JOURNAL OF THE HOUSE OF COMMONS.

At a General Assembly begun and held in the city of Raleigh, on Monday, November 21st, in the year 1825, and fifth of the Independence of the United States: It being the first session of this Assembly.

On which day, being the day appointed by law for the meeting of the present Assembly, the returning officers of the several counties certified that the following persons were duly elected to represent said counties and borough towns in the House of Commons, to wit: For

Ashe, William Herbert, Reuben Hartley.
Brunswick, John J. Gause, Alfred Moore.
Buncombe, David L. Swain, James Weaver.
Bunfor, Thomas Elliston, Wm. A. Blount.
Bertie, William H. Rascoe.
Bladen, Isaac Wright, John J. M'lllan.
Burke, Peter Ballew, Edwin Poor.
Cabarrus, Robert Pickins, Christopher Melchor.
Camden, Wilson B. Webster, Thos. Tillett.
Carretet, Otway Burns, Wm. H. Borden.
Carroll, Jno. E. Lewis, Charles D. Donoho.
Chatham, Wm. Underwood, J. J. Brooks.
Chester, Wm. Walton, Joshua Newborn.
Columbus, Luke R. Simmons, Caleb Stephens.
Craven, Samuel Whitehurst, Andrew H. Richardson.
Cumberland, Alexander Elliott.
Curtiwick, Willoughby D. Barnard, Enoch Ball.
Davidson, John M. Smith, Joseph Spurgen.
Duplin, Benjamin Best, Stephen Miller.
Edgecombe, Henry Bryan, Moses Baker.
Franklin, Wm. T. Williams, James House.
Gates, John Walton, Wm. W. Stedman.
Grande, John Glasgow, Nicholas Jones.
Guilford, F. L. Simpson, Wm. Unthank.
Haitfrix, George E. Spruill, R. B. Daniel.
Haywood, Jas. R. Love, Ninian Edmonston.
Hertford, John Vann, Isaac Carter.
Hyde, Littlejohn Pugh, John J. Bonner.
Johnston, Kinchen Q. Adams, Hillory Wilder.
Jones, Lemuel H. Simmons.
Iredell, James L. Hill, Alexander Torrence.
Lenoir, Jesse Lassiter, James Cox.
Lincoln, Oliver W. Holland, Daniel Conrad.
Martin, David Latham, Jesse Cooper.
Mecklenburg, Thomas G. Polk.
Montgomery, John Durgan, Thomas C. Dunn.
Moore, John Murchison, Wm. Crawford.
Nash, Nicholas J. Drake, Major A. Wilcox.
New-Hansover, Joseph Lamb.
Northampton, Thomas Byunum, Roderick B. Gary.
Onslow, Edward Williams, Frederick Poy.
Orange, William M'Cauley, John Boon.
Pasquotank, William J. Hardy.
Pender, Henry Steinham, Elishe Burke.
Pitt, John C. Gorham, Shadrack P. Allen.
Randolph, Geo. Hoover, Abraham Browet.
Richmond, Henry Dockery, Archibald McNair.
Robeson, Shadrack Howell, Warren Alford.
Rowan, George Andrews, John Clement.
Rutherford, John Carson, Joseph Greene.
Sanpso, Daniel Joyner, D. Underwood.
Surry, Davis Durrett, Gollum Moore.
Tyrell, Daniel L. Bateman, Frederick Davenport.
Wake, Samuel Whitaker, N. G. Rand.
Warren, Gideon Alston, Pansom Walker.
Wayne, Philip B. Raiford, John Wasden.
Wilkes, Thos. W. Wilson, Nath'l Gordon.
For the town of Haultfrix.
Edenton, James Iredell.
Newbern, John Stanley.
Wilmington, E. W. B.
Fayetteville, J. Matthews.
Hillsborough, John Scott.
Salisbury.

A quorum, consisting of a majority of the whole of the members, being present, Mr. Carson moved that Mr. Shepperd, one of the members of Stokes county, be appointed Speaker; Mr. Miller moved to add to the nomination the name of John Stanly, the member representing the town of Newbern; and Mr. Alston moved to add to the nomination the name of John Scott, the member representing the town of Hillsborough.

An election by ballot thereupon took place; and, on counting the ballots, it appeared that neither of the candidates had a majority of the whole number. Thereupon a second balloting took place immediately; and, on examining the ballots, a majority of the whole number was found to be in favor of John Stanly. Whereupon he was conducted to the Chair by Mr. Miller, from whence he made his acknowledgments to the House.

On motion of Mr. Polk, Pleasant Henderson was appointed Clerk, and Charles Manly Clerk Assistant.

On motion of Mr. Edwards, John Lumsden and Richard Roberts were appointed Doorkeepers.

The House then adjourned until to-morrow morning, 10 o'clock.
Robert H. Cowan, the member representing the town of Wilmington, appeared, produced his credentials, was qualified, and took his seat.

A message from the Senate, by their Clerk Assistant, informing of the organization of that House, by the appointment of Bartlett Yancey, Speaker; Benjamin H. Covington, Clerk; James W. Clark, Clerk Assistant; Thomas B. Wheeler and Robert Ray, Doorkeepers; and of their readiness to enter on the consideration of public business.

On motion of Mr. Iredell, ordered that a message be sent to the Senate, informing of the readiness of this House to join in the despatch of public business, having appointed John Stanly, Speaker; Pleasant Henderson, Clerk; and Charles Manly, Clerk Assistant; and proposing to raise a joint select committee to wait on his Excellency the Governor, and to acquaint him of the readiness of the two Houses to receive such communications as he may think proper to make; and informing that Mr. Iredell, Mr. Scott and Mr. Daniel form the committee on the part of this House.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for three Engrossing Clerks, and informing that John Bragg, Samuel F. Patterson, Charles G. Rose, Joseph B. Collier, James Cook, Thomas G. Stone, Joseph H. Pool, William J. Cowan, Matthew Baird, Oscar G. Parsley, Jesse Turner, Lauriston B. Harden, Joshua E. Lumsden, and Calvin Covington are in nomination for the appointments.

A message from the Senate, by their Clerk Assistant, informing that Messrs. Sneed and Jones of Wilkes form a committee on their part to join the committee, appointed by this House, to wait on his Excellency the Governor, and to acquaint him of the readiness of the two Houses to receive such communications as he may think proper to make.

Mr. Iredell, from the select joint committee appointed to wait on his Excellency the Governor, and to inform him of the readiness of the two Houses to receive such communications as he may think proper to make, reported that the committee had, according to order, waited on the Governor, and that he answered he would, at 12 o'clock, to day, make a communication in writing.

On motion of Mr. Miller,

Resolved, That Messrs. Miller, Moore and Williamson form a committee to prepare and report rules of order for the House during the present session; and that, in the interim, the rules of order of the last session shall be observed.

A message from the Senate, consenting to ballot immediately for three Engrossing Clerks; and informing that the name of William Bond is added to the nomination.

On motion, ordered that a message be sent to the Senate, informing that Mr. Bateman and Mr. Wilson form a committee on the part of this House to conduct the balloting.

Matthew Bain, one of the members of Mecklenburg county, appeared, produced his credentials, was qualified, and took his seat.

A message from the Senate, informing that, in pursuance of a joint rule of the two Houses, they had appointed a committee of Finance, consisting of Messrs. Pickett, Hargrave, Speight, Love, Hussey, Sneed, Hill of Franklin and Bullock.

Mr. Wilson, from the committee appointed to superintend the balloting for three Engrossing Clerks, reported that the committee had performed
the duty assigned to them; and that, on examining the ballots, it appeared that Samuel E. Patterson alone had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot immediately for two Engrossing Clerks yet to be elected. The message was concurred in, and the Senate informed by message that Mr. Drake and Mr. Donoho wait on the Senate as a committee to conduct the balloting on the part of this House.

A message from the Senate, informing that Mr. Baker and Mr. Hawkins wait on this House as a committee, on their part, to conduct the balloting for three Engrossing Clerks.

Received from his Excellency the Governor, by his private Secretary, Mr. Campbell, the following communication:

To the Honorable the General Assembly of the State of North-Carolina.

Gentlemen,—It has pleased Divine Providence that we should again meet together, in the full enjoyment of all our rights and privileges as freemen.—Let us, then, properly appreciate this boon, granted as it has been to so small a portion of the human family; and, with profound gratitude, return thanks to the author of all good, that it is our destiny to be a part of the favored few!

In the retrospect of the past year, the election of a President of the United States stands eminently conspicuous. And, although many of us were disappointed in our individual wishes, by the result; yet, when the number of candidates and the high claims which each had upon the good-will and support of his fellow-citizens, are taken into consideration, it must be a matter of congratulation to every friend of our institutions, that no personal attachment to any individual was so deeply rooted in the affections of any one portion of our widely spread population, as was that bond of union which has so long and so happily kept us together under every emergency.

The mode of electing a Chief Magistrate of the United States, has been a subject of much deliberation and discussion, not only in the Legislatures of the different States, but also in Congress. To notice the various changes proposed, and their consecutive arguments, would far exceed the limits intended for this communication. I will therefore simply call your attention to the subject, and submit to your better judgment the propriety of taking the matter under your consideration.

In compliance with a resolution adopted by the last General Assembly, I endeavored to give to the Benefactor and Friend of our common Country, General Lafayette, a reception worthy the dignity of our State. For the expenditure resulting from that reception, I refer you to a report of the Adjutant General: to whose assistance and that of the deputation on the part of the State, consisting of Chief Justice Taylor, Colonel William Polk, General William Williams, of Warren, and J. G. A. Williamson, Esq. I am indebted for first receiving and subsequently conducting that illustrious individual through the State. A part of the expenditure was for articles of furniture, which will continue to be useful in the Government House, and which were indispensable, as will appear by reference to an inventory made at the time of taking possession.
The development of our internal resources, the improvement of our water courses, the structure of roads, &c. presents, collectively, a subject of the deepest interest. Whilst our sister States are rising in wealth, increasing in population and extending their influence by a sincere and zealous attention to these objects, North-Carolina has either remained content with the barrenness of Nature, or made such feeble and partial efforts, as only served to throw real improvement at a yet greater distance. If we have any honest doubts of the vast advantages resulting from a well directed and liberally encouraged plan of internal improvements, let us, for a moment, turn our attention to the State of New-York. Her widely spread tract of western lands, which, but a very few years ago, were scarcely populated and of little value, are now alive and active, with an increasing population; increasing daily in value, and will, at no distant period, be one of the finest sections of the State. She has not only thrown open an advantageous mart to her own citizens, even from the remotest sections of the State, but she has likewise brought within her influence and laid under contribution, the citizens of the adjoining States. And all this, so far from impoverishing, has unquestionably become one of her most certain and extensive sources of revenue, and consequently promises to yield a most liberal interest upon the money expended in the construction of the works.

Upon viewing such a state of things in one of our sister states, does not the question come full upon us—What have we done? Surely, if any state in the Union requires internal improvement, that state is our own! The important inquiry then is, has the time arrived for prosecuting such undertakings? I, for one, believe it has. It is not my desire to see my fellow-citizens burdened with unreasonable taxes for this or any other purpose. If no other reason could be found, that I must suffer in common with them would be sufficient. But we have, at the present time, a considerable surplus revenue appropriated to this end, which, if it was solely and steadily applied to one enterprise, instead of being divided among a great many, and thus rendered inadequate to the production of any beneficial effect, would soon accomplish it. Thus would be established one point in a series of improvement! And then, if the same surplus capital increased by the profits of what had been done, should continue to be applied to other enterprises. North-Carolina might, at no very distant day, be able effectually to execute all that could be esteemed beneficial. Moreover, we cannot but suppose, that our fellow-citizens would cheerfully submit to additional taxes, did they perceive that any thing effectual was doing or would be done. Permit me to call your attention, in a particular manner, to one object of internal improvement. From the large quantity of stagnant water which covers an immense body of what could be rendered the most fertile land in the eastern section of our state, originate, in a great measure, those diseases with which its inhabitants are so often afflicted. Some considerable portion of the bottom of those swamps have been granted to individuals, leaving a large remainder in the possession of the state. Some intelligent, spirited and enterprising individuals have attempted to reclaim their portions of these swamp lands, and others would do so, but that it is impossible, from their having no vent for the water on their own lands. In fact, these swamps cannot be drained but by a general effort of the proprietors, and this can only be made under the di-
rection of the Legislature. It is therefore respectfully submitted, whether a law ought not to be passed for the purpose, first, of ascertaining the portions respectively owned by individuals and by the state in these swamps; and secondly, of compelling claimants to pay their due proportion towards draining the swamps in which their lands may be located, the state paying for that part which is unappropriated. It is believed, that in many cases, the only public work wanted would be a central drain sufficiently large to vent the water, traversing the whole length of the swamp. In some, side-drains, to cut off springs, might be necessary. This being done, it would then be left to each individual to improve his own land according to his industry and enterprise. The lands belonging to the state might be divided into proper lots and sold, and would undoubtedly give existence to a large fund to be appropriated by future Legislatures, either to internal improvement, or other public purpose. The permanent revenue of the state would be greatly increased by the taxation of the lands sold, and the additional taxes which would be laid upon the lands thus increased in value. Indeed it seems apparent, that the strength, the wealth and the health of the state, are deeply and intimately connected with this subject; it is therefore earnestly, but respectfully, recommended to the consideration of your enlightened body.

The last General Assembly having reduced the number of the Board of Internal Improvement, appointed Generals Iredell and Dudley, Colonel Forney and the Governor, ex-officio, members constituting a Board. None of this Board had ever before served in that situation. Reports were in circulation "that much money had been unnecessarily expended, and that the works were improperly conducted." On these points, we considered it our duty to obtain correct information.—The best mode of effecting this object, was, we thought, to examine in person, the proceedings of the different "Navigation Companies," in which the State was interested, and also, the different points where works were progressing. In consequence of this understanding, we travelled, in the month of June last, through the eastern section of the state, and intended to have gone to the "west," in order to complete the survey. In this, however, the Board were disappointed, by circumstances unnecessary to be stated at present. A report, more in detail, will be officially made by the Board of Internal Improvement.

If the subject just alluded to be important, how much more so is that of Public Education! Whilst the former regards the face of the country, and the pecuniary interests of its inhabitants; the latter is wholly solicitous about the distinguishing feature of our nature, the moral habits of man, and his "felicity, both temporal and eternal." The latter derives additional claims to consideration, from the very difficulties which surround, and the time requisite to digest and mature any efficient system connected with it. But above all, it has, in comparison, one recommendation, which never fails to be felt and understood by the mass of mankind—it requires a less fund to conduct it.—A system of Internal Improvements, only requires that it should be well planned, liberally encouraged, and ably conducted, and the end is attained—success must ensue. But though the other asks nothing more, still the difference of the materials to be wrought upon, defies any thing like the same conclusion. Yet surely difficulties, though they rise at every step, shall not prevent us from ma-
some effort, from undertaking some system. If the preservation of
our political principles in their original purity, be of any value—if the
moral character of the people, be matter of moment—if "honest merit
should have fair play" in our elections, then let us not delay, but imme-
diately begin the important work! Whilst Public Education is unesta-
blished, and its kindly influences are not generally felt, it is more than
useless to address the great body of the people on the subject of prin-
ciples. They must fully understand, before they can duly appreciate their
political blessings. If nothing more can be done, at least enable them to
understand and judge for themselves, when they are instructed. It but
seldom occurs that the understanding is improved and the mind enlarged,
without a consequent improvement of the moral feeling. But while the
people continue uninformed, your annual Assemblies may enact—your
Courts of Law may arraign and punish—but your enactments will be void
—your punishments be but periodical exhibitions, serving, for a moment,
to frighten or amuse, yet destitute of the wholesome, the desirable influ-
ence of just examples. In such a state of things, it cannot be expected,
that moral worth, that intellectual attainments, and pure principles should
have that weight and influence that they should command. If so, are not
the people unequivocally left the mere slaves of passion and prejudice?
Have they, in strictness, that free agency, which is the pride of the ration-
al, as it is justly the boast of the truly freeman? True, indeed, it is,
that the free agency of the mere animal is preserved, but that of the man
is wholly lost. Surely, then, it is time that such a condition of things
should be deprived of its legal sanction. The provision for Public Educa-
tion is a noble feature, which stands in fine relief, in most of our State Con-
stitutions. In most of the States too, legislative enactments have, in conse-
quence, been made, scattering throughout their limits the invaluable trea-
sures of Education. Yet North Carolina has, in a great degree, been de-
prived of the advantages which might have followed from her own consti-
tutional provision. True, it is, we have a University, justly the pride of
our State and the sources of extensive usefullness. And it is also true,
that, at the last Session of the General Assembly, a resolution was adopted
appointing some of our most distinguished citizens to digest and report
to the present session a plan of "Primary Schools." It seems therefore
unnecessary further to draw your attention to this subject, as the report
will no doubt bear the stamp of the well known and distinguished abilities
which have been enlisted to prepare it.

A resolution was adopted by the General Assembly of the State of
Georgia on the 22d day of Dec. 1823, proposing an amendment to the Con-
stitution of the U. States.—This was presented to our last General Assem-
bly by my predecessor. Since that period, Resolutions from New Jersey
and Virginia, disapproving, and from Missouri, approving this amendment,
have been received, and are herewith submitted. In addition, you will
herewith receive, Resolutions from the State of Ohio, proposing the
"gradual emancipation of Slaves and the colonization of free people of
colour." These have been disapproved by the Legislatures of Mississip-
pi and Missouri, and highly approved by those of Indiana, Delaware, Con-
nnecticut and Illinois, as will appear from their accompanying resolutions.
All of which are respectfully submitted with one passing remark: That
although we cannot but acknowledge, with feelings of lively gratitude, the overweening interest which the non-slaveholding states have taken in our internal police, yet we indulge the hope, that they will shortly learn and practice what has familiarly been termed the eleventh commandment, "Let every one attend to his own concerns." And that they will concur with us in thinking, that if our neighbour have a natural deformity, it is, at least, a breach of good manners, continually to remind him of his misfortune. Your wisdom will however dictate the course proper to be pursued upon this delicate question.

Under a law passed at the last session, Gen. Philip Brittain and David L. Swain, Esq. were appointed Commissioners to carry into effect a contract previously made by Benjamin Robinson, Esq. and Col. William Ro-bards. The satisfactory manner in which they have discharged their duty, will evidently appear by reference to their correspondence and a report made by them; both of which are herewith communicated. I here-with transmit you a communication from the War Department, requesting a cession of territory at Oak Island and Old Topsail Inlet, and jurisdiction over the same to be made to the United States, and that Commissioners may be appointed to value the property and cause a conveyance to be made—as will more fully appear by reference to the communication itself and its accompanying plat. You will herewith receive a communication from William Gaston, Esq. in which he "declines altogether the task of revising and consolidating the laws concerning the duties of Executors and Administrators," for reasons which will be found in his letter herewith submitted.

Early in June last, George E. Badger, Esq. presented to the Executive his resignation as one of the Judges of the Superior Courts of Law and Equity. In consequence thereof, the Council of State were convened, who unanimously advised that a temporary commission should be granted to Thomas Ruffin, Esq.: with you it rests to make the permanent appointment:

From H. Fulton, Esq. his resignation as Civil Engineer of the State, for reasons contained in his letter herewith submitted. The resignations of Justices of the Peace and Militia officers, will be found in the file marked V.

I have no doubt omitted many things that will merit and occupy your attention during your present session: Knowing your ability to supply any deficiency on my part, I will no longer trespass on your time and patience.

I am, Gentlemen, with the highest respect and consideration, your humble servant, H. G. BURTON.

On motion of Mr. Iredell, ordered that the foregoing message be sent to the Senate, with a proposition that it be printed for the information of the members.

Mr. Picot moved that the letter of resignation of Hamilton Fulton, Civil Engineer, accompanying the Governor's Message, be printed, four copies for each member. The question thereon passed in the negative.

Mr. Martin moved that the House do reconsider the vote of rejection of the motion of Mr. Picot, and that the said letter of resignation be printed, one copy for each member. The question thereon passed in the negative.
On motion of Mr. Swain,

Resolved, by the General Assembly of the State of North Carolina, That the deeds of conveyance and release from certain individuals of the Cherokee nation, taken by the commissioners on behalf of the State, appointed under an act of the last General Assembly, entitled "an act to carry into effect a contract entered into by Benjamin Robinson and William Robards, commissioners on behalf of the State, with certain Cherokee Indians in the said contract named," be transferred from the Executive Office to the Office of Secretary of State.

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

Wednesday, November 23, 1825.

Mr. Drake, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had, according to order, performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot immediately for two Engrossing Clerks; and informing that the name of William Bonner is withdrawn from the nomination. The message was concurred in, and the Senate informed by message that Mr. Cowan and Mr. Lewis form the committee to conduct the balloting on the part of this House; and that the names of Joshua E. Lumsden, James Cook, Jesse Turner and Oscar G. Parsley are withdrawn from the nomination.

A message from the Senate, informing that Messrs. M'Dowell and Marsh form the committee on their part to conduct the balloting for the two Engrossing Clerks.

