The bill to aid in making the Tennessee river road, in Macon county, was read the second time, amended and passed.

The bill to protect honest debtors from imprisonment for debt, was, on Mr. Haywood's motion, laid on the table.

The bill to allow appeals to the Supreme Court from interlocutory judgments, orders and decrees of the Superior Courts of Law and Courts of Equity; and the resolution to provide for a collection of the old Journals and Acts of the General Assembly from 1776 to 1830, were severally read the second and third times, passed and ordered to be engrossed.

The bill amendatory of the act to authorise and point out the method how the road, commonly called the State Road, running through the county of Haywood, may hereafter be altered, was read the 2d time and passed.

The engrossed resolution in favor of Nevin Clark, of Moore county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill giving exclusive jurisdiction to the Superior Court of Montgomery county of all pleas and prosecutions of the State; and the engrossed resolution in favor of John M. Allen, sheriff of Montgomery; and the engrossed resolution in favor of Wilkings & Co. were severally read the second time and passed.

The engrossed resolution on the subject of fuel for the the use of the Legislature; also the engrossed resolution in favor of John Bryson; and the engrossed resolution in favor of Robert Ray, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of Levin Armwood, was read and amended, and laid on the table.

A message from the Senate, agreeing to the proposition of this House to adjourn without day on Saturday next, and that the Clerks make up the estimates to that day inclusive.

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

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THURSDAY, JANUARY 12, 1832.

Mr. Hartt obtained leave of absence from the service of this House, from and after this day, until the end of the session.

Mr. Glass asked and obtained leave to withdraw from the files of the House the Comptroller's certificate accompanying the resolution in favor of Wilson Carter.

Mr. Lewis Thompson, from the select joint committee to which was referred the communication of the Public Treasurer of the 5th December last, reported a resolution instructing the Public Treasurer; which was read and adopted, and ordered to be engrossed.

On motion by Mr. Gaston, ordered that a message be sent to the Senate, proposing that six additional members be placed on the committee on enrolled bills, and informing that Messrs. Sumner, Courts, L. Thompson and Crump are added from the Commons. The Speaker placed Mr. G. A. Thompson also on this committee, in the place of Mr. Alexander Little, who had obtained leave of absence.

The bill to aid in draining White Marsh, in Columbus county, and the bill for the better regulation of cavalry, were read and indefinitely postponed.

The resignations of Daniel Conrad and Joseph Lorange, justices of the peace of the county of Lincoln, were presented, read and accepted.

The engrossed resolution in favor of Bynum W. Bell, was read the third time, passed, and ordered to be enrolled.

The bill to subject to entry certain lands in the county of Haywood, was read the second time and rejected.

The engrossed bill for the relief of the citizens of this State, was read, and, on Mr. Wilson's motion, indefinitely postponed.

The bill to aid in making the Tennessee river road in Macon county; and the bill to incorporate the Oconaluftee Turnpike Company in Haywood county, were severally read the third time, passed and ordered to be engrossed.

Leave of absence from the service of this House, from and after to-morrow, was granted to Mr. O'Brien.

A message from the Senate, concurring in the various amendments proposed by the House of Commons to the following engrossed bills, viz. A bill to incorporate a company, styled the Guilford Gold Mining Company; the bill to authorise Wm. M. Davidson to erect a gate or gates on his own land across the road leading through his plantation on Jonathan's creek, in Haywood county; the bill to incorporate a company, styled the Catawba Gold Mining Company; the bill to amend an act, entitled an act to authorise the justices of the Court of Pleas and Quarter Sessions of the county of Northampton to employ a suitable person to transcribe part of the records of said county; and the resolution for the Governor. Ordered that said bills and resolution be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, viz. a bill to appoint commissioners to lay off a road from Neill Howard's mills in Wilkes county, up Elk creek, to Ashe county line; a bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases; and a bill to incorporate the Rowan Troopers, with sundry amendments, and asking the concurrence of the Commons. The several proposed amendments were read and agreed to.