Mr. Lewis, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had performed that duty; and that it appeared, on counting the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot immediately for two Engrossing Clerks; and informing that the name of Mr. Covington is withdrawn from the nomination. The message was concurred in, and the Senate informed by message that Mr. Marshall and Mr. Wilcox attend the Senate as a committee to conduct the balloting on the part of this House; and that the name of Mr. Collier is withdrawn from the nomination.

A message from the Senate, informing that Mr. Melvin and Mr. Bullock form the committee on their part to conduct the balloting.

Mr. Miller, from the committee appointed to prepare and report rules of order for the government of the House, made the following report, which, being read and concurred in, was ordered to be printed, one copy for each member, to wit:

1. The Speaker shall take the Chair every day, at the hour to which the House shall have adjourned, and shall immediately call the Members to order; and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read. He shall preserve order and decorum, and questions of order shall be decided by the Speaker without debate, except on an appeal from his decision; in which case the Speaker may deliver his opinion in preference to any other Member, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any member. He shall rise to put a question, but shall 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, "As many as are of the contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, he shall name two Members, one from each side, who shall tell the members in the affirmative, and report their number; after which they shall tell the Members in the negative, and report their number; upon which the Speaker shall rise and state the decision to the House.

2. In case of any disturbance or disorderly conduct in the Gallery or Lobby, the Speaker or Chairman of the Committee of the whole shall have power to order the same to be cleared.

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. And on all questions upon which the members are called upon to vote by ballot, they shall keep their seats and be waited upon by the Tellers.

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 one Member may, call him to order; in which case the Member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact, or to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the Member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

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 put.

10. Every Member who shall be in the House when the question is put, 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 no member shall be admitted to enter his yea or nay unless he be within the bar of the House when called; 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 lie on the table, postpone indefinitely, to postpone to a day certain, to commit or amend: which several motions shall have precedence in the order they stand arranged.

16. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

17. Any Member may call for a division of the question, when the same will admit of it, which shall be determined by the Speaker.

18. A motion for postponement, or commitment, until it is decided, shall preclude all amendments of the main question.

19. Every bill shall be introduced by a motion for leave or by an order of the House.

20. Every bill shall receive three several readings in the House previous to its passage; but no public bill shall be twice read on the same day, without special order of the House.

21. No Member shall, on motion, be at liberty to withdraw a public bill for amendment; but on suggestion made, that a public bill ought to be amended, it may, on motion, be committed; and every public bill, on motion made and seconded upon its second reading, shall be referred to a committee of the whole House.

22. 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, on the same or succeeding day.

23. 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.

24. 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.

25. The order of the day shall not be postponed to take up any other business, without leave of the House.

26. 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.

27. Any twenty Members (including the Speaker) shall be authorised to compel the attendance of absent members.

28. 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.

29. 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.
30. In the nomination of committees, no Member shall nominate more than one person to be of a Committee.

31. Select Committees shall consist of five members; and it shall be the duty of the Speaker to name the members who shall compose the committee, except otherwise ordered by the House. The first person named shall be chairman of the committee, and it shall be his duty to cause the members thereof to be convened when necessary.

32. In forming the committee of the whole House, the Speaker shall appoint a Chairman, and leave the Chair.

33. 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.

34. 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.

35. The Clerk of the House shall be deemed to continue in office until another is appointed.

36. No standing order shall be rescinded without one day's notice given of the motion thereof.

37. 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.

38. Six standing Committees shall be appointed at the commencement of the session, to wit: a committee of Claims, a committee of Propositions and Grievances, a committee of Education, a committee of Agriculture, a committee of Internal Improvement, and a committee of Privileges and Elections.

**JOINT RULES FOR BOTH HOUSES.**

1. Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence; and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

2. In any case of amendment of a bill or resolution, agreed to in one House and disapproved to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall consist of an equal number of Members of each House, and shall at a convenient time and place, to be agreed upon, meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

3. Messages from one House to the other shall be sent by the Clerk Assistant of each House, unless otherwise ordered.

4. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent, by the Door Keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

5. After a bill shall have passed the House in which it originated, it shall be under the signature of the Clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.
6. After a bill shall have passed both Houses, it shall be duly enrolled on suitable paper by the Engrossing Clerks, before it shall be presented for ratification.

7. When bills are enrolled, they shall be carefully examined by a joint committee of two from the Senate and four from the House of Commons, appointed as a committee for that purpose; whose duty it shall be carefully to compare the enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

8. After examination and report, each bill shall be ratified and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

9. All orders, resolutions, and votes of the two Houses, shall be examined, engrossed, and signed in the same manner as bills.

10. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

11. The committee in each House shall, in all cases, make a statement of facts on which their report is founded; which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

12. The committee of Finance shall be joint, consisting of eight Members of each House, one to be selected from each of the former judicial districts. The Library Committee shall be a joint standing committee, consisting of three members from each House, appointed by the Speakers thereof, respectively.

13. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type, and shall be distributed in the following manner: One copy thereof to each Member of the General Assembly, one copy to the Clerk of each House, for the use thereof, and ten copies shall be deposited in the Public Library.

14. That the foregoing rules shall be permanent joint rules of the Legislature of North-Carolina, until altered or amended.

On motion,

Resolved, That Messrs. Holland, Martin, Webb, Spruill, Ball, Cox, Miller, Smith of Anson, Murchison, Poor, Hoover, Whitaker, Alston, Vann, Ellison and Foy form a committee of Claims.


Resolved, That Messrs. Greene, Smith of Davidson, Scott, Latham, Hardy, L. H. Simmons, E. Williams, M'Nair, Weaver, Durrett, N. Jones, Bynum, Wm. Walton, Gorham, Joiner and Elliott form the committee on Agriculture.


Resolved, That Messrs. Edmonston, Brower, Boon, Baker, Barnard, Borden, D. Underwood, Howell, Conrad, Durgan, Glasgow, Cooper, Tillett, Richardson, L. R. Simmons, and Crawford form the committee of Privileges and Elections.
Resolved, That Messrs. Carson, Shepperd, Williamson, Gary, Iredell, Blount, Gause and Elliott form the committee of Finance.

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

THURSDAY, NOVEMBER 24, 1825.

Mr. Marshall, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had performed that duty, and it appeared on examining the ballots, that Thomas G. Stone only had a majority of the whole number, who was duly elected. The question to concur with the report passed in the affirmative.

On motion of Mr. Picot, ordered that a message be sent to the Senate, proposing to ballot immediately for one Engrossing Clerk, and informing that the name of Charles G. Rose is withdrawn from the nomination.

On motion of Mr. Picot,

Resolved, That so much of the Governor's message as relates to the cession of certain lands, and jurisdiction over the same, to the United States, for the purpose of erecting works of fortification thereon, be referred to a select committee, consisting of Messrs. Picot, Iredell, Swain, Borden and Whitehurst.

A message from the Senate, consenting to ballot for one Engrossing Clerk, and informing that Mr. Vanhook and Mr. Baker form the committee of superintendence on their part.

On motion, ordered that a message be sent to the Senate, informing that Mr. Picot and Mr. Lassiter form the committee to superintend the ballot for one Engrossing Clerk on the part of this House.

Thomas Bell, one of the members of Pasquotank county, appeared, was qualified, and took his seat.

On motion of Mr. Moore, of Brunswick,

Resolved, That all resignations presented to, and read in this House, shall be considered as accepted without a question from the Chair, unless a question is called for.

Mr. Picot, from the committee appointed to conduct the ballot for one Engrossing Clerk, reported that the committee had performed that duty; and that it appeared, on counting the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot immediately for one Engrossing Clerk. The message was concurred in, and the Senate informed by message that Mr. Hardy and Mr. M'Millan form a committee on the part of this House to conduct the balloting.

A message from the Senate, informing that Mr. Poindexter and Mr. Melvin attend this House, as a committee on their part, to conduct the balloting for one Engrossing Clerk.

On motion of Mr. Shepperd, ordered that a message be sent to the Senate, proposing to ballot immediately for a Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of Judge Badger, and informing that the name of Thomas Ruffin, of Hillsborough, is in nomination.

A Message from the Senate, consenting to ballot immediately for a Judge of the Superior Courts of Law and Equity, and informing that Mr. Forney and Mr. Gilchrist form the committee on their part to conduct the balloting.

On motion, ordered that a message be sent to the Senate, informing that Mr. Shepperd and Mr. Wright form the committee on the part of this House to conduct the balloting for the Judge.
Mr. Hardy, from the committee appointed to conduct the balloting for an Engrossing Clerk, reported that the committee had performed that duty; and that it appeared, on counting the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot again, immediately, for one Engrossing Clerk. The message was concurred in, and a committee appointed to wait on the Senate to superintend the balloting. The name of Mr. Bragg being withdrawn from the nomination.

A message from the Senate, informing that Mr. Wilson and Mr. Montgomery form a committee on their part to conduct the balloting for the Engrossing Clerk yet to be elected.

Mr. Shepperd, from the committee appointed to superintend the balloting for a Judge of the Superior Courts of Law and Equity, reported that the committee had performed the duty assigned to them; and that a majority of the whole number, on examining the ballots, appeared to be in favor of Thomas Ruffin, who was duly elected. The question to concur with the report passed in the affirmative.

On motion of Mr. Williamson,
Resolved, that so much of the Governor's message as relates to internal improvements be referred to the standing committee on that subject.

On motion of Mr. Donoho,
Resolved, that so much of the Governor's message as relates to the colonization of free people of color, and the gradual emancipation of slaves, be referred to a select committee; and that Messrs. Donoho, Moore of Brunswick, Spruill, Blount and Swain form this committee.

On motion of Mr. Polk,
Resolved, that so much of the Governor's message as relates to the amendments proposed to be made in the Constitution of the United States, touching the mode of electing the President and Vice President of the United States, be referred to a select committee; and to Messrs. Polk, Iredell, Shepperd, Miller and Scott.

On motion of Mr. Cox,
Resolved, that so much of the Governor's message as relates to education, be referred to the standing committee on that subject.

On motion of Mr. Moore, of Brunswick,
Resolved, that the joint Library committee on the part of this House consist of Messrs. Moore of Brunswick, Shepperd and Iredell.

Mr. Cooper presented the following resolution:
Resolved, that the Public Printer publish, for three weeks, successively, the resignation of Hamilton Fulton, as Civil Engineer of this State.

The question thereon passed in the negative.

The resignations of Joseph Williams, Colonel Commandant of the Martin militia; D. McGuire, Lieutenant Col. of the Fork regiment of militia of Rowan county; John Matthews, Lieutenant Col. of the Gates county militia; and of Archibald Durham and John Wall, of Rutherford county; James Little, of Montgomery county; Jonathan Harris, of Hyde county; Charles Stephens, of Johnston county; John Pollock, of Onslow county; Retas Jones, of Lenoir county; Lewis Daniel, of Person county; James Townes, of Cumberland county; and Joseph J. Gore, of Brunswick county, Justices of the Peace, were presented, read and accepted.

The resignation of Elisha Draughhorn, Justice of the Peace for Sampson county, received from the Senate, was read and accepted.

On motion, ordered that a message be sent to the Senate, informing that
Messrs. Carson, Williamson, Shepperd, Gary, Iredell, Blount, Gause and Elliott form the committee of Finance; and that Messrs. Moore of Brunswick, Shepperd and Iredell, the Library committee in the part of this House.

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

FRIDAY, NOVEMBER 25, 1825.

Mr. Poor, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question thereon passed in the affirmative.

William Watts Jones, one of the members of New-Hanover county, appeared, produced his credentials, and took his seat.

Mr. Picot presented the petition of Tillman Farrow, of Hyde county, stating that the sitting member, Littlejohn Pugh, from said county, is not constitutionally entitled to his seat; and Mr. Moore, of Brunswick, presented several papers and depositions in relation to the charges alleged in said petition.

On motion, ordered that the said petition and papers be referred to the committee of Privileges and Elections.

A message from the Senate, proposing to ballot immediately for one Engrossing Clerk, and informing that the name of Mr. Beard is withdrawn from the nomination.

The message was concurred in, and the Senate informed by message that Mr. Matthews and Mr. Skinner attend the Senate, as a committee on the part of this House, to superintend the balloting.

Mr. Picot presented sundry papers, touching the contested election of Hyde county. Ordered that the said papers be referred to the committee of Privileges and Elections.

A message from the Senate, informing that Mr. Gibbs and Mr. Boddie form the committee of superintendence of the balloting for one Engrossing Clerk on their part.

Mr. Skinner presented the petition of John Gatling and other citizens of Perquimons county, praying for the passage of a law fixing the number of hands necessary to work on the streets in the town of Hertford, &c.

Mr. Carson presented the petition of Charles Lewis, of Rutherford county, stating his grievances resulting from the passage of a public road through his lands, and praying for redress. Ordered that these petitions be referred to the committee of Propositions and Grievances.

On motion of Mr. Martin,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, whose duty it shall be to revise the fees of Clerks, Sheriffs, Coroners, Constables, and County Court Solicitors, and to enquire into the expediency of compelling Clerks of Courts to make out their bills of cost, and to issue all tickets in dollars and cents; and that the committee report by bill or otherwise, and that Mr. Martin, Mr. Scott, Mr. Miller, Mr. Dunn, and Mr. L. H. Simmons form this committee.

Mr. Matthews, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed that duty; and that it appeared, on counting the ballots, neither of the candidates had a majority of the whole number. The question thereon passed in the affirmative.
On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for one Engrossing Clerk.

James G. Mhoon, one of the members of Bertie county, appeared, produced his credentials, was qualified, and took his seat.

A message from the Senate, consenting to ballot immediately for the Engrossing Clerk yet to be elected, and informing that Mr. Williams and Mr. Leak attend this House, as a committee on their part, to conduct the balloting.

Ordered that a message be sent to the Senate, informing that Mr. William T. Williams and Mr. Elliott form the committee on the part of this House to conduct the balloting for the Engrossing Clerk yet to be elected.

Mr. Swain, in pursuance to a petition, presented a bill to annex part of the counties of Rutherford and Burke to Buncombe county. The bill was read the first time and passed. On motion, ordered the said bill and petition be referred to the committee of Propositions and Grievances.

Mr. Elliott, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot again, immediately, for the Engrossing Clerk yet to be elected. The message was concurred in, and the Senate informed by message that Mr. Edwards and Mr. Durrett attend the Senate as a committee on the part of this House to conduct the balloting.

On motion of Mr. Love,

Resolved, That so much of the Governor's message as relates to the Cherokee Lands, be referred to a select committee; and that Messrs. Love, W. W. Jones, Swain, Poor and Lewis form the committee.

On motion of Mr. Love,

Resolved, That the select committee on Cherokee Lands be instructed to inquire whether any, and, if any, what allowance should be made on the score of interest on the bonds remaining unpaid of those individuals who have purchased from the State lands reserved to Cherokee Indians, and have but recently come to the possession of them.

A message from the Senate, informing that Mr. Harrell and Mr. Smithwick attend this House, as a committee on their part, to conduct the balloting for one Engrossing Clerk.

Mr. Matthews presented the certificate of the County Court of Cumberland, allowing Mrs. Isabella Campbell, widow of the late James Campbell, of the continental line of this State, as a pension, the sum of twenty pounds for the present year. On motion, ordered that the certificate be countersigned by the Speaker, and sent to the Senate.

The resignations of John H. Hill, Col. Commandant of the Militia of Carteret county; James Perkins, of Pitt county; Larkin Shepperd, of Wilkes county; Joseph Keer, of Rowan county; Thomas Fortune, of Yadkin county; and Stephen Pleasant, of Person county, Justices of the Peace, were read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.
Mr. Edwards, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, neither of the candidates had a majority of the whole number. The question thereon passed in the affirmative.

James N. Smith, one of the members of Jones county, appeared, produced his credentials, was qualified, and took his seat.

On motion, ordered that a message be sent to the Senate, proposing to ballot for the Engrossing Clerk yet to be elected.

A message from the Senate, agreeing to ballot immediately for one Engrossing Clerk, and informing that Mr. Baker and Mr. Hill of Stokes attend this House, as a committee on their part, to conduct the balloting.

On motion, ordered that a message be sent to the Senate, informing that Mr. Bell and Mr. Wm. Carter form the committee on the part of this House to conduct the balloting for an Engrossing Clerk.

A Message from the Senate, informing that they had appointed a Library committee, consisting of Messrs. Forney, Pickett and Gilchrist; and a select joint committee, consisting of Messrs. Davidson of Mecklenburg, Hill of Stokes, Hogan, Montgomery and Speight, whose duty it shall be to revise the fees of Clerks of the counties, Sheriffs, Constables, and County Solicitors, &c.

On motion of Mr. Carson,

Resolved, That a Military committee be appointed; and that Messrs. Carson, W. A. Blount, Bain, Bateman and Raiford form the committee.

Mr. Greene presented the petition of Jeremiah Garner and other citizens of Rutherford county, praying for a revision of certain parts of the militia laws. On motion, ordered that the said petition be referred to the Military committee.

Mr. G. Moore presented the petition of Harden P. Franklin and other citizens of Surry county, praying for the repeal of the act, of the last session of Assembly, authorising Jesse Howard to erect a mill dam across the Arrarat river, in said county. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Bell, from the committee appointed to conduct the balloting for an Engrossing Clerk, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question on said report passed in the affirmative.

A message from the Senate, proposing to ballot again for an Engrossing Clerk. The message was concurred in, and the Senate informed by message that Mr. M'Canley and Mr. Miller form the committee, on the part of this House, to conduct the balloting.

A message from the Senate, informing that Mr. Speight and Mr. Legrand form the committee on their part to conduct the balloting for an Engrossing Clerk.

Mr. Wm. Walton presented the petition of Ephraim Elliott and other citizens of Chowan county, whose names are subscribed to the petition, praying that Peggy and Nancy, children of Christopher Burket, a free man of colour of said county, be emancipated. Ordered that the said petition be referred to the committee of Propositions and Grievances.
Mr. McCauley, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed that duty; and that, on examining the ballots, it appeared no one in nomination had a majority of the whole number. The question thereon passed in the affirmative.

A message from the Senate, proposing to ballot for the Engrossing Clerk yet to be elected, immediately. The message was concurred in, and a committee appointed to conduct the balloting on the part of this House, consisting of Mr. Glasgow and Mr. Richardson.

A message from the Senate, informing that Mr. Gilchrist and Mr. Hawkins form the committee on their part to conduct the balloting for the third Engrossing Clerk.

Mr. Richardson, from the committee appointed to conduct the balloting for an Engrossing Clerk, reported that the committee had performed that duty; and that, on counting the ballots, it appeared that William J. Cowan had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

Mr. Swain presented the petition of Gideon B. Smith, praying to be divorced from his wife Eleanor. Ordered that the petition be referred to the committee of Propositions and Grievances.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following communication:

To the Honorable the General Assembly of the State of North-Carolina.

Gentlemen,—I have the honor herewith to transmit you a communication from the Executive of Virginia.

With the highest respect, your obedient servant,

H. G. BURTON.

Executive Department, 26th December, 1825.

On motion of Mr. Shepperd, ordered that the said message and the accompanying papers and documents be referred to the committee on Internal Improvement.

The resignations of Jacob Gulding, Major of Cavalry attached to the third division of the militia; Samuel Strayhorn, Major of the first regiment of the Orange county militia; Edward Pearsall, Hosea Murray, John Benton and Timothy Teache, of Duplin county; Joel Hines, of Lenoir county; George Boddie, of Nash county; John S. Shepperd, of Halifax county; Luke Duncan, of Columbus county; and John Coulter, of Lincoln county, Justices of the Peace, were read and accepted.

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

MONDAY, NOVEMBER 28, 1825.

David F. Caldwell, the member of the town of Salisbury, appeared, produced his credentials, was qualified, and took his seat.

On motion of Mr. Matthews, ordered that Mr. Elliott have leave of absence until Thursday next.

Mr. Williamson presented a resolution directing the Public Treasurer to pay to John Barnett, Sheriff of Person county, twelve dollars and eighty cents, the amount of the tax on certain insolvent polls. Ordered that the said resolution be referred to the committee of Claims.

A message from the Senate, by their Clerk Assistant, informing that the Senate had passed a bill to repeal an act, passed in the year 1811, en-
titled "an act to authorise the County Court of Nash to appoint commi-

sioners to contract with some person or persons for building public houses
on the public ground at Nash Court House, and for other purposes," and
asking the concurrence of this House. The said bill was read for its first
reading, and the question shall the said bill pass? passed in the affirm-
ative.

Mr. Matthews presented the petition of Sherwood Fort, praying, for
reasons stated in his petition, to be permitted to retail spiritual liquors
free of tax. Ordered that the said petition be referred to the committee
of Propositions and Grievances.

Mr. Swain presented a bill to keep open French Broad River, in the
county of Buncombe. The said bill was read the first time, and the
question shall the said bill pass? was determined in the affirmative.

Mr. Swain presented the petition of James Kirkendale and others, on
the subject of a turnpike road, from Big Mud Creek, at Samuel Murray's
jr. to the South Carolina line. Ordered that the said petition be referred
to the members of this House representing the counties in the old Judicial
Circuit of Morgan.

On motion of Mr. Martin,
Resolved, That the committee of Finance be instructed to inquire into the expe-
diency of reducing the tax on land Pedlars.

And, on motion of Mr. Picot,
Resolved, That the committee of Finance be instructed to inquire into the expe-
diency of reducing the tax on Pedlars on the navigable streams of this State.