The bill to authorise the Superior and County Courts of this State to compel plaintiffs in certain cases to give security for the costs of suit, was read the second time and passed.

The bill in aid of the North Carolina Central Rail Road and Cape Fear

and Yadkin Rail Road Companies, was read the second time and passed—yeas 51, nays 49. The yeas and nays called for by Mr. Weaver.

Those who voted in the affirmative, were Messrs. Barringer, Beckwith, Bell, Clayton, Courts, Cox, Cunningham, Davidson, Doherty, Dozier, Faddis, Fleming, Freeman, Gause, Gaston, Hartt, Haywood, Hogan, Heartly, Howard, Hunt, Lyon, Mebane, Miller, Moore, M'Cain, M'Gehee, M'Laurin, M'Millan, Nelson, Outlaw, Rand, Robertson, Sawyer, Sasser, Sherwood, Singleton, J. H. Skinner, J. M. Skinner, Speight, Spruill, Sumner, Tatham, Thomas, Toole, Townsend, Whitaker, Wilson, Winston, Worth, C. Wooten—51.

Those who voted in the negative, were Messrs. Abernathy, Allison, Barclay, Boddie, Bogle, Bonner, Brevard, Brooks, Burgin, Cansler, Cherry, Cloman, Daniel, Davis, Edmonston, Emmett, Flowers, Glass, Grandy, Gwyn, Harper, Hill, Houlder, Jackson, Jones, Judkins, Larkins, Long, Monk, Morris, M'Cleese, M'Neill, O'Brien, Peeples, Petty, Pittman, Powell, Riddick, Settle, Simmons, Sloan, Smith, Stallings, L. Thompson, Weaver, Webb, Witcher, Wyche, Ziglar—49.

On motion, the said bill was again read the third time. Mr. Powell moved that said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 53, nays 57. The yeas and nays demanded by Mr. Emmett.

Those who voted in the affirmative, were messrs. Abernathy, Allison, Barclay, Boddie, Bogle, Bonner, Brevard, Broadhurst, Brooks, Burgin, Cansler, Cherry, Cloman, Daniel, Davis, Edmonston, Emmett, Flowers, Glass, Grandy, Gwyn, Harper, Hill, Houlder, Jackson, Jarvis, J. B. Jones, Judkins, Larkins, Long, Mask, Monk, Morris, M'Cleese, M'Neill, O'Brien, Peeples, Petty, Pittman, Powell, Riddick, Sanders, Settle, Sloan, Smith, Stallings, Swanner, L. Thompson, Watson, Weaver, Webb, Witcher, Ziglar—53.

Those who voted in the negative, were messrs. Barringer, Beckwith, Bell, Clayton, Courts, Cox, Crump, Cunningham, Davidson, Doherty, Dozier, Faddis, Fleming, Freeman, Gause, Gaston, Hartt, Haywood, Heartly, Hogan, Howard, Hunt, Laspeyre, Mebane, Miller, Moody, Moore, M'Cain, M'Gehee, M'Laurin, M'Millan, M'Queen, Nelson, Outlaw, Rand, Robertson, Sawyer, Sasser, Sherwood, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Speight, Spruill, Sumner, Tatham, Thomas, G. A. Thompson, Toole, Townsend, Whitaker, Wilson, Winston, Worth, C. Wooten, Wyche—57.

The question then recurring on the passage of the said bill its third reading, it was decided in the affirmative, and the bill ordered to be engrossed.

Joseph H. Skinner obtained leave of absence from the service of the House from and after to-morrow.

Mr. Sawyer presented a resolution authorising the appointment of additional engrossing clerks for the residue of the session; which was read and adopted, and ordered to be engrossed.

The bill to insure the fair valuation of lands in this State when the same shall be given in for taxation; the bill to establish an entry taker's office in the county of Macon; the bill to provide for the final settlement of executors and administrators; and the bill to encourage the publication of a history of North Carolina, were severally read, and, on motion, postponed indefinitely.

The engrossed resolution in favor of Levin Armwood, was read and rejected.