Mr. Wilson presented a bill to repeal an act, passed in the year 1820,
entitled "an act directing the County Courts to pay fees to certain offi-
cers therein named." The said bill was read for its first reading, and the
question shall the said bill pass? was determined in the negative.

Mr. Mhoon presented a bill to incorporate the trustees of the Colerain
Academy, in the county of Bertie. The said bill was read the first time
and passed. On motion, ordered that the said bill be read the second and
third times. The question shall the said bill pass its second and third
readings? was determined in the affirmative. Ordered that the said bill
be engrossed and sent to the Senate for concurrence.

Received from his Excellency the Governor, by his Private Secretary,
Mr. Campbell, the following communication:

To the Honorable the General Assembly of the State of North-Carolina.

Gentlemen,—I have the honor herewith to transmit you the Report of the Adju-
tant General of the expenditure accruing from the visit of General Lafayette
to this State. It is due to the Adjutant General to state, that his Report gives entire
satisfaction to the Executive.

Accompanying the Report, as connected with it, is the inventory of the furniture
left in the Government House by the late Governor Holmes, and the vouchers up-
on which the Report is founded.

All which is respectfully submitted.

With the highest respect, your ob't servant,

H. G. BURTON.

Executive Department, November 28, 1825.

On motion of Mr. Iredell, ordered that the said message, with the se-
veral papers accompanying and therein referred to, be sent to the Senate,
with a message that they be referred to the committee of Finance.

A bill to repeal an act, passed in the year 1811, entitled "an act to au-
thorise the County Court of Nash to appoint commissioners to contract
with some person or persons for building public houses on the public
ground at Nash court-house, and for other purposes," was read the se-
tond time, and the question shall the said bill pass? was determined in
the affirmative. On motion, ordered that the said bill be read for its
third reading; and the question shall the said bill pass? was determined
in the affirmative. On motion, ordered that the said bill be enrolled.

The bill to keep open the French Broad River, in the county of Bun-
combe, was read the second time; and the question shall the said bill pass
its second reading? was determined in the affirmative. On motion, order-
ed that the said bill be read the third time; and the question shall the said
bill pass its third reading? was determined in the affirmative. On mo-
tion, ordered that the said bill be engrossed and sent to the Senate for
concurrence.

The resignations of J. Butler, Col. Commandant of the first regiment
of Burke county; Joshua Purde, Col. Commandant of the Edgecombe mi-
itia; P. Ballew, Lieut. Colonel of the second regiment of the Burke
county militia; William Kincaid, Lieut. Colonel of the first regiment of
the Burke county militia; Harris Standley, of Wilkes county; James
Hamblen, of Buncombe county; and Daniel N. Hall, of Mecklenburg
county, Justices of the Peace, were read and accepted.

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

TUESDAY, NOVEMBER 29, 1825.

Mr. Edwards presented a bill to establish Oak Grove Academy, in the
county of Greene, and to incorporate the trustees thereof. Mr. Clement
presented a bill to declare in force in the county of Rowan the provisions
of an act, passed in the year 1814, entitled "an act to regulate the time
of appointing overseers of roads in the counties of Montgomery and Per-
son. The said bills were read each for the first reading, and the question
shall the said bills pass? was determined in the affirmative.

Mr. Love presented the petition of John Chambers, of Haywood coun-
ty, praying to be divorced from his wife Riney. On motion, ordered that
the said petition be referred to the committee of Propositions and Grie-
vances.

Mr. Polk, from the committee of Propositions and Grievances, to whom
was referred the petition of Sherwood Fort, of the county of Cumberland,
reported that the committee, agreeably to order, had considered the said
petition, and deem it inexpedient to grant the prayer thereof, and recom-
mend the passage of a resolution, accompanying the report, recommending
its rejection. The question to concur with the report, passed in the
affirmative.

Mr. W. W. Jones presented a bill to amend an act, entitled "an act
to amend an act, entitled 'an act to prevent the stealing of slaves, or, by
violence, seduction, or any other means, taking or carrying away any
slave or slaves, the property of another, and for other purposes therein
mentioned," passed in the year 1792. The said bill was read for its first
reading; and the question shall the said bill pass? was determined in the
affirmative.

Mr. Edmonston presented the petition of W. P. Poindexter, of Hay-
wood county, praying for the establishment of a turnpike road. On mo-
tion, ordered that the said petition be referred to the committee on In-
ternal Improvement.
Mr. Iredell presented the petition of sundry citizens of the State, on the subject of lands they purchased at the late sales of the lands in the Cherokee purchase, and from which they had been evicted by due course of law. On motion of Mr. Iredell, ordered that the petition be referred to the committee of Finance.

Mr. Dungan, from the committee of Privileges and Elections, to whom was referred the petition of Tilman Farrow, contesting the seat of Littlejohn Pugh, made a report adverse to the prayer of said petition, recommending its rejection. On motion of Mr. Picot, ordered that the said report be made the order of the day for Thursday next, then to be taken up in committee of the Whole.

Mr. Cox presented a bill to authorise Frederick Jones, of the county of Lenoir, to erect a bridge across Neuse river. The said bill was read the first time, and the question shall said bill pass? was determined in the affirmative.

Mr. Ellison presented a bill to legitimate Peggy Orrell, the child of Windsor White, of Beaufort county, and to alter the names of Lovy Hassel and Seindy Hassel, children of said White, and to legitimate them. The said bill was read the first time, and the question shall said bill pass? was determined in the negative.

A message from the Senate, proposing to ballot, at the meeting of the two Houses to-morrow morning, for a Governor of the State for the ensuing year, and informing that the present incumbent, Hutchins G. Burton, is in nomination for the appointment. The message was concurred in, and the Senate informed thereof by message.

On motion of Mr. Bain, ordered that a message be sent to the Senate, proposing to ballot, to-morrow at 12 o'clock, for a Public Printer for the ensuing year, and informing that Bell & Lawrence and Gales & Son are in nomination for the appointment.

On motion of Mr. Scott,

Resolved, That a select committee, to be styled a committee on the Judiciary, be appointed; and that Messrs. Scott, Iredell, Shepperd, Swain, and Caldwell form this committee.

Mr. Conrad presented the petition of Lawson Henderson and others, of Lincoln, praying to be authorised by law to appropriate certain monies in their hands for repairing the Pleasant Retreat Academy, in the town of Lincoln. Mr. Conrad presented the petition of Eliza Bevins, of Lincoln, praying to be divorced from her husband Sinson Bevins. Mr. Tillett presented the petition of Benjamin Jones, of Camden county, stating that he had been convicted unjustly of petit larceny, and praying to be restored to the privileges of a citizen. Mr. W. W. Jones presented a letter from Lewis Gomez, one of the auctioneers of the town of Wilmington, stating that he had transmitted to the Treasurer all the money he was liable to pay, up to the 30th of September last, but, owing to some informality, he cannot obtain a receipt; and praying to be secured in said payment. On motion, ordered that the said petitions and letter be referred to the committee of Propositions and Grievances.

On motion of Mr. Shepperd,

Resolved, That the Secretary of State be, and he is hereby authorised and required to issue a grant to Amos Jackson, for fifty acres of land, situated in the county of Stokes, agreeably to the entry and survey heretofore made.

The certificate of the County Court of Cumberland, in favor of Isabella
Campbell, allowing her a pension of twenty pounds for the present year, was returned from the Senate, countersigned by the Speaker of that House.

A message from the Senate, agreeing to refer, as proposed by this House, the message of the Governor of the 28th, in relation to the reception and accommodation of Gen. Lafayette, to the committee of Finance; and the resolution directing the committee of Finance to inquire into the expediency of reducing the tax on Pedlars on land and the navigable streams in the State, concurred with by that House. On motion of Mr. Shepperd, ordered that the message of the Governor of the 26th be referred, with the accompanying documents, to the committee on Internal Improvements, and sent to the Senate.

On motion of Mr. Swain,

Resolved, That the committee of Finance be instructed to inquire into the expediency of providing by law, that licenses to retailers shall be signed by the Comptroller, and issued and accounted for by the Sheriffs of the several counties in this State, in the same manner that Pedlars' licenses are now signed, issued and accounted for.

Ordered that the said resolution be sent to the Senate for concurrence.

The resignations of Clinton Hartley, Colonel Commandant of the second regiment of the Burke county militia; Jeremiah Pearsall, Major of the Duplin county militia; and Alexander Torrance, Justice of the Peace for Iredell county, were read and accepted.

The Speaker laid before the House the annual report of the Public Treasurer, to wit:

To the Honorable the General Assembly of the State of North-Carolina.

Gentlemen,—In making to you the annual Report required of the Public Treasurer by law, I have the honor respectfully to submit the following, to wit:

The Receipts at the Treasury of North-Carolina for the year commencing with the first day of November, 1824, and ending with the last day of October, 1825, including sundry payments of arrearages, and the Public Taxes of every other description, which became due and were paid at the Treasury of this State within that period, together with the Dividends declared by our three several Banks, and which were not appropriated; the purchase money or proceeds of the vacant Lands latterly entered, and paid for in course of the time above mentioned; and the collection made from the Bonds given by purchasers of the Public Lands near Raleigh, which were sold in 1820, amounting to one hundred and twelve thousand, two hundred and twenty-nine dollars, fifty-six cents and five-sixths of a cent ($112,299 56 5-6.)

To this sum, the balance remaining in the Treasury on the first day of November, 1824, and thereafter to be accounted for, as reported to the last General Assembly, being added, viz. one hundred and thirty-seven thousand and forty-one dollars, six and a half cents, an aggregate amount of two hundred and forty-nine thousand, two hundred and seventy dollars, sixty-three cents and one third of a cent, is formed ($249,270 63 1-3.)

From this sum total, Disbursements have been made, within the time first above mentioned, including the defaced and worn Treasury Notes burnt by the last Assembly, to amount of one hundred and thirty-five thousand, three hundred and eighty-six dollars and thirty-five cents and
seven-twelfths of a cent ($135,586 35 7-12,) the vouchers for which have been handed over to the Comptroller, and passed upon by that officer.

This Expenditure being deducted from the aggregate amount above mentioned, will be found to leave a balance of one hundred and thirteen thousand, eight hundred and eighty-four dollars and twenty-seven cents and three fourths of a cent, remaining in the Treasury of this State, on the first day of November instant—say on the first day of November, 1825, and hereafter to be accounted for ($113,884 27 3-4.)

For the several items forming the reception and expenditure above mentioned, the Public Treasurer asks leave respectfully to refer to the printed Statement prepared and furnished by the Comptroller, for the use of the Members of the present General Assembly.

The State Bank declared Dividends in the months of December and June last, at the rate of 4 per cent. which, on the shares held in it by North-Carolina, amounted to twenty-one thousand four hundred and twelve dollars, which were passed to the credit of the State by that Bank, and are, of course, included in the amount of the Receipts at the Public Treasury first above mentioned:—The December Dividend, however, was subjected to a reduction of three thousand, three hundred and fifty-six dollars and twenty-four cents, being the amount of the interest which had accrued and was payable out of it to the Bank according to law, on account of the unpaid shares of the Stock held therein by North-Carolina, at the time of the declaration of the said dividend. The voucher for which reduction from the dividend and payment to the Bank is included in the general account of expenditures or disbursement for the late fiscal year, and will be found in the files handed over to the Comptroller, as above mentioned.

The Banks of Newbern and Cape Fear, likewise declared half yearly dividends in the months above mentioned; the Bank of Newbern, at the rate of four per cent. and the Bank of Cape Fear, at the rate of three per cent; the proceeds of which formed a part of the Fund set apart for Internal Improvements. The Bank of Cape Fear declared, additionally, on the Stock then lately purchased by the State, as follows, viz. In December, to amount of eighteen dollars, and in June last, to amount of three hundred and three dollars, which went of course into the common Treasury.

The Cape Fear Navigation Company declared likewise a dividend of four per cent. for the year 1824, which, on the Stock held in it by North-Carolina, and on the payments made by her, in part of her last subscription, up to the first of November, 1824, amounted to four hundred and two dollars and twenty-seven cents; which sum likewise formed an item of receipt at the Treasury of the State.

Of the sum of one hundred and thirteen thousand eight hundred and eighty-four dollars and twenty-seven cents and three fourths of a cent, above mentioned, as being the balance due and payable from the Public Treasurer to the State of North-Carolina, on the first day of the present month, viz. on the first day of November, 1825, forty-five thousand four hundred and forty dollars and thirty-six cents are deposited and stand at my credit, as Public Treasurer, in the State Bank at Raleigh.

Fifty-six thousand, one hundred and four dollars and sixty-nine cents, are deposited and stand at my credit, in like manner, in the Bank of Newbern, in Raleigh:
And eighteen thousand, three hundred and forty-four dollars, and twenty-three cents, are deposited, in like manner, and stand at my credit, as Public Treasurer, in the Bank of Cape-Fear, at Fayetteville.

The remainder consists of worn and redeemed Treasury Notes, counted in files and made ready for burning, amounting to thirteen thousand, nine hundred and eighty-five dollars, and eighty-five cents—of warrants and other claims on the Treasury paid off and taken up since the close of the late fiscal year—and of cash kept in the office for the purpose of meeting the demands or expenditures of the day.

The Public Treasurer has rendered to the President of the Board of Internal Improvements an account of his Receipts and Expenditures from the first of November, 1824, to the first of November, 1825, comprehending the payments made at the Treasury by the purchasers of parts of the Cherokee Lands, together with all other monies received by him and which are subject to the drafts or disposal of that Board; which shows and leaves in his hands an unexpended sum or balance of seventeen thousand, five hundred and sixty-four dollars, and ninety-six cents, yet to be accounted for (17,564 96)—a copy or abstract of which Account or Statement accompanies this, and is marked with the letter A.

The Treasurer has the honor likewise to submit to the General Assembly, an Abstract of Receipts and Disbursements, or Statement of Account, shewing the condition of the Agricultural Fund of North Carolina on the first day of the present month, which will be found to leave a balance of seven thousand, six hundred and ninety-three dollars, and seven cents, in favor of and to the credit of the said Fund (7,693 07)—which Statement is marked with the letter B.

The Public Treasurer has continued to progress in issuing the Treasury Notes ordered by the Assembly of 1823, from time to time and as he could make sale of them; that work however remains still unfinished, owing to the want of a sufficient number of purchasers: in course of the current year, and before the next meeting of the Legislature, it is hoped and believed, the business will be completed and satisfactorily closed.

With respect to the Stock purchased and to be purchased with the proceeds of the Treasury Notes issued and to be issued, the Treasurer has hitherto been enabled to procure nine shares only of State Bank Stock—and sixteen shares only of the Stock of the Bank of Newbern; for each of which purchases he gave par, or one hundred dollars per share:—He has bought of the Stock of the Bank of Cape-Fear, two hundred and thirty-five (335) shares at ninety-five dollars per share; and has agreed to purchase, at the same rate, the Stock of that Bank which is at present held by the Cape-Fear Navigation Company, on the ground principally, of the interest which the State holds or has in that Company:—Others have offered of the like kind of stock, but it appeared to him best to decline purchasing so largely in the Stock of one and the same Bank, for the present and until the wishes of the Legislature should be known:—He is persuaded the Bank of Cape Fear is unquestionably solvent, and that its Stock is safe and valuable, and believes withal, that the present reduced market price of it, is to be accounted for, principally, and perhaps solely, from the circumstance of her Dividends having latterly been declared at the rate of 3 per cent. only, whilst those of our other Banks were declared at 4 per cent.
In obedience to the Resolution of the last General Assembly in regard to Wrecks, &c. &c. the Treasurer has invited the attention of the Solicitors for the State, for the ridings bordering on our sea-coast, to that business; and doubts not they will enable him, at some future and early day, to report satisfactorily on the subject.

The Exposes or Statements of the situation of the Banks of Cape-Fear and Newbern, in December and June last, are herewith transmitted: —Those required of the State Bank are not yet prepared, but will be made up to the present time, early in the next week; when they shall likewise be forwarded, without further delay.

Much and respectfully, Gentlemen, your obd't. serv't,

JOHN HAYWOOD, Pub. Treas.

Raleigh, Nov. 29, 1825.

On motion of Mr. Shepperd, ordered that the said report be printed, together with the accompanying documents; and that it be sent to the Senate, with a proposition to refer the same to the joint committee of Finance.

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

WEDNESDAY, NOVEMBER 30, 1825.

Mr. Skinner presented the memorial of the Manumission Society of the State, which, being read, was, on the motion of Mr. A. Moore, postponed indefinitely.

Mr. Picot, from the committee on that part of the Governor's message as relates to the cession of lands to the United States at the Bogue Banks and at Oak Island, for the purpose of erecting fortifications, reported two bills on the subject: one to cede to the United States a certain tract of land called Bogue Banks; the other to cede to the United States an Island at the mouth of Cape Fear river. The said bills were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Spurgen presented a bill to locate the poor house of Davidson county. Mr. Andrews presented a bill compelling the Register of Rowan county to keep his office in the Court House of said county. The said bills were read the first time, and the question shall the said bills pass? was determined in the affirmative.

On motion of Mr. Williamson,

Resolved, That a select committee be appointed on the subject of Divorce and Alimony; and that the committee consist of Messrs. Williamson, Caldwell, Gause, Skinner, Williams of Onslow, Gorham, Matthews of Fayetteville, and Boon.

On motion of Mr. A. Moore,

Resolved, That the committee of Propositions and Grievances be discharged from the consideration of such petitions as stand referred to them, on the subject of divorce and alimony; and that the said petitions stand referred to the committee on Divorce and Alimony.

On motion of Mr. W. W. Jones, ordered that the bill to amend an act, entitled "an act to amend an act, entitled 'an act to prevent the stealing of slaves, or, by violence, seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes therein mentioned,"' passed in the year 1792, be referred to the Judiciary committee.

Mr. Holland presented the petition of sundry citizens of Lincoln coun-
ty, relative to the appointment of patrols. Mr. Marshall presented the petition of Judith D. Chapel, praying to be divorced from her husband Gabriel Chapel. Ordered that these petitions be referred, the former to the committee of Propositions and Grievances, the latter to the committee on Divorce and Alimony.

Mr. D. Underwood presented a bill to repeal 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, ordered to lie on the table.

Mr. W. W. Jones presented a bill to repeal so much of the law now in force as provides for the payment of talismen summoned to attend as jurors in the County and Superior Courts, so far as relates to the county of New-Hanover. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing that Messrs. Spaight of Craven and Hargrave form the committee, on their part, to conduct the balloting for a Governor for the ensuing year.

On motion, ordered that a message be sent to the Senate, informing that Mr. Williamson and Mr. Wilcox attend the Senate, as a committee on the part of this House, to conduct the balloting for Governor for the ensuing year.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Perquimons, reported that the committee had considered the petition, and directed him to report a bill, to carry into effect the prayer of the petition, entitled "a bill to authorise the County Court of Perquimons to distribute and apportion the inhabitants of the town of Hertford on the streets of said town, and the public roads adjacent thereto, in a just and equitable manner." The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

The bill to establish Oak Grove Academy, in the county of Greene, and to incorporate the trustees thereof; also the bill to declare in force in the county of Rowan the provisions of an act, passed in the year 1824, entitled "an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person;" also the bill compelling the Register of Rowan county to keep his office in the court house of said county, were respectively read the second and third times, and the question shall the said bills pass? was determined in the affirmative. On motion, ordered that the said bills be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing of the disagreement of that House to the proposition to ballot to-day for a Public Printer.

Received from the Senate, the following resolution, to wit:

Resolved, That it be referred to a select joint committee of both Houses of this General Assembly to inquire whether any, and what contract was made with Joseph Gales & Son, State Printers, at the last session of the General Assembly; and that they also inquire for what price the public printing can be obtained.

Messrs. Speight of Greene, Seawell, Forney, Love and Jones of Wilkes form the committee on their part. The question to concur with the said resolution passed in the affirmative, and a committee appointed to join the committee appointed by the Senate, consisting of Messrs. Scott, Bain, Blount, Cowan and Martin, and the Senate informed thereof by message.

A message from the Senate, proposing to ballot, at the meeting of the
two Houses to-morrow, for a Public Treasurer and Comptroller, and in- 
forming that John Haywood, as Public Treasurer, and Joseph Hawkins, 
as Comptroller, are in nomination for the appointments. 

The bill to authorise Frederick Jones, of Lenoir county, to erect a Bridge 
across Neuse river, was read the second time, and the question shall the 
said bill pass? was determined in the affirmative. The said bill was or- 
dered to be read the third time, and, on motion, laid on the table. 

The bill to locate the Poor House in the county of Davidson, was read 
the second time and passed. On motion, ordered that the said bill be read 
the third time, and the question shall the said bill pass? was determined 
in the affirmative. Ordered that the said bill be engrossed and sent to the 
Senate.

Mr. W. Underwood presented the memorial and representation of the 
Grand Jury of Chatham county, on the subject of a Penitentiary. On mo- 
tion of Mr. W. Underwood, ordered that the memorial be referred to a 
joint select committee, and, on the part of this House, to Messrs. Under- 
wood, Polk, Spruill, Miller and Marshall, and a message sent to the Se- 
ate, requesting their concurrence with the reference.

On motion of Mr. Picot,

Resolved, That the Judiciary committee be instructed to inquire into the expedi- 
cy of so amending the Law relative to Guardians, as to remove any doubts as re- 
gard the extent of their liability after surrender of their trust to the Court from which 
they received it; and that they report by bill or otherwise.

The resignations of James Holland, Lieutenant colonel of the first 
regiment of militia in Lincoln county, and John Kelly, Justice of the 
Peace for Franklin county, were read and accepted.

Received from the Comptroller, a statement, in pursuance to a resolu- 
tion of the last Session of the Assembly, exhibiting the amount of monies, 
so far as returns were made to him, expended in support of the Poor in the 
respective counties of the State. On motion, ordered that the said 
statement or report be sent to the Senate, proposing that the exhibit ac- 
companying the report be printed for the use of the members.

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

Thursday, December 1, 1825.

Mr. Williamson, from the committee appointed to conduct the balloting 
for Governor of this State for the ensuing year, reported that the committee 
had performed that duty, and that, on examining the ballots, a majority 
of the whole number was found to be in favour of Hutchins G. Burton, 
who, therefore, was duly elected. The question to concur with the report 
passed in the affirmative.

On motion of Mr. Picot, ordered that a message be sent to the Senate, 
proposing to raise a joint select committee to wait on the Governor, and to 
inform him of his re-election to the chief magistracy of State for the 
ensuing year, and to know of him when it may be convenient for him to 
attend and take the oaths of qualification. Messrs. Picot, Miller & Wil- 
lerson form the committee on the part of this House.

Samuel P. Ashe, one of the members of Cumberland county, appeared, 
produced his credentials, was qualified, and took his seat.

Mr. Cooper presented a bill allowing compensation to the jurors of 
the Superior and County Courts of Martin county; Mr. Matthews pre- 
sented a bill to repeal in part an act, passed in the year 1820, entitled
"an act to authorise and empower the commissioners of the several towns of Fayetteville, Newbern, Wilmington, and Tarborough to organize and keep up Fire Engine companies; Mr. Durrett presented a bill to restrain improper conversations with free negroes and mulattoes on the subject of emancipation. These bills were respectively read the first time; and the question shall the said bills pass? was determined in the affirmative.

On motion of Mr. Miller,
Resolved. That the Judiciary committee be instructed to inquire into the expediency of so amending the law concerning the trial of slaves, that the Superior Courts shall have original jurisdiction of all cases which shall affect life, limb or member.

Mr. Blount presented a bill to provide for the removal of the shoal in Tar River below the town of Washington. The said bill was read the first time and passed, and, on motion, referred to the committee on Internal Improvements.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the bill to annex part of the counties of Rutherford and Burke to Buncombe county, made a report adverse to the principles of the bill. On motion, ordered that the consideration of the report be postponed until Monday next.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Charles Lewis and Benjamin Hyder, of Rutherford county, reported that the committee had considered the petition, and directed him to recommend its rejection. The question to concur with the report passed in the affirmative.

On motion of Mr. Carson, ordered that he have leave to withdraw from the files the petition of Charles Lewis.

And on motion of Mr. Matthews, ordered that he have leave to withdraw from the files the petition of Sherwood Fort, and the accompanying papers.

Mr. Wilson presented a bill to prevent persons who may be appointed commissioners for any purposes from becoming contractors. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Iredell, from the joint committee of Finance, to whom was referred the resolution directing them to inquire into the expediency of reducing the tax on pedlars on land and water in this State, reported that the committee, agreeably to order, had had the said resolution under consideration, and directed him to report that it is inexpedient to reduce the said tax. Mr. Martin moved that the question be divided, and that the pedlars on land be exempted from the operation of the report. The question thereon passed in the negative. The question then, shall the said report pass? was determined in the affirmative.

The House, on the motion of Mr. Picot, resolved itself into a committee of the whole, Mr. Shepperd in the Chair, on the report of the committee of Privileges and Elections on the petition of Tillman Farrow; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Shepperd reported that the committee of the whole, agreeably to order, had had the said report under consideration, and directed him to recommend to the House that the said report be concurred with. The question thereon passed in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.
Friday, December 2, 1825.

On motion, ordered that Mr. Polk, Mr. Dockery and Mr. Jones be added to the Military committee.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of John Chambers, of Haywood county, reported that the committee had considered the said petition, and directed him to report a bill, to carry into effect the prayer thereof, entitled "a bill to divorce John Chambers, of Haywood county, from his wife Riney." The question to concur with the report passed in the affirmative, and the bill reported, read the first time and passed.

On motion of Mr. Matthews,

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of amending the militia laws of the State, and report by bill or otherwise.

On motion of Mr. Swain, ordered that the bill to cede to the United States a certain tract of land, called Bogue Banks, and the bill to cede to the United States an island at the mouth of Cape-Fear river, be recommitted to the committee who reported them.

On motion, ordered that a message be sent to the Senate, proposing to ballot this morning for a Comptroller for the ensuing year, and informing that the name of William Hill is added to the nomination.

Mr. Polk presented the petition of Robert Bingham, praying to be divorced from his wife Mary. Ordered that the said petition be referred to the committee on Divorce and Alimony.

On motion, ordered that the bill to restrain improper conversations with free negroes and mulattoes, on the subject of emancipation, be referred to the committee on the Judiciary.

On motion, ordered that the consideration of the bill to repeal an act, passed in the year 1819, entitled "an act to create a fund for Internal Improvement, and to establish a Board for the management thereof," be postponed until Tuesday next.

A message from the Senate, informing that Mr. Hill of Franklin and Mr. Melvin attend this House as superintendents, on their part, of the balloting for Comptroller and Treasurer.

On motion, ordered that a message be sent to the Senate, proposing to separate the election; and that a balloting for Treasurer only take place this morning; and informing that Mr. W. T. Williams and Mr. Cowan form the committee on the part of this House to conduct the balloting for Treasurer.

On motion, ordered that a message be sent to the Senate, informing that the name of John G. A. Williamson is added to the nomination for Comptroller.

The bill to authorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse river, was read the third time. Mr. Miller moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the affirmative. Mr. Cox moved that he have leave to withdraw from the files the said bill. The question thereon passed in the negative.

A message from the Senate, informing of their disagreement to the proposition of this House to separate the election for Treasurer and Comptroller.
Mr. Shepperd moved that this House recede from the proposition to separate the election for Treasurer and Comptroller. The question thereon passed in the negative.

Received from the Senate, a message, proposing several amendments to the engrossed bill to keep open the French Broad River, in the county of Buncombe. The said amendments were read and concurred in, and the Senate informed thereof by message.

The bill to prevent persons who may be appointed commissioners for any purposes, from becoming contractors, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The resolution instructing the committee of Finance to inquire into the expediency of providing by law that licenses shall be signed by the Comptroller, and issued and accounted for by the Sheriffs, was returned from the Senate, concurred with.

On motion of Mr. Skinner,

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of appointing in each county within this State a regular and standing Board of Auditors, whose duty it shall be to settle and pass upon all accounts exhibited by executors and administrators of estates; which accounts, so audited and reported upon to the County Courts by the said Board, shall be deemed good and sufficient evidence for and against all such executors or administrators (where fraud shall not appear) in all suits at law, wherein they may be parties, or in their settlements with the County Court; also the propriety of passing an act of limitation, within which all claims for distributive shares of any estate, or claims of any other description, shall be made known to the executors or administrators of such estates, or be forever barred; and that they report by bill or otherwise.

A message from the Senate, informing that they had appointed a committee, consisting of Messrs. Davidson of Mecklenburg, Legrand and Speight of Greene, to join the committee appointed by this House to wait on his Excellency the Governor, and to inform him of his re-election to the Chief Magistracy of State for the ensuing year, and to ascertain when it will be convenient for him to attend and take the oaths for his qualification prescribed by law.

Mr. Martin, in pursuance to his notification, presented a bill to establish a Bank on behalf of and for the benefit of the State. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be printed, two copies for each member of the Assembly.

The bill to repeal so much of the law now in force as provides for the payment of talismen, summoned to attend as jurors in the County and Superior Courts, so far as relates to the county of New Hanover, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, by their Clerk Assistant:

Mr. Speaker,—The Senate have passed a bill to amend the several acts of Assembly passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's Ford, in the county of Wilkes, and for other purposes; also a bill to repeal an act, passed in the year 1824, entitled "an act making compensation to the jurors of the Superior and County Courts of the county of Columbus, and for laying a tax for the same;" also a bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Burke, Haywood, Wilkes and
Ashe;” also a bill to amend an act, passed in 1822, entitled “an act to make compensation to the jurors of the counties of Franklin and Camden;” also a bill to amend an act for the better care of orphans, and security and management of their estates; and also a bill to establish Shady Grove Academy, in the county of Rockingham, and to incorporate the trustees thereof. In which they ask the concurrence of this House.

The bill to repeal in part an act, passed in the year 1811, entitled “an act for the better regulation of roads in the counties of Buncombe, Burke, Haywood, Wilkes and Ashe;” also the bill to amend an act for the better care of orphans, and security and management of their estates; also the bill to amend an act, passed in the year 1822, entitled “an act to make compensation to the jurors of the counties of Franklin and Camden;” also a bill to repeal an act, passed in the year 1824, entitled “an act making compensation to the jurors of the Superior and County Courts of the county of Columbus, and laying a tax for the same;” also the bill to establish Shady Grove Academy, in the county of Rockingham, and to incorporate the trustees thereof. These bills were respectively read for their first reading, and the question shall the said bills pass? was determined in the affirmative.

The bill to authorise the County Court of Perquimons to distribute and apportion the inhabitants of the town of Hertford, on the streets and the public roads adjacent thereto, in a just and equitable manner, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The resignation of Thomas J. Hicks, Col. Commandant of the 37th regiment of infantry in the 16th brigade of the militia, was read and accepted.

A message from the Senate, informing of the assent of that House to the reference of the report of the Public Treasurer to the committee of Finance, and the printing of the same with attendant exposes.

The House then adjourned until to-morrow morning, 10 o’clock.

Saturday, December 3, 1825.

The bill to amend the several acts of Assembly passed to extend and improve the State road leading from Wilkesborough to the foot of Laurel Hill, by way of Holman’s Ford, in the county of Wilkes, and for other purposes, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

On motion of Mr. Edwards,

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of so amending the laws of the State prescribing the duties of Sheriffs, as to enable the County Trustees and the Wardens of the Poor for the respective counties in the State, to proceed by citation against the securities as well as the Sheriffs or Sheriffs, who may fail to pay over and account for, as by law required, to the Trustees and County Wardens as aforesaid, such monies as the Sheriffs of the respective counties in the State may collect for county uses and the support of the poor, to the intent that judgment may be obtained against such defaulting Sheriff and his securities, without having to resort to the more tedious process by writ; and that they report by bill or otherwise.

Mr. Durrett presented a bill to alter the dividing line between the counties of Surry and Stokes; Mr. Caldwell presented a bill to authorise the trustees of the Salisbury Academy to raise, by way of Lottery, ten
thousand dollars; Mr. Best presented a bill to incorporate Line Academy, in the county of Sampson; Mr. Smith, of Davidson, presented a bill to establish Lexington Academy, in the county of Davidson, and incorporate the trustees thereof. These bills were severally read the first time, and the question shall the said bills pass? was determined in the affirmative.

Received from the Senate, the report of the select committee on the Public Printing; which was read and laid on the table.

On motion of Mr. Foy, ordered that a message be sent to the Senate, proposing to ballot immediately for a Public Printer for the ensuing year.

On motion of Mr. Picot,

Resolved, That a message be sent to the Senate, proposing to appoint a select joint committee for the purpose of inquiring into the propriety of establishing a Medical Board for the State; and Messrs. Scott, Ashe, W. W. Jones, Allen and Wilson form this committee.

A message from the Senate, agreeing to ballot this morning for a Public Printer for the ensuing year; and that Mr. Hill of Franklin and Mr. Bethune form the committee on their part.

On motion, ordered that a message be sent to the Senate, informing that Mr. Scott and Mr. Bain form the committee on the part of this House to conduct the balloting for Public Printer.

A message from the Senate, proposing that the superintendents of the balloting for Public Printer be directed to wait on the members confined in their chambers, and to receive their ballots. The question to concur with the message passed in the negative, and the Senate was informed thereof by message.

A message from the Senate, informing that they had passed a bill to incorporate Ebenezer Academy, in the county of Person, and asking the concurrence of this House. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Elliott presented a bill to authorise John Matthews to erect a gate on the public road leading to Matthews' ferry, in the county of Cumberland; Mr. Mhoon presented a bill to establish a poor house in the county of Bertie; Mr. M'Cauley presented a bill to prevent protracted litigation, by enlarging the jurisdiction of Justices of the Peace. These bills were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative. On motion, ordered that the latter lie on the table and be printed.

Mr. Scott, from the committee appointed to conduct the balloting for Public Printer for the ensuing year, reported that the committee had performed the duty assigned to them, and that, on examining the ballots, it appeared Bell & Lawrence had a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

Mr. Vann presented the petition of Hiram Stewart, of the city of Raleigh, praying to be employed as the keeper of the State House; Mr. Durrett presented the petition of Abraham Stout, of the county of Surry, stating that a valuable part of his lands has been materially injured by the erection of a dam, constructed by the Yadkin Navigation Company, at the head of the Bean Shoals, and praying for renumeration. Ordered that the said petitions be referred to the committee of Propositions and Grievances.
Mr. W. W. Jones presented the petition of William Boylan, of the city of Raleigh, in behalf of himself and other heirs of the late Benjamin M'Culloch, praying for the repayment of certain monies paid by their ancestor, for a tract of confiscated lands, purchased by him, and of which they have been evicted by due course of law. On motion, ordered that the said petition be referred to the committee of Claims.

Mr. Unthank presented the petition of Elizabeth Lomar, of Guilford county, praying for the passage of a law, securing to her such property as she may hereafter acquire, from the claim or disposal of her husband. Ordered that the said petition be referred to the committee on Divorce and Alimony.

Mr. Gordon presented the petition of sundry citizens of Wilkes county, praying for the appropriation of a sum of money for the improvement of a road from Wilkesborough to the Salt Springs, in Virginia. Ordered that the said petition be referred to the committee on Internal Improvements.

The bill to establish Lexington Academy, in the county of Davidson, and to incorporate the trustees thereof; also the bill to establish a poor house in the county of Bertie; also the bill to authorise the trustees of the Salisbury Academy to raise, by way of Lottery, ten thousand dollars; and also the bill to repeal in part an act, passed in the year 1820, entitled "an act to authorise and empower the commissioners of the several towns of Fayetteville, Newbern, Wilmington and Tarborough to organize and keep up fire engine companies;" also the bill to authorise the County Court of Perquimons to distribute and apportion the lands belonging to the inhabitants of the town of Hertford on the streets of said town, and the public roads adjacent thereto, in a just and equitable manner; also the bill allowing compensation to the jurors of the Superior and County Courts of Martin county; also the bill to incorporate Line Academy, in the county of Sampson; also the bill to repeal so much of the law now in force, as provides for the payment of talismen summoned to attend as jurors in the County and Superior Courts, so far as it relates to the county of New-Hanover. These bills were respectively read the second and third times, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate for concurrence.

The bill to establish Shady Grove Academy, in the county of Rockingham, and to incorporate the trustees thereof; also the bill to divorce John Chambers, of the county of Haywood, from his wife Riney; also the bill to repeal an act, passed in the year 1824, entitled "an act making compensation to the jurors of the Superior and County Courts for the county of Columbus, and laying a tax for the same;" and also the bill to authorise John Matthews to erect a gate on the public road leading to Matthews's ferry, in the county of Cumberland. These bills were each read the second time; and the questions shall the said bills pass? were determined in the affirmative.

The bill to incorporate Ebenezer Academy, in the county of Person, was read the second and third times, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

Mr. Picot presented a bill to repeal an act, entitled "an act to increase
the salary of the Public Printer," passed in 1815. Mr. Wilson presented a bill to alter the mode of punishment for the crime of horse-stealing. These bills were read for their first reading; the former passed, and the latter referred to the Judiciary committee.

The bill to amend an act, passed in the year 1822, entitled "an act to make compensation to the jurors of the counties of Franklin and Camden," was read the second and third times, and the questions shall the said bill pass? were determined in the affirmative. Ordered, that the said bill be enrolled.

The bill to alter the dividing line between the counties of Surry and Stokes, was read and ordered to lie on the table.

The bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe," was read the second time and passed. Ordered that the said bill lie on the table.

Mr. Williamson, from the committee of Divorce and Alimony, to whom was referred the petition of Eliza Bevins, praying to be divorced from her husband Simpson Bevins, reported that the committee, agreeable to order, had had the said petition under consideration, and instructed him to report that it is inexpedient to grant the prayer thereof. The question thereon passed in the affirmative.

A message from the Senate, agreeing to refer to a select joint committee the memorial or representation of the grand jury of Chatham county, on the subject of a Penitentiary; and informing that Messrs. Gilchrist, Hogan, Joiner, Montgomery and Hill of Stokes form the committee on their part.

The bill to amend an act for the better care of orphans, and security and management of their estates, was read, amended, and referred to the Judiciary committee.

The resignations of N. G. Rand, Major of the 1st regiment of the Wake county militia, and Stephen Turner, Justice of the Peace for the county of Warren, were read and accepted.

Mr. Picot, from the select joint committee appointed to wait on his Excellency the Governor, and inform him of his re-election to the Chief Magistracy of State for the ensuing year, and to ascertain when it would be convenient to qualify, reported that the committee had performed the duty assigned to them, and the Governor replied that he would, on Tuesday next, at 12 o'clock, attend and take the oaths prescribed by law for his qualification.

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

MONDAY, DECEMBER 5, 1825.

Received from the Senate, a resolution for the purpose of raising a joint select committee to inquire into the expediency of altering the time of the meeting of the General Assembly, and that they report by bill or otherwise; and informing that Messrs. Speight of Greene, Love, Forney, Pickett, and Hill of Franklin form the committee on their part. The said resolution was concurred in, and a committee appointed, consisting of Messrs. Polk, Barnett, Elliott, Gary and Gause, to join the committee appointed by the Senate.

On motion, ordered that a message be sent to the Senate, proposing to ballot this morning for a Public Treasurer, for the ensuing year.
A message from the Senate, informing that Mr. Davenport and Mr. Shuford attend this House as a committee to conduct the balloting for Public Treasurer on their part.

On motion, ordered that the Senate be informed by message that Mr. N. Jones and Mr. Bozman form the committee on the part of this House to conduct the balloting for Public Treasurer.

On motion of Mr. Durgan, ordered that a message be sent to the Senate, proposing to ballot immediately for Comptroller for the ensuing year.

A message from the Senate, informing that they had passed a bill to divorce Elizabeth Brickell, of Halifax county, from her husband Samuel Brickell, and to alter her name; and a resolution in favor of Matthew Miller, and asking the concurrence of this House.

The bill to divorce Elizabeth Brickell, of the county of Halifax, from her husband Samuel Brickell, and to alter her name, was read the first time; and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing of their assent to the proposition of this House to ballot immediately for a Comptroller, and informing that Mr. Vanhook and Mr. Montgomery form the committee on their part to conduct the balloting.

On motion, ordered that a message be sent to the Senate, informing that Mr. Durgan and Mr. Webb attend the Senate as a committee on the part of this House to conduct the balloting for Comptroller.

Mr. Clement presented a bill to alter the name of Edward Newton, of Rowan county, and to legitimize him. Mr. Ashe presented a bill more effectually to suppress the practice of treating in elections. These bills were read each the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. N. Jones, from the committee appointed to conduct the balloting for a Public Treasurer for the ensuing year, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, the majority of the whole number was found to be in favor of John Haywood, who was duly elected. The question to concur in the report passed in the affirmative.

The bill to establish a distinct militia company and battalion muster in the county of Carteret, was read the second and third times, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Swain presented a bill to arrange in numerical order the regiments of infantry of the militia of this State in the counties in which they are located. The said bill was read, and, on motion, referred to the committee on Military Affairs.

Mr. Durgan, from the committee appointed to superintend the balloting for Comptroller for the ensuing year, reported that the committee had performed the duty assigned to them; and, on examining the ballots, a majority of the whole number was found to be in favor of Joseph Hawkins, who was duly elected. The question to concur with the report passed in the affirmative.

The bill to repeal an act, entitled "an act to increase the salary of the Public Printer," was read. Mr. Burns moved to amend the said bill by striking out the whole, and substituting an amendment, which he present-
Resolved, That all resolutions, the object of which is to draw money from the Treasury, shall be read three times.

The bill to prevent persons who may be appointed commissioners for any purposes from becoming contractors, was read and amended. On motion, ordered that the said bill be referred to the committee on the Judiciary.

Mr. Dockery presented a bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

On motion of Mr. Wilson,
Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of making an appropriation for the better improving and finishing the State road leading from Wilkesborough, crossing the Brushy Mountain, at Green's Gap, to the widow Bogle's, in Iredell county; and that they have leave to report by bill or otherwise.

On motion of Mr. Holland,
Resolved, That the Military committee be instructed to inquire into the propriety of so amending the militia laws, as to prescribe the arms, accoutrements and uniform proper to be worn by the militia officers of every grade which are not already prescribed by law; and that they report by bill or otherwise.