The bill to create a fund for purchasing a public library for the State; and the bill to exempt from execution growing crops, and to secure to debtors a certain portion of the same after they shall have been severed from the

freehold, were severally read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, agreeing that six additional members be placed on the committee on enrolled bills, and informing that Messrs. Gilmore and Brownrigg are added from the Senate.

The resignation of Allen Richardson, a justice of the peace of the county of Johnston, was presented, read and accepted.

A message from the Senate, informing that they had passed the engrossed bill to prevent obstructions to the passage of fish up Neuse and Trent rivers, with sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the conduct of negroes, slaves and free persons of color, and asking the concurrence of this House. The said bill was read the first, second and third times, amended and passed. On the third reading of the bill, Mr. Thomas demanded the yeas and nays, and the vote was—yeas 73, nays 23.

Those who voted in the affirmative, were Messrs. Barclay, Beckwith, Bell, Boddie, Bonner, Bragg, Broadhurst, Brooks, Cherry, Cloman, Courts, Cox, Davidson, Davis, Dozier, Fleming, Freeman, Grandy, Gwyn, Harper, Haywood, Henry, Hill, Hogan, Houlder, Howard, Hunt, Jarvis, J. B. Jones, Judkins, Larkins, Laspeyre, Leak, Mask, Miller, Moore, Morris, M'Cain, M'Cleese, M'Laurin, M'Neill, M'Queen, Nelson, Outlaw, O'Brien, Pittman, Powell, Rand, Robertson, Sanders, Sawyer, Sasser, Settle, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Sloan, Speight, Stallings, Sumner, Swanner, Tatham, L. Thompson, G. A. Thompson, Toole, Townsend, Webb, Wilson, Winston, A. W. Wooten, C. Wooten, Wyche—73.

Those who voted in the negative, were messrs. Allison, Bogle, Burgin, Cansler, Clayton, Crump, Cunningham, Edmonston, Gause, Glass, Lyon, Mebane, Monk, M'Millan, Peeples, Smith, Spruill, Thomas, Watson, Weaver, Whitaker, Witchee, Worth—23.

Ordered that the concurrence of the Senate be asked in said amendment. The House then adjourned until 6 o'clock, P. M.

A message from the Senate, informing that they had rejected the engrossed bill to exempt from execution a certain portion of the land of the citizens of North Carolina.

The bill to incorporate the Tarborough and Hamilton Rail Road Company, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to amend the second section of an act, passed A. D. 1796, entitled an act to enforce the duty of inspectors in this State, was read the second time and passed.

The engrossed bill for the distribution of a part of the public arms among the several counties of the State, and for the preservation and accounting for of the same; also the engrossed bill to amend an act, passed in the year 1817, chapter 22, entitled an act to revise and amend the laws respecting wrecks and wrecked property in this State; and the engrossed resolution in favor of Leslie Gilliam, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill amending the laws relative to the manner of appointing jurors for the Superior and County Courts of this State, was read the second time and passed.

The engrossed bill for the relief of co-securities, was, on Mr. Henry's motion, laid on the table.

The resignation of Tignal Jones, a lieutenant colonel of the second re-

giment of Wake county militia, and of Warren Harris, a justice of the peace of the county of Halifax, were presented, read and accepted.

The engrossed bill to amend an act, passed in 1777, entitled an act declaring what fences are sufficient, and to provide a remedy for abuses; also the engrossed bill to incorporate a gold mining company, called the Greensborough Gold Mining Company; also the engrossed bill to incorporate the Salisbury Gold Mining Company; and the engrossed resolution in favor of Edward Rigsbee, were severally read the second time and passed.

Leave of absence, from and after to-morrow, was granted to Mr. J. B. Jones.

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

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FRIDAY, JANUARY 13, 1832.

Mr. Larkins presented a bill to repeal in part an act, passed in the year 1830, regulating quarantine in this State; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Leak obtained leave of absence, from and after this day, until the end of the session.

The engrossed bill in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford; also the engrossed resolution in favor of Luke G. Lamb, sheriff of Camden; also the engrossed resolution in favor of John M. Allen, sheriff of Montgomery; also the engrossed resolution in favor of Wilkings & Co.; also the engrossed resolution in favor of Edward Rigsbee; and the engrossed resolution in favor of Samuel W. W. Vick, sheriff of Nash county, were severally read the third time, passed, and ordered to be enrolled.

Mr. Rand presented a resolution in favor of Richard Roberts; which was read and adopted, and ordered to be engrossed.

On motion by Mr. Mebane,

*Resolved,* That the Governor be requested to have the dredging machine which belongs to the State, secured in such manner as to preserve it from ruin.

The engrossed bill to incorporate the Salisbury Gold Mining Company, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to incorporate a gold mining company, called the Greensborough Gold Mining Company; also the engrossed bill to amend the second section of an act, passed A. D. 1796, entitled an act to enforce the duty of inspectors in this State; also the engrossed bill giving exclusive jurisdiction to the Superior Court of Montgomery county of all pleas and prosecutions of the State; and the engrossed bill amending the laws relative to the manner of appointing jurors for the Superior and County Courts of this State, were severally read the third time, passed and ordered to be enrolled.

The engrossed bill to extend the provisions of an act, passed A. D. 1828, entitled an act to establish a poor house in the county of Person, was read the third time, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

Mr. Henry, from the committee on the Judiciary, to which were referred the bill to authorise the wardens of the poor to hold property for the benefit of the poor; and the bill for the protection of farmers, reported the same without amendment, and asked to be discharged from the further consideration of the subject. The said bills were, on motion, laid on the table.



The bill amendatory of the act to authorise and point out the method how the road, commonly called the State Road, running through the county of Haywood, may hereafter be altered; and the bill to authorise the Superior and County Courts of this State to compel plaintiffs in certain cases to give security for the costs of suit, were read the third time, passed and ordered to be engrossed.

Mr. Henry, from the committee on the Judiciary, to which were referred sundry resolutions submitted by Mr. Haywood on the 8th ult. reported that for want of time the committee had not been able to devote proper attention to the various subjects therein embraced, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. Haywood, from the committee on the Judiciary, to which was referred the bill for revising and digesting the law of executors and administrators, reported the same with an amendment. The said bill was read the second time and amended, also the third time and passed, and ordered to be engrossed.

The engrossed bill to amend an act, passed in 1777, entitled an act declaring what fences are sufficient, and to provide a remedy for abuses, was read the third time; and the engrossed bill to repeal the eighth section of an act, passed in 1828, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions, issued by justices of the peace, was read the second and third times and passed. Ordered that said bills be enrolled.

The engrossed bill to amend an act, entitled an act, passed in the year 1830, to authorise and direct the Public Treasurer to sell the public lands therein named belonging to the State, was read the second time and passed.

The engrossed bill providing for the assignment of dower and for the partition of the whole real estate of deceased persons, where a part thereof lies in North Carolina and part in other States; also the engrossed resolution in relation to the Cherokee bonds, were read the second and third times, passed and ordered to be enrolled.

The engrossed resolution to appoint an agent to collect evidence and attend to the surveying of the lands which are the subject of a suit in the Supreme Court, was read the third time and passed. Ordered that the concurrence of the Senate be asked in the amendment heretofore made to the said resolution.

The engrossed bill altering the laws in respect to the allotment of widows' dower, was read the second time and rejected.

Leave of absence from the service of this House, from and after to-morrow, was, on motion, granted to Messrs. C. Wooten, Long, Clayton and Barringer.

The engrossed bill to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear river; also the engrossed bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c. also the engrossed bill to authorize the Courts of Pleas and Quarter Sessions of the several counties in this State to erect poor houses in their respective counties; also the engrossed bill extending the provisions of an act, entitled an act securing to the widows of intestates the surplus of the personal estate of their deceased husbands, where no kindred claim the same; also the engrossed bill to alter the man-

ner of appointing Inspectors for the town of Wilmington, were severally read the second and third times, passed and ordered to be enrolled.