On motion, ordered that Messrs. Spruill, W. W. Jones, Miller and A. Moore be added to the Judiciary committee.

Mr. Gordon presented the petition of Willis Alexander, of Wilkes county, stating that he has been indicted and convicted of perjury; from which sentence he has obtained an appeal to the Supreme Court; but is now confined in jail; and prays that he may enter into bail for his appearance at Court, and sustaining the ultimate sentence. Ordered that the said petition be referred to the committee of Propositions and Grievances.

The bill to repeal an act, passed in the year 1824, entitled "an act making compensation to the jurors of the Superior and County Courts of the county of Columbus, and for levying a tax for the same;" also the bill to establish Shady Grove Academy, in the county of Rockingham, and to incorporate the trustees thereof, were each read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

Mr. Love presented the petition of Joseph Welch, of Haywood county, praying to be authorised to erect a gate on a road leading through his plantation. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Bain presented a bill to repeal the 10th section of an act directing the manner in which Clerks of the Superior Courts shall be appointed, passed in the year 1806, entitled "an act for the more convenient administration of justice within this State." The said bill was read the first time and passed. On motion of Mr. Bain, ordered that the said bill be referred to the Judiciary committee.
On motion of Mr. Shepperd,
Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of providing by law for the establishment and construction of a State road from Fayetteville to the town of Salem, in Stokes county, and from thence to Wilkesborough, in the county of Wilkes, with leave to report by bill or otherwise.

On motion of Mr. Gorham,
Resolved, That the Judiciary committee be instructed to inquire into the expediency of reporting a bill making overseers of public roads competent witnesses in all cases, where it shall be their duty to give notice to the hands of the time of their working, under the same rules and regulations as are now required under the book debt laws.

On motion of Mr. Durrett,
Resolved, That the Judiciary committee be instructed to inquire into the propriety of so amending the laws of this State relative to the proving of deeds, bills of sale, mortgages, &c. &c. that the same may be proved before the Clerk of the County Court in which said deed, bills of sale, &c. are by law required to be registered, or before any two Justices of the Peace for said county; and that they report by bill or otherwise.

Mr. Cowen presented a bill to repeal an act, passed in 1824, entitled "an act to regulate the patrol of Ashe and New Hanover counties." The said bill was read the first time and passed.

The resolution in favor of Matthew Miller, of the county of Mecklenburg, allowing him a pension of seventy dollars per year during life, was read the first time and passed.

Mr. Howell presented a bill to alter the name of Henry Brown, of Robeson county, and to legitimate him. The said bill was read the first time and passed.

The bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond, was read. Mr. W. W. Jones moved to amend the said bill, by adding the county of New Hanover. The question thereon passed in the affirmative. On motion of Mr. Jones, ordered that the said bill lie on the table.

The bill to divorce Elizabeth Brickell, of Halifax county, from her husband Samuel Brickell, and to alter her name, was read the second and third times, and the questions shall the said bill pass? were determined in the affirmative. Ordered that the said bill be enrolled.

The bill to divorce John Chambers, of the county of Haywood, from his wife Riney; also the bill to authorize John Matthews to erect a gate on the public road leading to Matthews' ferry, in the county of Cumberland, were read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The resignation of Thomas D. Kelly, Colonel Commandant of the first regiment of the Surry county militia, was read and accepted.

Received from his excellency the Governor, by his private Secretary, Mr. Campbell, the following communication:
To the Honorable the General Assembly of the State of North Carolina.

Gentlemen,—I have the honor herewith to transmit you a report, communicated to this department by the Adjutant General. Several amendments are proposed to the militia laws of the State. All which is respectfully submitted.

Your most obedient servant,

H. G. BURTON.

Executive Department, 7
5th December, 1825.
On motion, ordered that the said report be referred to the Military committee, and be printed for the use of the members.

The House then adjourned until to-morrow morning, 10 o’clock.

Tuesday, December 6, 1825.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of Judith De La Chapell, reported that the committee had considered the said petition, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the negative. Whereupon Mr. Marshall presented a bill to divorce Judith De La Chapell from her husband Gabriel De La Chapell. The said bill was read the first time and passed.

Mr. Lewis presented the petition of Frances Womack, of Person county, praying to be divorced from her husband Henry Womack. Mr. W. W. Jones presented the petition of Jonathan Bryan, of New Hanover county, praying to be divorced from his wife Ann Jane. Ordered that these petitions be referred to the committee on Divorce and Alimony.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to divorce Elizabeth Ferguson, of Wilkes county, from her husband James Ferguson; also a bill to secure to Sarah Wootters, of Guilford county, such property as she may hereafter acquire; also a bill to incorporate the Agricultural Society of Stokes county; also a bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; and also a bill to secure to Elizabeth Witherspoon, of Wilkes county, such property as she may hereafter acquire; and asking for the concurrence of this House.

The certificate of the County Court of Warren, in favor of Elizabeth Harris, widow of Burrell Harris, allowing her a pension of seventy-five dollars for the present year, countersigned by the Speaker of the Senate, was read, and, on motion, countersigned by the Speaker of this House.

The bill to incorporate the Agricultural Society of Stokes county; also the bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift, were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to secure to Elizabeth Witherspoon, of Wilkes county, such property as she may hereafter acquire; also the bill to divorce Elizabeth Ferguson, of Wilkes county, from her husband James Ferguson; and also the bill to secure to Sarah Wootters, of Guilford county, such property as she may hereafter acquire, were severally read and ordered to lie on the table.

Mr. A. Moore, from the committee on Internal Improvements, to whom was referred the petition of Thomas W. P. Poindexter, of the county of Haywood, praying for the privilege of a turnpike road, reported that the committee had the said petition under consideration, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

On motion of Mr. Miller, ordered that a message be sent to the Senate, proposing that the select joint committee appointed to wait on his Excellency and to inform him of his re-election, be now directed to wait on
him and conduct him into the Commons Hall, for the purpose of his qualification as Governor for the ensuing year.

On motion, ordered that Mr. Bonner have leave to withdraw from the files the documents and papers appertaining to the contested election from the county of Hyde.

Mr. Gause presented a bill granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury is necessary. Mr. Gary presented a bill to incorporate Farmers' Library Society, in the county of Northampton. These bills were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. W. Underwood presented a bill to repeal an act, entitled "an act limiting the time within which judgments before a Justice of the Peace may be revived." The said bill was read the first time and passed, and, on motion, referred to the Judiciary committee.

Mr. Swain, from the committee to whom were recommitted the bill to cede to the United States an Island, called Oak Island, at the mouth of Cape-Fear River; also the bill to cede to the United States a certain tract of land, called Bogue Banks, reported the said bills with several amendments. The said bills, as amended, were read the second time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to incorporate the Agricultural Society of Stokes county, was read the second time and passed. Ordered that the said bill be read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

The bill to alter the name of Edward Newton Daniel, of Rowan county, and to legitimate him, was read the second time and passed. On motion, ordered that the said bill be read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

On motion of Mr. Bain,

Resolved, That the committee on Military Affairs be instructed to inquire into the propriety of classing the militia of this State into two classes; the first class to consist of effective men from the age of eighteen to thirty-five years; the second class to consist of effective men from the age of thirty-five years to forty-five; that the effective men constituting the first class shall be subject to do military duty as now by law required; that the effective men composing the second class be only held bound to do military duty on days of regimental or general reviews.

Resolved further, That the same committee inquire into the expediency of placing the public arms, not otherwise disposed of, in the hands of the militia of the first class, to be used by them under the same rules, restrictions and regulations as the several acts relative to public arms require; and that they report by bill or otherwise.

The bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond, was read the second time, and amended. The question shall the said bill pass? was determined in the affirmative.

The bill to repeal an act, passed in 1824, entitled "an act to regulate the patrol of Ashe and New-Hanover counties," was read the second time. The question shall the said bill pass? was determined in the affirmative.
The bill to alter the name of Henry Brown, of Robeson county, and to legitimate him, was read the second time. Mr. A. Moore moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative. The question then shall the said bill pass? was determined in the affirmative. Ordered that the said bill be read the third time. Mr. Webb moved that the question be decided by the yeas and nays, and the question shall the said bill pass? was determined in the negative—yeas 37, nays 77.


His Excellency Hutchins G. Burton, in pursuance to his notification, attended in the Commons Hall, at twelve o'clock this day, both Houses being convened, and qualified as Governor of the State for the ensuing year, the several oaths prescribed by law for his qualification being administered by Chief Justice Taylor.

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

WEDNESDAY, DECEMBER 7, 1825.

A message from the Senate, agreeing that the report of the Adjutant General be printed, as proposed by this House; and informing of the assent of that House to the several amendments made by this House in the engrossed bill to amend the several acts of Assembly passed to extend and improve the State road from Wilkesborough to the foot of Laurel Hill, by way of Holman's Ford, in the county of Wilkes, and for other purposes. Ordered that the said bill be enrolled.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Surry county, on the subject of a mill dam, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

Mr. M'Caulley presented a bill to incorporate University Lodge, No. 80, in the county of Orange. Mr. Caldwell presented a bill to alter the time of holding the Superior Courts of the counties of Davidson and Rowan. These bills were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

On motion of Mr. W. W. Jones, ordered that the bill granting to the Superior Court of the County of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury is necessary, be referred to the Judiciary committee.
The bill to incorporate Farmers' Library Society, in the county of Northampton, and the Library Society of Greensborough, in Guilford county, was read the second time and amended. The question shall the said bill pass? was determined in the affirmative.

The bill to repeal an act, passed in 1824, entitled "an act to regulate the patrol of Ashe and New-Hanover counties;" also the bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond, were read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

A message from the Senate, informing that they had rejected the engrossed bill allowing compensation to the jurors of the Superior and County Courts of Martin county; and that they had passed the following engrossed bills and resolution, to wit: A bill to establish a poor house in the county of Burke; also a bill for the improvement of the navigation of Perquimons river above Newby's bridge; also a bill making compensation to the jurors of the Superior and County Courts of Ashe county; also a bill to restore to credit Thomas Bennett, of Stokes county; and a resolution in favor of Dugald M'Farland; and asking the concurrence of this House.

The bill for the improvement of the navigation of Perquimons river above Newby's bridge; also the bill to establish a poor house in the county of Burke; and also the bill making compensation to the jurors of the Superior and County Courts of Ashe county, were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to restore to credit Thomas Bennett, of Stokes county, was read, and, on motion of Mr. Caldwell, referred to the Judiciary committee.

On motion of Mr. Iredell, ordered that the resolution in favor of Dugald M'Farland be referred to the committee of Claims.

Mr. Love presented the petition of John Wekel and Barbary Buff, of Haywood county, praying for the remission of certain fines imposed on them by the Court of their county. The said petition was read, and, on motion, rejected.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Ephraim Elliott and others, of the county of Chowan, made a report unfavorable to the prayer of the petition, and recommending its rejection. The question to concur with the report passed in the affirmative.

Mr. Weaver presented the following resolution:

Resolved, That the Secretary of State be directed to issue a grant to Joseph Whitson, of the county of Buncombe, for one hundred acres of land, agreeably to the survey returned to the proper office on the entry taker's warrant and the Treasurer's receipt for the payment of the purchase money.

Ordered that the said resolution be referred to the committee of Claims.

Received from the Senate, a certificate of the County Court of Cumberland, countersigned by the Speaker, allowing a pension of twenty pounds to Ann Morrison, widow of Alexander Morrison, deceased, a soldier wounded in the war of the revolution. On motion, ordered that the said certificate be countersigned by the Speaker of this House, and returned to the Senate.
A message from the Senate, informing that they had rejected the engrossed bill to authorise the County Court of Perquimons to distribute and apportion the hands belonging to the inhabitants of the town of Herford on the streets of said town, and the public roads adjacent thereto, in a just and equitable manner.

On motion of Mr. Love, ordered that he have leave to withdraw from the files the petition of John Wekel, of Haywood county.

The bill to cede to the United States a certain tract of land, called Bogue Banks; also the bill to cede to the United States an island, called Oak Island, or so much thereof as shall be purchased by the United States, for the purpose of erecting a fortification at the mouth of Cape Fear River, were read, each, the third time, and amended, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

On motion of Mr. Gary,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of reporting a bill making it the duty of the Sheriff or Coroner, on all executions from the Supreme Court, to pay into the office of the Superior Court from whence the appeal was taken the cost due in said Court.

Mr. Cooper presented a bill to regulate the hire of Slaves. The said bill was read the first time and passed.

On motion of Mr. Swain, ordered that the bill more effectually to suppress the practice of treating in elections be made the order of the day for to-morrow, then to be considered in committee of the whole House.

On motion of Mr. Martin, ordered that the bill to establish a Bank on behalf of, and for the benefit of the State, be of the order of the day for Monday next, then to be taken up in committee of the whole House.

The report of the committee of Propositions and Grievances, to whom was referred the bill to annex part of the counties of Rutherford and Burke to Buncombe county, recommending the rejection of said bill, was read and concurred with.

On motion, ordered that the bill to repeal 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," lie on the table.

Mr. Bain presented a bill to amend and explain the 8th section of an act, passed in the year 1784, entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this State to order the laying out public roads," &c. &c. The said bill was read the first time and passed.

The bill to alter the time of holding the Superior Courts of the counties of Davidson and Rowan; also the bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift, were read the second time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Ashe presented the following resolution:

Resolved, That the committee on Education be instructed to ascertain and report to this House, as soon as possible, whether the committee appointed by the last General Assembly of this State, for the purpose of digesting a plan for the instruction of the children of the poor in the several counties in this State, intend reporting thereon or not; and, if not, that the said committee be further instructed to inquire into the expediency of reporting a bill creating a fund for, and a plan by which common schools may be established for the convenient instruction of the indigent youth in every county of this State.

On motion, ordered that the said resolution lie on the table.
The bill to incorporate University Lodge, No. 80, in the county of Orange, was read the second time and passed. On motion, ordered that the said bill be read the third time; and the question shall the said bill pass its third reading? was determined in the affirmative.

The bill to incorporate Farmers' Library Society, in the county of Northampton, and the Library Society of Greensborough, in Guilford county, was read the third time and passed.

Ordered that the said bills be engrossed and sent to the Senate.

Mr. Pickens presented the petition of Moses Kiser, of Montgomery county, praying that the lines of the county may be so altered as to include the lands on which he lives in the county of Cabarrus. Ordered that the said petition be referred to the committee of Propositions and Grievances.

The resolution in favor of Matthew Miller, was read the second time and passed.

On motion, ordered that the bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe," be referred to a select joint committee, and, on the part of this House, to Messrs. Miller, Wilson, Love, Whitaker and L. J. Simmons; and that a message be sent to the Senate, asking the concurrence of that House with the reference.

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

THURSDAY, DECEMBER 8, 1825.

On motion of Mr. Gary,

Resolved, That the Treasurer pay George W. Lumsden the sum of twenty-four dollars twelve and an half cents, for carrying a writ of election to the Sheriff of Northampton county, to fill the vacancy in the Senate of this General Assembly, occasioned by the death of John Peebles, Esquire.

The said resolution was read the first time and passed.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Abraham Stow, of the county of Surry, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is not expedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

Mr. Matthews presented a bill to authorise the building of a toll bridge over the river Cape Fear, at or near the place where a direct line from Fayetteville to the city of Raleigh would cross the same, and to incorporate a company for that purpose. The said bill was read the first time and passed, and, on motion of Mr. Matthews, referred to the committee on Internal Improvements.

Mr. A. Moore, from the committee on Internal Improvements, to whom was referred the bill to provide for the removal of the shoal in the Tar river below the town of Washington, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that it is expedient to pass the same. The report was concurred in, and the bill read the first time and passed.

Mr. Moore, from the same committee, to whom was referred the resolution on the subject of appropriating a sum of money for completing the State road from Wilkesborough to the widow Bogle's, in Iredell county, reported that the committee, according to order, had the said resolution
under consideration, and instructed him to report a resolution appropriating the sum of two hundred dollars for said object. The said resolution was read the first time and passed.

Mr. Webb presented a bill to increase the tax on billiard tables. The said bill was read the first time and rejected.

Mr. Caldwell presented a bill respecting a Light Infantry Company in the town of Salisbury, commanded by Captain Samuel Lemley. The said bill was read the first time, passed, and, on motion of Mr. Caldwell, referred to the Military committee.

Mr. Gause presented the following resolution:

Whereas the General Assembly of North Carolina, A. D 1821, Chapter CXXX, did appoint commissioners to lay out the streets in the town of Fayetteville, and to establish the boundaries thereof, and the said commissioners, in the prosecution of their duty in laying off said streets, an error was obtained in spelling one of the inferior streets of said town, which instead of “Robinson street,” should be “Robeson street,” and whereas plats of said town have been deposited in the offices of Secretary of State, the Clerk of the County Court of Cumberland county, and the Clerk of the town of Fayetteville;

Resolved, That the Secretary of State, the Clerk of the County Court of Cumberland county, and the Clerk of the town of Fayetteville, be, and they are hereby directed to correct the said error in the plan of the town of Fayetteville, deposited in their several offices, and instead of Robinson street, insert Robeson street.

The question to concur with the resolution passed in the affirmative.

On motion, ordered that Mr. Harper have leave of absence from the service of this House after this day until Saturday next.

The bill for the improvement of the navigation of Perquimons river above Newby’s Bridge; also the bill to establish a poor house in the county of Burke, were read each the second time; and the questions shall the said bills pass? were determined in the affirmative.

The bill to alter the time of holding the Superior Courts of the counties of Davidson and Rowan, was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Scott, from the committee on the Judiciary, to whom was referred the bill to repeal the 10th section of an act directing the manner in which Clerks of the Superior Courts shall be appointed, passed in the year 1806, entitled “an act for the more convenient administration of justice within this State,” reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that it is inexpedient to pass the same. The report was read and disagreed to, and the bill, on motion, was read the second time; and the question shall the said bill pass? was determined in the affirmative.

Mr. Scott, from the same committee, to whom was referred the bill to restore to credit Thomas Bennett, of Stokes county, reported that the committee, according to order, had the said bill under consideration, and instructed him to report it without amendment. The report was concurred in, and the bill read the first time and passed.

The bill making compensation to the jurors of the Superior and County Courts of Ashe county, was read the second time. The question shall the said bill pass? was determined in the affirmative.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of Gideon B. Smith, praying to be divorced from his wife Eleanor, reported that the committee, according to order, had considered the said petition, and instructed him to report a bill, in pursu-
ance to the prayer of the petition, to divorce Gideon B. Smith from his wife Eleanor, and to recommend its passage. The said bill was read the first time and passed.

Mr. Scott, from the committee on the Judiciary, to whom was referred the bill to alter the mode of punishment for the crime of horse stealing, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that it is not expedient to increase the penalty for horse stealing, and to recommend the rejection of the said bill. The report was concurred in, and the bill read the first time and rejected.

Mr. Scott, from the same committee, to whom was referred the bill to restrain improper conversations with free negroes and mulattoes, on the subject of emancipation, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that it is inexpedient to pass the same. The report was concurred in, and the bill read and rejected.

Mr. Iredell, from the committee of Finance, to whom was referred the message of the Governor of the 28th November, with the accompanying papers, in relation to the expenses attending the reception of General La Fayette, reported that the committee had, according to order, had the vouchers of expenditures aforesaid under consideration, and instructed him to report that they found them correct. The question to concur with the report passed in the affirmative.

On motion of Mr. Swain,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of extending the power of the Governor of this State in issuing proclamations for the apprehension of fugitives from justice as to embrace notorious offenders going at large within, as well as without the limits of the State.

On motion of Mr. Wm. Underwood,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of amending the laws concerning attachments and garnishments, as to give to a Justice of the Peace power in all cases of debts coming within his jurisdiction, where the delinquent has not absconded or removed, as now provided for by law, but placed his property or money in the hands of another to defraud his creditor, to issue attachment in the usual form; and also a summons or summonses to compel the suspected person or persons to appear before him, and make oath and declare what property is in his hands belonging to said debtors, then to be subject to the usual course of procedure.

The resignations of W. W. Parker, Colonel of the the first regiment of the Wake county militia; Benjamin Herring, of Wayne county, and Nathaniel Souls, of Columbus county, Judges of the Peace, were read and accepted.

Mr. Scott, from the committee on the Judiciary, to whom was referred the bill to amend an act, entitled "an act to amend an act, entitled "an act to prevent the stealing of slaves or, by violence, seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes therein mentioned," passed in the year 1792, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that the provisions of the said act ought to be extended, and to recommend the passage of the same, with several amendments. The report was concurred in; and the bill and amendments being read, Mr. Iredell moved that the House resolve itself into a committee of the Whole House on the said bill. The
Friday, December 9, 1825.

On motion, ordered that Mr. Crawford have leave of absence from the service of this House from this day until Monday next.

Mr. Miller, from the committee of claims, to whom was referred the resolution in favor of John Barnett, Sheriff of Person county, reported that the committee, according to order, had the said resolution under consideration, and instructed him to recommend that it be passed. The report was concurred in, and the resolution read the first time and passed.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Hyram Stewart, reported that the committee, according to order, had had the said petition under consideration, and instructed him to report that it is not expedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

Mr. Gary presented a bill to explain and amend an act, passed in the year 1819, chapter 1000, giving to the Courts of Pleas and Quarter Sessions power to regulate separate elections. Mr. Carson presented a bill to keep open, for the passage of fish, Main White Oak river, in the county of Rutherford. Mr. Cox presented a bill to regulate the time of closing the polls at the several elections in the county of Lenoir. The said bills were read, each; for the first time; and the questions shall the said bills pass? were determined in the affirmative.

The bill to establish a poor house in the county of Burke; also the bill making compensation to the jurors of the Superior and County Courts of Ashe county; also the bill for the improvement of the navigation of Perquimons river above Newby's Bridge, were severally read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

The bill to divorce Gideon B. Smith from his wife Eleanor, was read the second time and passed.

Mr. Miller, from the committee of Claims, to whom was referred the resolution in favor of Dugald M'Farland; reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that it is reasonable, and to recommend that it be passed. The report was concurred in, and the resolution read, passed, and ordered to be enrolled.

Mr. Scott, from the Judiciary committee, to whom was referred the bill granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury is necessary, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report it with sever-
al amendments. The report was concurred in, and the bill read the second time and amended. The question shall the said bill pass? was determined in the affirmative.

Mr. Scott, from the same committee, to whom was referred the engrossed bill to amend an act for the better care of orphans, and security and management of their estates, reported that the committee, according to order, had considered the said bill, and instructed him to report it with several amendments, and recommend that it be passed into a law. The report was concurred in, and the bill, as amended, read the second time and passed.

Mr. Iredell presented a certificate of the County Court of Chowan, allowing Eleanor True Love a pension of seventy-five dollars for the present year. Ordered that the said certificate be countersigned by the Speaker, and sent to the Senate.

Mr. Scott, from the Judiciary committee, to whom was referred the bill to prevent persons who have been, or may be appointed commissioners on the part of the State for any purposes, from becoming contractors, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report the said bill with several amendments. The report was concurred in, and the bill, as amended, read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Williamson, from the committee on Divorce and Alimony, reported on the petitions of Jonathan Bryan, of the town of Wilmington, and Elizabeth Lemar, of Guilford county, unfavorably, recommending their rejection. The question to concur with the report passed in the affirmative.

On motion of Mr. W. W. Jones, ordered that Jonathan Bryan, of the town of Wilmington, have leave to withdraw from the files his petition and accompanying papers.

The House, according to the order of the day, resolved itself into a committee of the whole House, Mr. Shepperd in the Chair, on the bill more effectually to suppress the practice of treating in elections; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Shepperd reported that the committee of the Whole had had again under consideration the said bill, and instructed him to report it to the House, and to recommend that it be passed into a law. The report was concurred in, and the bill read for its second reading. Mr. Stedman moved to amend the said bill, by adding the words except at his own house. The question thereon passed in the negative. Mr. Martin moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative—yeas 47, nays 71. The yeas and nays called for by Mr. Stedman.


The bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative.

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

SATURDAY, DECEMBER 10, 1825.

On motion, ordered that Mr. Brooks have leave to absent himself from the service of the House from this day until Monday next.

On motion of Mr. Foy,

Resolved, That the Judiciary committee be instructed to enquire whether it is not expedient to so amend the outlawry law in such manner as to make any slave absconding from his master or mistress's services, and arming him or themselves with fire arms, to be considered by proof thereof, to be legally outlawed; and report by bill or otherwise.

The bill granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a Jury is necessary, was read the third time and amended, and the question shall the said bill pass its third reading? was determined in the affirmative.

Ordered that the said bill be engrossed and sent to the Senate.

Mr. Melchor presented a bill to amend the first section of an act, passed in 1819, concerning the town of Concord. The said bill was read the first time and passed.

Mr. Scott, from the Judiciary committee, to whom was referred a resolution directing them to enquire into the propriety of amending the laws relative to the proving of deeds, bills of sale, mortgages, &c. reported that the committee had, according to order, considered the said resolution, and instructed him to report that it is not expedient to amend the laws in that respect. The question to concur with the report passed in the affirmative.

Mr. E. Williams presented the petition of William L. Hill, Colonel of the Onslow county militia, stating that a detachment of the militia of said county was ordered into service in the year 1821, to suppress an insurrection of the slaves, and praying that the detachment be paid for services rendered. Ordered that the said petition be referred to the committee of Claims.

Mr. Donoho, from the select committee to whom was referred the bill to fix the compensation hereafter to be given to the Public Printer in this State, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report it with an amendment, and to recommend its passage. The report was concurred in, and the bill, as amended, read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to authorise the County Court of Robeson to perfect title for land whereon to erect a new Jail; a bill to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the Trustees thereof; a bill to legitimate Louiza Lodge, and William Adams, son of William Adams, of Edgecombe county; a bill to provide more
effectually for the poor of Tyrrell county; a bill to alter the time of holding the Courts of Pleas and Quarter Sessions in the county of Washington; a bill to regulate the Tarborough Academy, and for other purposes; and a bill concerning company musters of Militia; in which they ask the concurrence of this House.

The bill to legitimate Louiza Lodge and Dolly Lodge, children of Josiah Lodge, and William Adams, son of William Adams, of Edgecombe county; also the bill to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the Trustees thereof; also the bill to authorise the County Court of Robeson to perfect title for land whereon to erect a new Jail; and also the bill to alter the time of holding the Court of Pleas and Quarter Sessions in the county of Washington, were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to divorce Gideon B. Smith from his wife Eleanor, was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate.

The bill concerning company musters of Militia; also the bill to provide more effectually for the poor of Tyrrell county; also the bill to regulate the Tarborough Academy, and for other purposes, were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Iredell, from the committee of Finance, to whom was referred the petition of certain purchasers of the Cherokee lands, reported that the committee, according to order, had considered the said petition, and instructed him to report a bill to carry into effect the prayer thereof, for the relief of certain purchasers of the Cherokee lands, and to recommend its passage. The report was concurred in, and the bill read the first time and passed.

On motion, ordered that Mr. Greene, after to-morrow, have leave to absent himself from the service of the House until the end of the Session.

Mr. Borden presented a bill to authorise and direct the payment to the wardens of the poor in each county in the State the tax imposed on retailers of spirituous liquors; which was read the first time and passed.

Mr. Wright presented a bill to legitimate Duncan Melven and others, of the county of Bladen. The said bill was read the first time and rejected.

Mr. Iredell, from the committee on Finance, to whom was referred the resolution, in relation to the mode of issuing licenses hereafter to retailers of spirituous liquors, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report a bill on the subject, entitled “a bill to direct the manner in which licences shall be hereafter issued to retailers of spirituous liquors.” The report was concurred in, and the bill reported, read the first time and passed.

The Speaker laid before the House the following Report:

To the Honorable the General Assembly of the State of North Carolina.

Gentlemen,—In obedience to the act of the General Assembly of 1824, entitled “an act respecting military land warrants,” we set as a board of commissioners in this place during the time prescribed and limited, and passed upon all such claims for lands as were laid before us; and, in the execution of the trust or powers with which we were invested by the act above mentioned, we recommended to the Secre-
Mr. Mhoon, Baker, of slaves, Conrad, Cooper, titled "dell, Gause, Wahon, J. the Vlurdock and Stedman, g'en, purposes," Williams, Edmonston, Bozman, Bonner, Borden, reading, second the ill amounting-

The House resumed the consideration of the bill to amend an act, entitled "an act to amend an act, entitled 'an act to prevent the stealing of slaves, or, by violence and seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes," passed in the year 1792. The said bill was again read for its second reading, and the question shall the said bill pass? was determined in the affirmative—yeas 78, nays 35. The yeas and nays moved for by Mr. Mhoon.

Those who voted in the affirmative, are Messrs: Adams, Alford, Andrews, Ashe, Baker, Ball, Ballew, Barnard, Bell, Bonnet, Boon, Burke, Bynum, Caldwell, Carson, Conrad, Cooper, Cowan, Davenport, Dockery, Donoho, Edwards, Elliott, Toy, Garry, Gause, Glasgow, Gordon, Hardy, Hartley, Herbert, Holland, Howell, Houze, Ire


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

MONDAY, DECEMBER 12, 1825.

Mr. Stedman presented a bill concerning the election of Sheriffs. The said bill was read, and, on motion, ordered to be laid on the table.

Mr. Matthews presented the petition of Sherwood Fort, a soldier in the war of the revolution, praying for a pension. Ordered that the said petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Vann,

Resolved, That the committee on the Judiciary be instructed to inquire how far the securities to a Constable's bond are bound for notes, judgments, &c. received by that officer, and by him failed to be accounted for, and report by bill or otherwise.

Mr. Spurgeon presented a bill to incorporate the Abbot's Creek Libra-

ary Society, in the county of Davidson. The said bill was read the first time and passed.

On motion of Mr. Wilson,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the attaching laws, that it may be lawful for the Clerks of the several Courts to advertise two months only on all original or judicial attachments returnable before any Court, instead of three months, as now required by law.
On motion of Mr. Swain, ordered that the special committee, to whom
was referred the petition of James Kirkendale and others, be discharged
from the consideration thereof; and that the said petition be referred to
the members in this House from the counties of Buncombe, Burke, Ruther-
ford and Haywood.

Mr. Polk presented the petition of Jane Whitley, of Mecklenburg coun-
ty, praying to be divorced from her husband Jonathan Whitley. Ordered
that the said petition be referred to the committee on Divorce and Ali-
mony.

Mr. Conrad presented a bill to point out the manner in which overseers
of roads shall apply the monies received by them for fines, and for other
purposes. The said bill was read the first time and passed, and, on mo-
tion, referred to the committee on the Judiciary.

The bill to regulate the time of closing the polls at the several elec-
tions in the county of Lenoir, was read the second time and passed. Or-
dered that the said bill be read the third time, and the question shall the
said bill pass its third reading? was determined in the affirmative. Or-
dered that the said bill be engrossed and sent to the Senate.

The bill to amend the first section of an act, passed in 1819, concerning
the town of Concord; also the bill to keep open, for the passage of fish,
Main White Oak river, in the county of Rutherford; and the bill to esta-
ablish Pleasant Grove Academy, in the county of Edgecombe, and to incor-
porate the trustees thereof, were respectively read the second time, and
the questions shall the said bills pass? were determined in the affirmative.

The resignations of Henry Hoover, Lieutenant Colonel, and Joseph
Smith, Major of the first regiment of the militia of Mecklenburg county;
John Blue, of Richmond county, and Henry Hoover, of Mecklenburg
county, Justices of the Peace, were read and accepted.

Mr. Scott presented the memorial of Archibald D. Murphey, stating
his intention of publishing a history of the State, and asking the help and
patronage of the Legislature. On motion, ordered that the said memori-
al be sent to the Senate, with a message, proposing to refer the same to a
select joint committee; and informing that Messrs. Scott, A. Moore,
Shepperd, Spruill and Pugh form the committee on the part of this House.

The House, according to the order of the day, resolved itself into a
committee of the whole House, Mr. Polk in the Chair, on the bill to estab-
lish a Bank on behalf of, and for the benefit of the State; and, after some
time spent therein, Mr. Speaker resumed the Chair, and Mr. Polk report-
ed that the committee of the Whole, according to order, had had the said
bill under consideration, and instructed him to report that they had made
progress, but not having time to consider the whole, to ask leave to sit a-
gain. The question thereon passed in the affirmative.

On motion of Mr. Bain, ordered that Mr. Gales have permission to at-
tend this House as Stenographer.

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

Tuesday, December 13, 1825.

Mr. Edwards presented the petition of William Hooker, for himself
and Hymerick Hooker, securities of James Eastwood, former Sheriff of
Greene county, stating that they had paid into the Treasury all the mon-
ies which the said Eastwood, as Sheriff, owed the State, and praying
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that the fine imposed on the Sheriff for not accounting for the same within the period prescribed by law, be remitted. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of Frances Womack, reported that the committee, according to order, had considered the said resolution, and instructed him to report that it is not expedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

On motion of Mr. Lewis, ordered that Frances Womack have leave to withdraw from the files the papers accompanying her petition.

On motion of Mr. Ashe,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of altering the present laws on the subject, so as to confine the Attorney General of this State, in practice as such, to the Supreme Court, and of appointing an additional Solicitor to attend the Superior Courts of the third circuit, for and on behalf of the State.

Mr. Matthews presented a bill to incorporate the Cotton Plant Steam Boat Company, on the Cape Fear River. The said bill was read the first time and passed, and, on motion, referred to the committee on Internal Improvements.

A message from the Senate, informing that they had passed the engrossed bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond, with an amendment, and asking the concurrence of this House. The amendment was read and disagreed to, and the Senate informed thereof by message.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Ashe and New-Hanover counties;" and that they had passed the following engrossed bills, to wit: A bill to appoint commissioners to contract for the building of a new court house in the county of Wilkes, to fix the site for the same, and for other purposes; a bill to alter the place of holding one of the separate elections in Washington county; a bill to alter the time of the annual meeting of the General Assembly; a bill to legitimate Eliza Bailey and Ambrose Bailey, children of John and Nancy Bailey, of Pasquotank county; also a bill to make valid certain deeds registered in the county of Guilford; and a bill to alter the name of Dicey Cartwright, of Perquimons county; in which they ask the concurrence of this House.

A message from the Senate, informing that they had appointed a committee, consisting of Messrs. Seawell, Spaight of Craven, Forney, Davidson of Mecklenburg, and Hill of Franklin, to join the committee of this House, to consider the memorial of Archibald D. Murphey.

The certificate of the County Court of Craven, in favor of Eleanor Truelove, allowing her a pension of seventy five dollars, was returned from the Senate, countersigned by the Speaker of that House.

The bill to legitimate Eliza Bailey and Ambrose Bailey, children of John and Nancy Bailey, of Pasquotank county; also the bill to alter the name of Dicey Cartwright, of Perquimons county, and to legitimate her; also the bill to alter the place of holding one of the separate elections in Washington county; also the bill to alter the time of the annual meeting of the General Assembly; also the bill to appoint commissioners to con-
tract for the building of a new court-house in the county of Wilkes, to fix the site for the same, and for other purposes; and also the bill to make valid certain deeds registered in the county of Guilford, were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

On motion of Mr. Williamson, ordered that a message be sent to the Senate, proposing to ballot on Friday next for a Council of State for the ensuing year; and informing that Peter Browne, Meshack Franklin, Gideon Alston, John M'Dowell of Rutherford, George W. Jeffreys, Thomas Manry, and William Blackledge are in nomination for the appointments.

The bill to amend the first section of an act, passed in 1819, concerning the town of Concord; also the bill to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the trustees thereof; and also the bill to keep open, for the passage of fish, Main White Oak river, in the county of Rutherford, were severally read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The bill to provide more effectually for the poor of Tyrrell county; also the bill to regulate the Tarborough Academy, and for other purposes; also the bill to incorporate the Abbott's Creek Library Society, of Davidson county; also the bill to alter the time of holding the Courts of Pleas and Quarter Sessions in the county of Washington; and also the bill to appoint commissioners to contract for the building of a new court-house in the county of Wilkes, to fix the site for the same, and for other purposes, were respectively read the second time, and the questions shall the said bills pass? were determined in the affirmative.

On motion of Mr. Baker,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law on the subject of bastardy, as to provide for and embrace the cases of married women, when abandoned by their husbands for a certain number of years, with leave to report by bill or otherwise.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to amend an act, passed in 1803, entitled "an act to incorporate the town of Trenton, in Jones county;" also a bill in addition to the several acts heretofore passed concerning the town of Trenton; and asking the concurrence of this House.

The bill to amend an act, passed in 1803, entitled "an act to incorporate the town of Trenton, in Jones county;" also the bill in addition to the several acts heretofore passed concerning the town of Trenton, were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Clement presented the petition of David Craig, of Rowan county, praying to be authorised to erect two gates on a public road leading through his plantation. Ordered that the said petition be referred to the committee of Prepositions and Grievances.

The bill to divorce Judith De La Chapel from her husband Gabriel De La Chapel, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Scott, from the committee on the Judiciary, to whom was referred the resolution instructing them to investigate into the propriety of so amend-
ing the laws of the State prescribing the duties of Sheriffs, as to enable the
County Treasurers and Wardens of the Poor to proceed by citation against
the securities as well as the Sheriff or Sheriffs who may fail to account,
&c. &c. reported that the committee, according to order, had had the
said resolution under consideration, and instructed him to report that the
same in that respect requires no amendment. The question to concur
with the report, passed in the affirmative.

Mr. Scott, from the same committee, to whom was referred the resolu-
tion instructing them to inquire into the expediency of so amending the
law relative to guardians, as to remove any doubts as regards the extent
of their liability after surrender of their trust to the Court from which
they received it, reported that the committee, according to order, had had
the said resolution under consideration, and instructed him to report that
it is inexpedient to make any alteration in the law in that respect. The
question to concur with the report passed in the affirmative.

On motion, ordered that the bill to make valid certain deeds registered
in the county of Guilford be referred to the committee on the Judiciary.

The bill to prevent protracted litigation by enlarging the jurisdiction
of Justices of the Peace, was read the first time and passed. On motion
of Mr. M'Cauley, ordered that the said bill be made the order of the
day for Friday next, then to be considered in committee of the whole
House.

On motion of Mr. Caldwell, ordered that the bill to establish a Bank
on behalf of, and for the benefit of the State, be made the order of the
day for to-morrow, then to be considered in committee of the whole
House.

The bill to legitimate Loniza Lodge and Dolly Lodge, children of Jo-
siah Lodge; and William Adams, son of William Adams, of Edgecombe
county, was read the second time, and the question shall the said bill pass?
was determined in the negative.

Received from his Excellency the Governor, by his Private Secretary,
Mr. Campbell, the following communication:

To the Honorable the General Assembly of the State of North-Carolina.

Gentlemen,—I have the honor herewith, to transmit the report of a committee
directed by the last Legislature to prepare a plan or system of public education for
the instruction of children of poor and indigent parentage.

I have the honor to be, gentlemen, your obedient servant,

H. G. Burton.

December 13, 1825.

Ordered that the said message and report be sent to the Senate, and
that the said report be printed, four copies for each member of the Assembly.

The Speaker laid before the House the following communication from
the Public Treasurer:

To the Honorable the General Assembly of the State of North-Carolina.

Gentlemen,—I now do myself the honor to forward to you, herewith, the state-
ment or expose of the affairs of the State Bank of North-Carolina, showing its condition
on the 22d ultimo.

This paper has been delayed much longer than was expected at the date of the Public
Treasurer's annual report, in which it was mentioned, owing, as I understand,
to the illness of one of the clerks of the Bank.

Much and respectfully, your obedient servant,


Raleigh, 13th December, 1825.
Ordered that the said communication be sent to the Senate; and that the statement or expose be printed for the use of the members.

A message from the Senate, informing that they had passed the engrossed bill to cede to the United States a certain tract of land, called Bogue Banks, with an amendment and asking for the concurrence of this House. The said amendment was read and disagreed to, and the Senate informed thereof by message.

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

**Wednesday December 14, 1825.**

Mr. Brower presented a bill to make compensation to the jurors of the Superior and County Courts of Randolph county. The said bill was read the first time and passed.

Mr. J. Carter presented a bill to amend an act for the better regulation of the town of Murfreesborough, in the county of Hertford, and to enlarge the same. Ordered that the said bill be referred to the committee of Propositions and Grievances.

On motion of Mr. Strickland,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law as to more effectually to suppress the practice of slaves hiring their own time; and that they report by bill or otherwise.

Mr. Tovian presented the petition of sundry inhabitants of the town of Wilmington, praying for the repeal of the law relative to the appointment of a special magistrate for the town of Wilmington. Mr. Ashe presented the petition of Morgan Brown, of Montgomery county, in the State of Tennessee, stating that, as Lieutenant, he served two years and upward in the war of the revolution, and praying to be paid for his services. Ordered that these petitions be referred, the former to the committee of Propositions and Grievances, the latter to the committee of Claims.

On motion of Mr. Swain, ordered that Mr. Gorham, Mr. Drake and Mr. Wilcox be added to the committee on the expediency of establishing a Medical Board.

Mr. Scott presented the memorial of sundry inhabitants of the county of Orange, on the subject of Sunday schools. Ordered that the said memorial be referred to the committee on Education.

A message from the Senate, informing of the assent of that House to ballot for a Council of State for the ensuing year, as proposed by this House; and that they had passed the following engrossed bills, to wit: A bill to revive and continue in force the provisions of an act, passed in 1818, entitled "an act directing a road to be laid out and opened from the town of Leakeville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough," and to amend the same; also a bill to authorise Willis Lewis, of Granville county, to erect and keep up on his own lands two gates across the public road leading from Clay's cross roads to Grassy Creek, and asking for the concurrence of this House.

The bill to revive and continue in force the provisions of an act, passed in 1818, entitled "an act directing a road to be laid out and opened from the town of Leakeville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough," and to amend the same; also the bill to authorise Willis Lewis, of Granville county, to erect and keep up on his own lands two gates across the public road leading from Clay's
cross roads to Grassy Creek, were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to alter the time of holding the Courts of Pleas and Quarter Sessions in the county of Washington; also the bill to regulate the Tarborough Academy, and for other purposes; and also the bill to provide more effectually for the poor of Tyrrell county, were read, respectively, the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

Mr. Bateman presented a bill to repair and improve the road leading from Columbia, in Tyrrell county, to Gum Neck and varying Pan. Mr. Best presented a bill to establish Williams Academy, in the county of Duplin, and to incorporate the trustees thereof. The said bills were read the first time and passed.