The engrossed bill giving the power to regimental courts martial of laying off and altering the several captains' districts within their regiment, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The engrossed bill pointing out the mode whereby the militia of this State shall hereafter be called into service in cases of insurrection or invasion and outlawed and runaway negroes, was read the second and third times, passed and ordered to be enrolled.

The engrossed bill to amend an act, entitled an act, passed in the year 1830, to authorise and direct the Public Treasurer to sell the public lands therein named belonging to the State, was read the third time, passed and ordered to be enrolled.

The engrossed bill to secure the more perfect administration of justice in certain cases, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The engrossed bill to raise a fund to establish free schools in the county of Johnston, and for the management thereof, was read the second and third times, passed and ordered to be enrolled.

Mr. Gwyn asked and obtained leave to withdraw from the files of the House the petition and accompanying papers of Benjamin Long.

Mr. Polk also asked and obtained leave to withdraw from the files the petition, and documents accompanying, of Daniel Call.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill for the better regulation of the town of Tarborough, in Edgecomb county; a bill to regulate retailers of spirituous liquors; and a resolution in favor of William T. Preswood, with amendments, and asking the concurrence of the Commons therein. The said amendments were severally read and agreed to.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill declaring valid all grants issued by this State where the owners have been chain carriers in surveying the same.

The House then adjourned until 4 o'clock P. M.



The engrossed bill to compel the clerk of the Superior Court in the county of Northampton, and the register of said county to keep their offices at the court house in the town of Jackson, 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 provide for having the militia laws of this State digested, amended and published, with an amendment, and asking the concurrence of this House. The said amendment was read, and thereupon the House of Commons refused to concur therein.

A message from the Senate, informing that they had passed the engrossed bill to authorise the Governor to grant certain lands to the trustees of Franklin Academy, in the county of Macon, and asking the concurrence of this House. The said bill was read the first, second and third times, passed and ordered to be enrolled.

Or. motion by Mr. Mebane,

*Resolved*, That a message be sent to the Senate, proposing that the two Houses ballot immediately for a colonel commandant of the lower regiment of the militia of Chatham county, and informing that John W. Bynum and Edwin Horton are nominated for the appointment.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Yadkin and Neuse Manufacturing Companies; the bill to prevent the sale of spirituous liquors in less quantities than one gallon at public places, in the counties therein named; and the bill to repeal a part of the third section of the militia laws of 1831, relative to general officers; and asking the concurrence of the Commons. The first named bill was read the first, second and third times, amended and passed; and the two last named bills, on motion, indefinitely postponed.

A message from the Senate, proposing that when the two Houses adjourn this evening, they adjourn to meet at 6 o'clock to-morrow morning. This proposition was agreed to.

A message from the Senate, informing that they had indefinitely postponed the following engrossed bills, viz. A bill to alter the time of holding elections in the counties of Halifax and Northampton; a bill to exempt from execution growing crops and to secure to debtors a certain portion of the same after they shall have been severed from the freehold; and the bill to create a fund for purchasing a public Library for the State.

A message from the Senate, concurring in several amendments made by the House of Commons to the engrossed bill to extend the provisions of an act, passed in the year 1828, entitled an act to establish a poor house in the county of Person; also the bill for the better regulation of the conduct of negroes, slaves and free persons of color. Ordered that said bills be enrolled.

A message from the Senate, informing that they had passed the engrossed bills to alter the time of holding the Superior Courts for the county of Haywood; and to authorize the building of a toll bridge over Roanoke river at the town of Weldon, and to incorporate a company for that purpose, with sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed resolution in favor of James N. Forsythe's relatives, with an amendment, and asking the concurrence of this House. The amendment was read and disagreed to.

A message from the Senate, informing that they had passed the engrossed bill to extend the time within which the reports of the Supreme Court shall be published; and the bill to authorize and empower the County Courts of Haywood to appoint commissioners to make alterations or to lay out new roads in said county, with amendments, and asking the concurrence of this House. The said proposed amendments were read and disagreed to by the Commons.