The bill to incorporate the Abbot’s Creek Library Society, in the county of Davidson, was read the third time; and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Borden presented the petition of John H. Hill, Col. Commandant of Carteret county, praying that a detachment of the militia, ordered out to suppress an insurrection of the negroes, be paid for their services. Ordered that the said petition be referred to the committee of Claims.

Mr. Polk, from the committee of Propositions and Grievances, to whom were referred the petitions of Benjamin Jones, of Camden county, and Willis Alexander, of Wilkes county, reported that the committee, according to order, had considered the said petitions, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

The bill to appoint commissioners to contract for the building of a new Court House in the county of Wilkes, to fix the site for the same, and for other purposes, was read the third time and passed. Ordered that the said bill be enrolled.

On motion of Mr. W. W. Jones, ordered that the report of the committee of Propositions and Grievances on the letter of Lewis Gomez, of the town of Wilmington, be recommitted to the same committee.

Mr. Scott, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire how far the securities to a Constable’s bond are bound for notes, judgments, &c. received by that officer, and by him failed to be accounted for, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that the law in that respect is sufficiently comprehensive, and requires no amendment or alteration. The question to concur with the report passed in the affirmative.

The report of the committee on the Judiciary on the bill to repeal an act limiting the time within which judgments before a Justice of the Peace may be revived, was read, and, on the motion of Mr. Caldwell, ordered to lie on the table.

The House, agreeably to the order of the day, resolved itself into a committee of the whole House, Mr. Polk in the Chair, on the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Polk reported that the committee of the Whole had had the said bill under considera-
tion, and made progress; but not having time to consider the whole bill, they had instructed him to ask leave to sit again on the said bill. The question to concur with the report passed in the affirmative.

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

THURSDAY, DECEMBER 15, 1825.

Mr. Love presented a resolution authorising and instructing the Secretary of State to issue to Absalom Hooper a deed for one hundred acres of land, purchased from the commissioners for the sale of the lands acquired by treaty with the Cherokee tribe of Indians. Ordered that the said resolution be referred to the committee of Claims.

Mr. Raiford presented a bill prescribing the time and places of electing the members of the General Assembly for the county of Wayne, members of Congress, and Electors to vote for President and Vice President of the United States; and to repeal part of an act, passed in the year 1824, prescribing the time and places of electing members to the General Assembly, members of Congress, and Electors to vote for President and Vice President of the United States. Mr. Caldwell presented a bill to amend an act, entitled "an act concerning the town of Salisbury," passed in the year 1822, chapter 52, and for other purposes. The said bills were read each the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Scott, from the Judiciary committee, to whom was referred the bill to point out the manner in which overseers of roads shall apply the monies received by them for fines, and for other purposes, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that the said bill be rejected. The report was concurred in, and the bill read the second time, and, on motion, rejected.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to authorise a certain number of justices for the county of Edgecombe to appropriate the county monies; and a bill to provide for the better government of the town of Lincolnton; and asking the concurrence of this House.

The bill to provide for the better government of the town of Lincolnton; also the bill to authorise a certain number of the Justices of the Peace for the county of Edgecombe to appropriate the county monies, were read each the first time, and the questions shall the said bills pass? were determined in the affirmative.

A message from the Senate, informing that they insist on their amendment made in the bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond. On motion, resolved that this House recede from their disagreement with the Senate in their amendment to said bill; and that the Senate be informed thereof by message.

A message from the Senate, informing that they recede from their amendment to the engrossed bill to cede to the United States a certain tract of land, called Bogue Banks; and that they agree to the amendment made by this House in the engrossed bill to authorise the County Court of Robeson to perfect title for land whereon to erect a new jail. On motion, ordered that the said bill be enrolled.
Mr. Raiford presented the petition of James Daniel, of Wayne county, stating that, as a volunteer soldier in the war of the revolution, he served in the State regiment; and praying to be paid for his services. Ordered that the said petition be referred to the committee of Claims.

Mr. Borden presented a bill to authorise the Court of Pleas and Quarter Sessions of Carteret county to appoint Special Justices of the Peace, and making compensation to such justices for certain services. The said bill was read the first time and passed.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of Jane Whitley, of Mecklenburg county, praying for a divorce, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is inexpedient to grant the prayer thereof. Ordered that the report lie on the table.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Moses Kyser, of Montgomery county, reported that the committee had, according to order, the said petition under consideration, and instructed him to recommend that it be rejected. The question thereon passed in the affirmative.

The bill to amend an act, passed in 1803, entitled "an act to incorporate the town of Trenton, in Jones county;" also the bill in addition to the several acts heretofore passed concerning the town of Trenton, in Jones county, were read the second time. The questions shall the said bills pass? were determined in the affirmative.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following communication:

To the Honorable the General Assembly of the State of North-Carolina.

Gentlemen,—I have the honor, herewith, to transmit you the report of the Board of Internal Improvements.

With the greatest respect, your obedient servant,

H. G. BURTON

Executive Department, 7
15th Dec. 1825, 5

On motion, ordered that the said communication be sent to the Senate, with a proposition that the report of the Board of Internal Improvements, and the reports of the Civil Engineer, accompanying, be printed, four copies for each member.

The bill more effectually to suppress the practice of treating in elections was read the third time. Mr. Rand moved to amend the bill, by adding an additional section, in the following words, to wit: "That no person shall ride or attend any public gathering for the purpose of electioneering." The question thereon passed in the negative. Mr. Durgan moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative—yeas 55, nays 63.

The yeas and nays moved for by Mr. Durgan.


The bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative—yeas 65, nays 56. The yeas and nays moved for by Mr. Raiford.


Ordered that the said bill be engrossed and sent to the Senate.

The House resolved itself into a committee of the whole House, Mr. Polk in the Chair, on the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Polk reported that the committee of the Whole, according to order, had had the said bill again under consideration, and instructed him to report that the committee had made progress therein, and to ask leave to sit again on the said bill. The question thereon passed in the affirmative.

The House then adjourned until to-morrow morning, 10 o’clock.

Friday, December 16, 1825.

Mr. Love presented the petition of sundry citizens of Haywood county, on the subject of a certain public road passing through the said county. Ordered that the said petition be referred to the committee on Internal Improvements.

Mr. Burns presented a bill for the better regulation of the town of Beaufort. Mr. Smith presented a bill giving exclusive jurisdiction to the Superior Court of Anson of pleas and prosecutions of the State. Mr. Win. Underwood presented a bill to amend an act, passed in 1817, establishing a flour warehouse in the town of Fayetteville. Mr. Alford presented a bill concerning the appointment and power of patrols in the county of Robeson. The said bills were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

On motion, ordered that a message be sent to the Senate, informing that Mr. Wright and Mr. Wilson wait on the Senate as a committee, on the part of this House, to conduct the balloting for a Council of State for
the ensuing year; and that the name of John Owen is added to the nomination.

Mr. A. Moore, from the committee on Internal Improvements, to whom was referred the bill to authorize the building of a toll-bridge over the Cape Fear River at or near the place where a direct line from Fayetteville to the city of Raleigh would cross the same, and to incorporate a company for that purpose, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report the bill without amendment, and to recommend that it be passed into a law. The report was concurred in, and the bill read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to revive and continue in force, for and during the time therein mentioned, an act of the General Assembly of 1824, entitled "an act to alter and amend the act of the General Assembly of 1823, entitled "an act for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of the State;" also a bill to legitimate Peggy Orrell, the child of Windsor White, of Beaufort county, and to alter the names of Lovy Hassell and Sidney Hassell, children of said White, and to legitimate them; also a bill to secure to Sarah M'Cully, of Orange county, such property as she may hereafter acquire; and also a bill to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; and asking the concurrence of this House.

A message from the Senate, informing that Mr. Hill of Stokes and Mr. Legrand wait on this House, as a committee on their part, to conduct the balloting for the Counsellors of State for the ensuing year; and that the name of John Owen is added to the nomination.

A message from the Senate, informing of the assent of that House to the printing of the Report of the committee appointed by the last General Assembly to prepare a plan or system of public education, as proposed by this House.

The bill to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; also the bill to revive and continue in force for and during the time therein mentioned an act of the General Assembly of 1824, entitled "an act to alter and amend the act of the General Assembly of 1823, entitled "an act for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State," were read the first time, and the question shall the said bills pass? was determined in the affirmative.

The bill to legitimate Peggy Orrell, the child of Windsor White, of Beaufort county, and to alter the names of Lovy Hassell and Sidney Hassell, children of said White, and to legitimate them; also the bill to secure to Sarah M'Cully, of Orange county, such property as she may hereafter acquire, were read the first time, and, on motion, the former postponed indefinitely, and the latter rejected.

A message from the Senate, informing that they had passed the engrossed bill to regulate the time of closing the polls at the several elections in the county of Wayne, with several amendments, in which they asked the concurrence of this House. The amendments were read and concurred in, and the Senate informed thereof by message.

On motion of Mr. Bon.

Resolved, That the select committee on Divorce and Alimony be instructed to re-
port a bill extending the jurisdiction of the Superior Courts in cases of divorce and alimony, in such manner that the said Courts shall have jurisdiction in all cases where it is expedient for the General Assembly to interfere.

Mr. Bain presented the petition of Hugh and Eli Stewart, merchants of Mecklenburg county, praying to be released from the fine, for reasons stated in their petition, incurred in failing to list their store as the law directs. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Burns presented a bill to amend an act, passed in the year 1813, entitled "an act directing how persons injured by the erection of public mills shall in future proceed to recover damages;" and to amend the 10th section of an act, passed in 1777, directing the duty of millers. The said bill was read the first time and passed.

A message from the Senate, informing that, in pursuance to a joint rule of both Houses, they had appointed a committee of Enrolment, consisting of Mr. Spaight of Craven and Mr. Gilchrist.

On motion, resolved, that Messrs. Spruill, Caldwell, Allen and Lewis form the committee of Enrolment on the part of this House; and that the Senate be informed thereof by message.

A message from the Senate, proposing to raise a select joint committee on the Public Buildings; and informing that Messrs. Davidson of Mecklenburg, Speight of Greene, Hill of Franklin, Hogan and Whitfield form the committee on their part. The message was concurred in, and a committee, consisting of Messrs. Blount, Miller, Matthews, Whitaker and Skinner, appointed to join the committee appointed by the Senate, and the Senate informed thereof by message.

Mr. Miller, from the select committee to whom was referred the engrossed bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe," reported that the committee, according to order, had had the said bill under consideration, and instructed him to report it with an amendment. The report was concurred in, and the bill, as amended, read the third time and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House to the amendment.

Mr. Cox presented a bill to repeal part of an act, passed in the year 1817, entitled "an act further pointing out the duties of the overseers of roads in this State, and for other purposes." The said bill was read the first time and passed.

The House, agreeably to the order of the day, resolved itself into a committee of the whole House, Mr. Polk in the Chair, on the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Polk reported that the committee of the Whole, according to order, had had the said bill again under consideration, and instructed him to recommend that the first section of the said bill be stricken out. Mr. Iredell moved that the further consideration of the report and bill be postponed indefinitely, and called for the yeas and nays. The question thereon passed in the affirmative—yeas 75, nays 51.

JOURNAL OF THE HOUSE OF COMMONS.


On motion of Mr. Iredell, ordered that a message be sent to the Senate, proposing that Field Officers and Justices of the Peace be recommended on Monday next, at 3 o'clock in the evening.

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

Saturday, December 17, 1825.

Mr. Carson presented the petition of William L. Griffin, of Rutherford county, praying that the purchase money for twenty-five acres of land be repaid to him, as he cannot obtain a grant for the same. Ordered that the said petition be referred to the committee of Claims.

Mr. Bonner presented a bill to establish two separate elections in the county of Hyde. The said bill was read the first time and rejected.

Mr. Barnard presented a bill to amend an act, passed at the last session of the General Assembly, entitled "an act to appoint commissioners to contract with Jeremiah Land for a piece of land, for the use and benefit of the county of Currituck." Mr. Wright presented a bill to amend an act to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimons, Columbus, Currituck, Craven, Sampson, Tyrrell and Bladen to appoint a committee of Finance," passed in the year 1823, so far as relates to the county of Bladen. The said bills were read the first time and passed.

Mr. Wilson, from the committee appointed to conduct the balloting for Counsellors of State for the ensuing year, reported that the committee, according to order, had performed the duty assigned to them; and that it appeared, on examining the ballots, John Owen, George W. Jeffreys, Messuck Franklin, Gideon Alston, John M'Dowell of Rutherford, William Blackledge and Thomas Manny had each a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

Mr. A. Moore, from the committee on Internal Improvements, to whom was referred the bill to incorporate the Cotton Plant Steam Boat Company, on the Cape Fear River, made a report, which was read, and, on motion of Mr. Moore, recommitted, with the bill, to the same committee.

Mr. Polk presented a bill to divorce Robert Bingham, of the county of Mecklenburg, from Mary his wife. The said bill was read the first time and passed.

The resignation of Thomas Marshall, Major of the Carteret county militia, was read and accepted.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following message:
To the Honorable the General Assembly of the State of North Carolina.

Gentlemen,—I have the honor, herewith, to transmit you a communication from the Executive of Virginia, in relation to the Ossabaw Swamp Canal Company.

With the highest respect, your obedient servant,

H. G. BURTON.

Executive Department,

17th Dec. 1825.

On motion, ordered that the said message and the accompanying papers be referred to the committee in Internal Improvements.

Mr. Scott, from the select joint committee, to whom was referred the resolution to inquire into the propriety of establishing a Medical Board for the State, reported that the committee, according to order, had considered the said resolution, and instructed him to report a bill "to establish a Medical Society, and to regulate the practice of physic and surgery in this State," and recommend that it be passed into a law. The report was concurred in, and the bill recommended read the first time, and the question shall the said bill pass? was determined in the affirmative. On motion of Mr. A. Moore, ordered that the report and bill be printed, four copies of the report, and one copy of the bill, for each member of the Assembly; and that the bill be made the order of the day for Wednesday next, then to be considered in a committee of the whole House.

A message from the Senate, informing that they consent that the report of Internal Improvement be printed, as proposed by this House, with an amendment; that is, the printing be done under the direction of the Board of Internal Improvement. The proposed amendment was concurred in, and the Senate informed thereof by message.

Mr. Blount presented a bill to authorise the Court of Pleas and Quarter Sessions of Beaufort county to appoint a committee of Finance. Mr. Bateman presented a bill respecting the Courts of Pleas and Quarter Sessions of the county of Tyrrell. These bills were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to amend an act, entitled "an act to amend an act, entitled 'an act to prevent the stealing of slaves, or, by violence and seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes therein mentioned," passed in the year 1792, was read the third time. Mr. Sheppard moved that the said bill be postponed indefinitely, and called for the yeas and nays. The question thereon passed in the negative—yeas 40, nays 69.


The said bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

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

**Monday, December 19, 1825.**

On motion of Mr. Batemen, ordered that the bill to repair and improve the road leading from Columbia, in Tyrrell county, to Gum Neck and Frying Pan, be referred to the committee on Internal Improvements.

A message from the Senate, informing that they had passed a bill to legitimate Frances Ann M'Kinney and William Hardy M'Kinney, natural children of John Mallard, of Jones county, and to change their names; a bill to amend the several acts heretofore in force regulating the proceedings in Courts of Equity; a bill to designate what persons shall hereafter be liable to serve as overseers of roads, and for other purposes; a bill directing the manner in which dowers shall hereafter be laid off; and a bill concerning the town of Oxford; and asking the concurrence of this House.

A message from the Senate, informing that they accede to the amendment made by this House in the engrossed bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe;" also agreeing to the proposition of this House to recommend Field Officers and Justices of the Peace at 8 o'clock, this evening.

Ordered that the bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe," be engrossed and sent to the Senate.

Mr. Wilson presented a bill for the relief of Peter Dowell, late Sheriff of Wilkes. Mr. Pugh presented a bill to repeal an act, passed in the year 1822, entitled "an act to exempt certain citizens of Hyde county from public duty." These bills were each read the first time, and the question, shall the said bills pass? were determined in the affirmative.

The bill concerning the town of Oxford; also the bill to legitimate Frances Ann M'Kinney and William Hardy M'Kinney, natural children of John Mallard, of Jones county, and to change their names; and also the bill to amend the several acts heretofore in force regulating the proceedings in Courts of Equity; also the bill to designate what persons shall hereafter be liable to serve as overseers, and for other purposes. These bills were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill directing the manner in which dowers shall hereafter be laid off was read the first time and passed. On motion, ordered that the said bill be referred to the committee on the Judiciary.

Mr. Miller, from the committee of Claims, to whom was referred the memorial of William Boylan and others, reported that the committee had, according to order, considered the said memorial, and instructed him to report a detailed account of the circumstances, and to ask to be discharged from the further consideration of said memorial. The question to concur with the report passed in the affirmative.

On motion of Mr. Win. W. Jones,

Received, That the Public Treasurer be authorized to pay to William Boylan, and
the rest of the heirs of Benjamin McCulloch, the sum of thirteen hundred and sixty-seven dollars and sixty-seven cents; and that he be allowed the same in the settlement of his public accounts.

The said resolution was read the first time and passed.

Mr. Polk, from the committee of Propositions and Grievances, to whom was recommitted the letter of Lewis Gomez, of the Town of Wilmington, to William W. Jones, one of the members of this House, reported that the committee, according to order, had considered the said letter, and instructed him to report a resolution to carry into effect the prayer of the said letter, and to recommend its passage. The said report was concurred in, and the resolution read and passed.

A message from the Senate, informing that they had passed a bill to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State, and for other purposes; and a bill for the better government of the town of Wadesborough, in Anson county; and asking the concurrence of this House.

Mr. Crawford presented a bill making compensation to the Jurors for the county of Moore. Mr. Cooper presented a bill to establish a poor house in the county of Martin. The said bills were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Miller, from the committee of Claims, to whom was referred the petition of Morgan Brown, reported that the committee, according to order, had considered the said petition, and instructed him to report that the said petition be rejected. The question thereon passed in the affirmative.

Mr. Iredell presented a statement of the Cape Fear Navigation Company. Ordered that the said statement be referred to the committee on Internal Improvements; and that it be printed together with the report of the Cape Fear Navigation Company, in connection with the report of the Board of Internal Improvements, ordered to be printed heretofore.

Mr. Iredell presented a bill to repeal an act, passed in the year 1823, entitled "an act concerning the duty of Ferrymen across the Albemarle Sound, and its waters;" Mr. Barnett presented a bill to divide the regiment of Militia in Rockingham county; Mr. D. Underwood presented a bill directing the manner in which Constables shall be hereafter appointed in the county of Sampson; Mr. Tillett presented a bill to authorize the Executive of Isaac Lamb, late Sheriff of Camden county, to collect arrears of taxes; Mr. Spruill presented a bill directing to whom the bonds of certain officers therein named shall be made payable, and for other purposes; and Mr. Hartley presented a bill to appoint commissioners to lay off a road from John Harden's to Ashe Court House, and for other purposes. These bills were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill for the better government of the town of Wadesborough, in Anson county; also the bill to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State, and for other purposes, were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

A message from the Senate, informing that they had rejected the engrossed bill more effectually to suppress the practice of treating in elections.
Mr. Matthews presented the memorial of the Cape Fear Navigation Company, praying for the continuation of the Board of Internal Improvements and a Civil Engineer. Mr. Bateman presented the petition of Ebenezer Pettigrew, praying that the works effected by him in improving the navigation between South Fork Creek and Scuppernong river, be protected and secured to him by act. Mr. Gordon presented the petition of sundry citizens of Wilkes county, praying that Commissioners be appointed, and authorised to open a direct road to the town of Fayetteville. These petitions were read, the former ordered to be referred to the committee on Internal Improvements, the latter to the committee of Propositions and Grievances.

Mr. M'Nair presented a bill to amend the several acts of the General Assembly on the manner of issuing marriage licenses, and for other purposes. The said bill was read, and, on motion, ordered to be referred to the committee on the Judiciary.

Mr. Swain presented the petition of sundry citizens of the counties of Buncombe and Burke, praying for the erection of a new county. On motion of Mr. Swain, ordered that the said petition be referred to Messrs. Swain, Caldwell, Iredell, A. Moore and Poor.

Mr. Miller, from the committee of Claims, to whom was referred the resolution directing the Secretary of State to issue a grant to Joseph Whitson, of the county of Buncombe, for one hundred acres of land, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that it be agreed to. The question to concur with the report passed in the affirmative.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Joseph Welsh, of Haywood county, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

On motion of Mr. Drake, Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending an act, passed in the year 1819, entitled "an act to prevent fraudulent trading with slaves, so far as to prevent slaves from selling cotton to any person, except their owners or other person having the management of said slave.

On motion of Mr. Wilson, Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the attachment laws, that it may be lawful for the Clerks of the several Courts to advertise two months only, on all original or judicial attachments returnable before any Court, instead of three months, as is now required by law.

The bill to authorise and direct the payment to the wardens of the poor in each county in the State the tax imposed on retailers of spirituous liquors, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The bill to amend an act, passed in the year 1823, entitled "an act to incorporate the town of Trenton, in Jones county," was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed.