The bill fixing a uniform mode of assessment of the real estate, with its improvements thereon, in the county of Beaufort, was read, and, on Mr. Moody's motion, postponed indefinitely.

A message from the Senate, informing that they had passed the following engrossed resolutions, viz. Resolution concerning the Public Library, and a resolution in favor of the Doorkeepers, and asking the concurrence of this House. These resolutions were read and adopted and ordered to be enrolled.

A message from the Senate, informing that they had postponed indefinitely the engrossed resolution in favor of the militia of Onslow county.

The resignation of Thomas Robinson, Anson Gaskill and William Wallace as commissioners of navigation and pilotage for the port of Oeracock, received from the Senate, was read and accepted.

The House then adjourned until to-morrow morning, 6 o'clock.



SATURDAY, JANUARY 14, 1832.

A message from the Senate, informing that they had passed the engrossed bill giving additional fees to registers in certain cases. 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 had passed the engrossed bill to amend an act, passed in 1819, entitled an act to create a fund for internal improvements, and to establish a board for the management thereof, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in.

Mr. Daniel asked and obtained leave to withdraw from the files of the House the petition of sundry citizens of Halifax; and Mr. Freeman obtained leave to withdraw also the memorial of a number of the citizens of Washington, accompanying a bill for the regulation of a light infantry company.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to authorise the Governor to appoint a commissioner to revise and digest the laws of this State as to executors and administrators, and the engrossed bill to alter the time of laying the county and poor taxes and appointing constables in the county of Orange, and for other purposes.

A message from the Senate, informing that they *recede* from their amendments to the engrossed bill to extend the time within which the reports of the Supreme Court shall be published; and that they also *recede* from the amendments to the engrossed resolution in favor of James N. Forsyth's relatives.

On motion, ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for a Superintendent of Public Works.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Tarborough and Hamilton Rail Road Company, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, concurring in the proposition of this House to ballot immediately for a Superintendent of Public Works, and informing that Messrs. Mebane and M'Farland are in nomination for the appointment; and informing that Messrs. Davenport and Hawkins attend this House as their balloting committee. Messrs. Rand and Arrington were appointed said committee on the part of the Commons.

A message from the Senate, concurring in the several amendments made by this House to the engrossed bills, entitled a bill to incorporate the Yadin and Neuse Manufacturing Companies; a bill to secure the more perfect administration of justice in certain cases; a bill giving the power to regimental courts martial of laying off and altering the several captains' districts within their regiments; and the engrossed resolution to appoint an agent to collect evidence and attend to the surveying of the lands which are the subject of suit. Ordered that said bills be enrolled.

A message from the Senate, informing that they recede from their amendment to the engrossed bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations or lay out new roads in said county.

A message from the Senate, informing that they had passed an engrossed bill authorising the Comptroller to allow sheriffs for insolvents; and asking the concurrence of this House. The said bill was read, and, on motion by Mr. Gaston, postponed indefinitely.

Mr. Rand, from the committee of balloting for a superintendent of public works, reported that no person had received a majority of the whole number of votes. The report was concurred in. On motion, ordered that a message be sent to the Senate, proposing another balloting immediately for this officer. This proposition was agreed to, and Messrs. Dobson and Brittain, on the part of the Senate, and Messrs. Cherry and Watson, on behalf of the Commons, were appointed superintendents; the name of Mr. M'Farland being withdrawn from the nomination.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the town of Pittsborough, in the county of Chatham, and asking the concurrence of this House. The said bill was read, and, on motion by Mr. Singleton, indefinitely postponed.

Mr. Cherry, from the committee appointed to conduct the balloting for a superintendent of public works, reported that James Wyche had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

On motion by Mr. Moody,

*Resolved unanimously,* That the thanks of this House are due, and are hereby tendered to the Honorable Charles Fisher, Speaker of the House of Commons, for the able, impartial and dignified manner in which he has discharged the duties of the Chair during the present session.

Whereupon the Speaker made his acknowledgments to the House in an appropriate address, and then adjourned the same without day.

CHS. FISHER, S. H. C.

By order.

CHAS. MANLY, C. H. C.