Mr. Scott, from the Judiciary committee, to whom the resolution was
referred directing them to inquire into the expediency of so amending the attachment laws, that it may be lawful for the Clerks of the several Courts to advertise two months only, on all original or judicial attachments returnable before any Court, instead of three, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report a bill in conformity with the said resolution, to amend the 6th section of the act, entitled "an act to amend such parts of the act, entitled ‘an act for establishing Courts of Law, and for regulating the proceedings therein, as may relate to proceedings on attachments.” The report was concurred in, and the bill reported read the first time and passed.

The bill to authorize the building of a toll bridge on the river Cape Fear, at or near the place where a direct line from Fayetteville to the city of Raleigh would cross the same, and to incorporate a company for that purpose, was read the third time and amended, and the question shall the said bill pass: was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The House then adjourned until 3 o'clock, P. M.

The resignations of James Brantley, Major of the Chatham regiment of militia, and David Singletary, Justice of the Peace for the county of Bladen, were read and accepted.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following message:

To the Honorable the General Assembly of the State of North-Carolina.

Gentlemen,—I have the honor, herewith, to transmit you several resignations received since the commencement of the session.

Also an account current of the expenditure made for the education of James Forsyth, under the provision of a previous resolution of the General Assembly.

Having located him at the Military Academy at West Point, I am doubtful as to the propriety of making further drafts from the Public Treasury for his benefit, without an express sanction of your enlightened body; and, therefore, respectfully submit to your consideration whether the Governor, as guardian ex officio, should not be permitted to receive the accustomed annual stipends for his use, until he has finished his education.

With the highest respect, your obedient servant,

H. G. BURTON.

Executive Department, December 19, 1825.

On motion, ordered that the said message be sent to the Senate, with a proposition that so much thereof as relates to James Forsyth be referred to a select joint committee; and, on the part of this House, to Messrs. A. Moore, Martin, Ashe, Webb and Pickens.

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

Tuesday, December 20, 1825.

On motion, ordered that Thos. G. Polk, David L. Swain, James Weaver and Robert H. Cowan, after Saturday next, and Davis Durrett, after to-morrow, have leave of absence from the service of this House, until the end of the session.

Mr. Unthank, who voted in the majority on the recommendation for a Major of the militia of Mecklenburg county, moved that the House reconsider the said recommendation. The question thereon passed in the negative.
Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of the town of Wilmington, reported that the committee, according to order, had considered the said petition, and instructed him to report a bill to carry into effect the prayer of the petition, entitled "a bill to repeal an act, passed in the year 1818, entitled "an act to elect a Magistrate for the town of Wilmington, and for other purposes." The said bill was read, and, on motion of Mr. Cowan, ordered to lie on the table.

Mr. Wm. Underwood presented the petition of Thos. H. Scarborough, of Chatham, praying, for reasons stated in his petition, to be permitted to peddle goods free from tax. Ordered that the said petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Matthews, ordered that a message be sent to the Senate, proposing to ballot immediately for Major Commandant of the Fayetteville Corps of Artillery, and informing that Jesse Birdsall is nominated for the appointment.

Mr. Scott, from the select committee to whom the memorial of Archibald D. Murphey was referred, reported that the committee, according to order, had the said memorial under consideration, and instructed him to report a bill in pursuance to the prayer of the memorial, entitled "a bill to encourage the publication of a historical and scientific work on this State." The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing of the assent of that House to the printing of the statement of the Cape Fear Navigation Company, as proposed by this House; and that they had passed a bill authorising the Court of Pleas and Quarter Sessions of the county of Bladen to appoint commissioners to lay off Turnbull Creek, in said county, into districts, for the purpose of being worked on and rendered navigable: also a bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes; also a bill to prevent the falling of timber in, or obstructing the run of Brown Creek, in Anson county; and a resolution relative to John Duckworth; in which they ask the concurrence of this House.

On motion of Mr. Iredell,

Resolved, That the committee of Finance cause to be burnt, under their superintendence, all the Treasury notes now in the Treasury which are unfit for circulation.

On motion of Mr. Lassiter,

Resolved, That the Public Treasurer of this State be authorised and requested to sell the old Bell, belonging to the State, and the money arising from the sale thereof to be accounted for by him as other public monies.

Mr. W. Underwood presented a bill for the better regulation of the town of Pittsborough, in Chatham county, and to incorporate the same. Mr. Foy presented a bill to incorporate La Fayette Lodge, in Onslow county. Mr. Caldwell presented a bill to incorporate the North Carolina Gold Mine Company. These bills were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to prevent the falling of timber in, or obstructing the run of Brown Creek, in Anson county; also the bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes; also the bill authorising the Court of
Pleas and Quarter Sessions of the county of Bladen to appoint commissioners to lay off Turnbull creek, in said county, into Districts, for the purpose of being worked on and rendered navigable, were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The resolution in favor of John Duckworth, placing him on the pension list, and allowing him yearly, during his life, seventy-five dollars, was read the first time and passed.

Mr. Iredell, from the joint select committee on the Public Library, reported that, in consequence of a difference of opinion existing between the Comptroller and the committee as to the construction of one of the resolutions heretofore passed in relation to the Public Library, the committee had instructed him to report a resolution, and to recommend its adoption, in the following words, to wit:

Resolved, That it is the true intent and meaning of the resolution, passed by the General Assembly in the year 1821, in relation to the Public Library, that the sum of five hundred dollars should thereafter be annually appropriated for the increase of the Library.

The said resolution was read and agreed to.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Sherwood Fort, reported that the committee, according to order, had considered the said petition, and deem it reasonable, and instructed him to report a resolution, and to recommend its adoption, allowing the said Sherwood Fort the sum of twenty-five dollars. The said resolution was read the first time and passed.

Mr. Polk, from the same committee, to whom was referred the petition of David Craig, of Rowan county, reported that the committee, according to order, had had the said petition under consideration, and deem it reasonable, and instructed him to report a bill, in pursuance to the prayer thereof, to authorise David Craig, of the county of Rowan, to erect two gates on the public road leading to the South Yadkin river, and to recommend its passage. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Miller, from the committee of Claims, to whom was referred the petition of John H. Hill, Col. Commandant of the militia of Carteret county, reported that the committee had, according to order, considered the said petition, and deem it just and reasonable, and instructed him to report a resolution in favor of said petitioner, allowing him two hundred dollars, for the purpose of paying a detachment of the militia ordered out to suppress an insurrection of negroes in said county. The question to concur with the said resolution passed in the negative.

Mr. Raiford presented a bill to alter the names of the persons therein mentioned, and to legitimate them. The said bill was read the first time, and, on motion, rejected.

On motion of Mr. Pugh, ordered that the recommendation for Justices of the Peace for the county of Hyde, presented by Mr. Bonner, one of the members of said county, lie on the table.

The resignations of Green B. Babb, Major of the first regiment of militia in Guilford county; Samuel Smith, of Columbus county, and W. Reaves, of Wake county, Justices of the Peace, were read and accepted.

A message from the Senate, consenting to ballot for Major Commandant
of the Fayetteville Corps of Artillery, and informing that Mr. Bethune and Mr. Hill of Stokes form the committee on their part to conduct the ballot. On motion, ordered that the Senate be informed by message that Messrs. Allen and J. N. Smith form the committee on the part of this House to conduct the ballot. The bill for the relief of certain purchasers of the Cherokee lands, was read the second time, and the question shall the said bill pass? was determined in the affirmative. The House, agreeably to the order of the day, resolved itself into a committee of the whole House, on the bill to prevent protracted litigation by enlarging the jurisdiction of Justices of the Peace, Mr. Shepperd in the Chair; and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Shepperd reported that the committee had, according to order, had the said bill under consideration, and made some progress. Ordered that the committee of the whole House have leave to sit again on said bill. The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 21, 1825

Mr. J. N. Smith, from the committee appointed to conduct the ballot for Major of the Fayetteville Corps of Artillery, reported that the committee had performed that duty; and that, on examining the ballots, it appeared Jesse Birdsall had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

On motion, ordered that Mr. Borden have leave of absence from this House after this day, until the end of the session.

Mr. Bell presented a bill to repeal part of an act, passed in the year 1820, entitled "an act to establish separate Courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes." Mr. Daniel presented a bill to allow commissions to Constables in the county of Halifax. Mr. Richardson presented a bill to alter the time of laying the county taxes of Craven county, and appointing receivers of lists of taxables in said county. The said bills were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The resignation of Benjamin Neville, sen. Justice of the Peace for Halifax county, was read and accepted.

A message from the Senate, informing of the assent of that House to the amendment made in the bill in addition to the several acts heretofore passed concerning the town of Trenton, in Jones county. Ordered that the said bill be enrolled.

A message from the Senate, proposing to ballot immediately for a Col. of Cavalry of the 2d brigade and 8th division, and informing that Shadrack P. Allen is nominated for the appointment. The message was concurred in, and the Senate informed that Mr. Gorham and Mr. Rascoe form the committee to conduct the ballot. The ballot for Col. of Cavalry of the 2d brigade and 8th division.

A message from the Senate, informing that they had passed a bill to divorce Susanna Tindel, of the county of Haywood, from her husband James
Tindell; Margaret Jackson, of the county of Burke, from her husband Gabriel Jackson; and Susanna Sharpe from her husband Thomas Sharpe; also a resolution respecting Cherokee lands; in which they ask the concurrence of this House.

Mr Scott, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of altering the present laws on the subject, so as to confine the Attorney General of this State to the Supreme Court, reported that the committee had, according to order considered the said resolution, and instructed him to report a bill in pursuance to the object of the said resolution, and to recommend its passage. The said bill, entitled "a bill to prescribe the duties of the Attorney General, and to appoint a Solicitor for the third judicial circuit," was read the first time and passed.

The bill concerning the election of Sheriffs, was read the first time, and the question shall the said bill pass? was determined in the affirmative.

The resolution in favor of George W. Lumsden, was read the second and third times, and the questions shall the said resolution pass? were determined in the affirmative.

Received from the Senate, the following resolution:

Resolved by the Senate and House of Commons, That no bill of a private character shall be presented in either House after the 24th of this month.

The said resolution was concurred with.

Motion of Mr Bain,

Resolved, That the Judiciary committee be instructed to inquire into the propriety and expediency of so explaining and amending the act of 1799, relative to descents of real estate given by a parent to natural born children, either by deed of gift or otherwise, so that in case such natural born child or children die intestate, the real estate so given shall return to the legal heirs of such parent; and that they report by bill or otherwise.

Mr. Scott, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of so amending the law concerning the trial of slaves, reported that the committee had, according to order, the said resolution under consideration, and instructed him to report a bill on the subject, entitled "a bill to amend an act, passed in the year 1816, entitled "an act to amend the laws in force respecting the trial of slaves in capital cases, and to extend the provisions thereof to the trial of slaves in certain cases." The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Received from the Senate, a resolution, instructing the Senators of this State in the Congress of the United States, and requesting the Representatives to make application to Congress for an appropriation of money to extinguish the Indian titles to land, situated in this State. The said resolution was read and agreed to.

Mr. Gorham, from the committee appointed to superintend the balloting for Col. of Cavalry in the 2d brigade of the 8th division of the militia, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared Shadrack P. Allen had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

Mr. Andrews presented a bill supplemental to an act, passed at the
present session of the General Assembly, entitled, "an act to extend the provisions of an act, passed in the year 1824, entitled "an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person," to the county of Rowan." The said bill was read the first time and passed.

Mr. Webb presented the following resolution:

Resolved, That the committee of Finance be instructed to inquire into the policy and expediency of providing by law for the appointment of a suitable number of assessors in each and every county in this State, to assess the land and town property subject to taxation, so as to affix a more uniform and equal valuation on the same; and that they report by bill or otherwise.

The question to concur with the resolution passed in the negative.

The bill to alter the place of holding one of the separate elections in Washington county, was read the second time, and the question shall the said bill pass; was determined in the negative.

The bill to divorce Susanna Tindell of the county of Haywood, from her husband James Tindell; Margaret Jackson, of the county of Burke, from her husband Gabriel Jackson; and Susanna Sharp from her husband Thomas Sharp, was read the first time, and, on motion, postponed indefinitely.

Mr. Rand presented the petition of William Mooncham, praying to be divorced from his wife Mary Mooncham. Mr. Edmonston presented the petition of several citizens of Haywood, praying for the laying out a road described in their petition. Which were each read, and the former postponed indefinitely, the latter rejected.

A message from the Senate, consenting to refer that part of the message of his Excellency the Governor, which relates to James Forsyth, to a select joint committee; and informing that Messrs. Gilchrist, Sneed, Vanhook, Pool and Davidson of Iredell form the committee on their part.

On motion of Mr. Borden, ordered that he have leave to withdraw from the files the petition of John Hill, and the accompanying documents.

The bill to repeal the 10th section of an act, directing the manner in which Clerks of the Superior Courts shall be appointed, passed in the year 1806, entitled "an act for the more uniform and convenient administration of justice within this State," was read the third time and amended. Mr. Miller moved that the further consideration of the said bill be postponed indefinitely. The question shall the said bill be indefinitely postponed? passed in the negative—yeas 42, nays 76. The yeas and nays moved for by Mr. Bain.


The bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative—yeas 60, nays 36. The yeas and nays moved for by Mr. Hoover.


On motion, ordered that the said bill be engrossed and sent to the Senate.

The bill to repeal 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 the second time. On motion of Mr. Donoho, the House resolved itself into a committee of the Whole on the said bill, Mr. Love in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Love reported that the committee of the Whole, according to order, had had the said bill under consideration, and instructed him to report that it is inexpedient to pass the same, and that it be rejected. The question to concur with the report passed in the affirmative—yeas 73, nays 51. The yeas and nays called for by Mr. D. Underwood.


Mr. Donoho moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the affirmative—yeas 71, nays 31. The yeas and nays called for by Mr. Ralston.


The bill in addition to the several acts heretofore passed, concerning the town of Trenton, in Jones county, was read the third time, amended with the consent of the Senate, passed, and ordered to be enrolled.

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

THURSDAY, DECEMBER 22, 1825.

Mr. Caldwell moved that the Military committee be discharged from the consideration of the bill respecting a Light Infantry company in the town of Salisbury, commanded by Captain Samuel Lemly. The question thereon passed in the affirmative. The said bill was read the first time, and, on motion of Mr. Skinner, postponed indefinitely.

Mr. Polk, from the Military committee, to whom was referred the bill to arrange in numerical order the regiments of Infantry of the militia of this State, in the counties in which they are located, reported the said bill without amendment. The said bill was read the first time and passed.

A message from the Senate, proposing to ballot immediately for Lieutenant Colonel of Cavalry attached to the 11th brigade of the militia, and informing that James A. Means is in nomination for the appointment.—The message was concurred in, and a committee, consisting of Messrs. Bain and Cox, appointed to conduct the balloting.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for Lieutenant Colonel of Cavalry, attached to the 11th brigade, and informing that William Newton Park and Marius T. C. Kennedy are in nomination for the appointment; and also proposing immediately thereafter to ballot for a Board of Internal Improvement, and informing that James Iredell, Daniel M. Forney and Edward B. Dudley are in nomination for the appointment.

A message from the Senate, informing that Mr. Shuford and Mr. Boddie form the committee on their part to conduct the balloting for Colonel of Cavalry attached to the 11th brigade.

Mr. W. W. Jones presented a bill to make an appropriation for clear-
The bill to authorise a certain number of Justices of the Peace for the county of Edgecombe to appropriate the county monies, was read the second and third times, and the questions shall the said bill pass? were determined in the affirmative. Ordered that the said bill be enrolled.

The bill to provide for the better government of the town of Lincoln-town; also the bill to amend an act, entitled "an act concerning the town of Salisbury," passed in the year 1822, chapter 52, and for other purposes, were each read the second time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to amend an act, passed in the year 1817, establishing a flour warehouse in the town of Fayetteville, was read, and, on motion, ordered to lie on the table.

The bill giving exclusive jurisdiction to the Superior Court of Anson, of pleas and prosecutions of the State, was read the second and third times. Mr. Caldwell moved that the said bill be indefinitely postponed. The question thereon passed in the negative. The said bill was put on its passage, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Bain, from the committee, appointed to conduct the balloting for Col. of Cavalry attached to the 11th brigade of the militia, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared James A. Means had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

The bill to amend an act, passed at the last session of the General Assembly, entitled "an act to appoint commissioners to contract with Jeremiah Land for a piece of land, for the use and benefit of the county of Currituck, was read the second time and passed. Ordered that the said bill be referred to the committee on the Judiciary.
The bill concerning the appointment and powers of patrollers in the county of Robeson, was read the second time and passed. On motion, ordered that the said bill be read the third time; and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The bill to amend an act, entitled "an act to authorise the counties therein named to appoint a committee of Finance;" also the bill to repeal an act, passed in the year 1822, entitled "an act to exempt certain citizens of Hyde county from public duty;" also the bill to divide the regiment of militia in Rockingham county; also the bill making compensation to the jurors for the county of Moore; also the bill to establish a poor house in the county of Martin; also the bill respecting the Courts of Pleas and Quarter Sessions of the county of Tyrrell; also the bill to appoint commissioners to lay off a road from John Harden's to Ashe court house, and for other purposes; also the bill to incorporate La Fayette Lodge, in the county of Onslow; also the bill to divorce Robert Bingham, junior, of the county of Mecklenburg, from Mary his wife; also the bill to repeal part of an act, passed in 1820, entitled "an act to establish separate Courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes;" also the bill to allow commissions to Constables in the county of Halifax; also the bill supplemental to an act, passed the present session of the General Assembly, entitled "an act to extend the provisions of an act, passed in 1824, entitled "an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person, to the county of Rowan;" also the bill directing the manner in which Constables shall be hereafter appointed in the county of Sampson. These bills were severally read the second time, and the questions shall the said bills pass? were determined in the affirmative. On motion, ordered that the said bills be read the third time, and the questions shall the said bills pass their third readings? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

Mr. Bell presented a bill to alter the names of John Baptist, William Cook and Mary Frances Cook, children of John Mansard and Penelope Cook, of Pasquotank county, and to legitimate them. The said bill was read the first time and passed.

Mr. Dockery, who voted in the majority yesterday on the question of indefinite postponement of the bill to divorce Susanna Tindell of the county of Haywood, from her husband James Tindell; Margaret Jackson, of the county of Burke, from her husband Gabriel Jackson; and Susanna Sharp from her husband Thomas Sharp, moved that the House do consider that vote. The question thereon passed in the negative.

Mr. Iredell presented a bill to incorporate Eastern Lodge, in the county of Pasquotank. The said bill was read the first time and passed.

The bill for the better regulation of the town of Pittsburg, in the county of Chatham, and to enforce the same; also the bill to prescribe the duties of the Attorney General, and to appoint a Solicitor for the third judicial circuit, were read the second time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Scott, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of reporting
a bill making it the duty of the Sheriffs or Coroners in all executions from the Supreme Court to pay into the office of the Superior Court, from whence an appeal was taken, the costs due in said Court, reported that the committee had, according to order, had the said resolution under consideration, and instructed him to report a bill, in pursuance to the object of the resolution, entitled "a bill directing the manner in which the costs of suits decided in the Supreme Court of North-Carolina shall hereafter be collected and paid over." The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Miller, from the committee of Claims, to whom the resolution in favor of Absalom Hooper was referred, reported that the committee had, according to order, considered the said resolution, and instructed him to report that it is reasonable, and ought to be passed. The question to concur with the report and resolution passed in the affirmative.

On motion of Mr. A. Moore,

Resolved, That the committee on Internal Improvements be directed to bring in a bill providing for the taking bond and security from undertakers as contractors for the execution of the public works.

Mr. Polk, from the Military committee, to whom was referred the resolution instructing them to inquire into the expediency of classing the militia, reported that the committee had, according to order, considered the said resolution, and instructed him to report that it is inexpedient to class the militia, as proposed, at this time, and to ask that the committee be discharged from the further consideration of the said resolution. The question to concur with the report passed in the affirmative.

Mr. Drake, from the committee on Education, to whom was referred the memorial of sundry citizens of Orange county, composing the officers of the Sunday School Union of said county, reported that the committee had considered the said memorial, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

Mr. Polk, from the Military committee, to whom was referred the resolution instructing them to inquire into the propriety of so amending the militia laws, as to prescribe the arms, accoutrements and uniform proper to be worn by the militia officers, reported that the committee had, according to order, considered the said resolution, and instructed him to report that the laws of the United States provide for the objects in the said resolution, and to ask that they be discharged from the further consideration thereof. The question to concur with the said report passed in the affirmative.

Mr. Miller, from the committee of Claims, to whom was referred the petition of William L. Hill, Col. Commandant of the Onslow militia, in behalf of himself and others, reported that the committee, according to order, had considered the said petition, and instructed him to report a resolution appropriating the sum of two hundred dollars, as payment for the services rendered by the petitioners and others in suppressing a rising or insurrection of negroes. Mr. Steedman moved that the consideration of the report and resolution be postponed indefinitely. The question thereon passed in the affirmative.

Mr. Scott, from the committee of the Judiciary, to whom it was refer-
red to inquire into the expediency of reporting a bill making overseers of public roads competent witnesses in all cases where it shall be their duty to give notice to the hands of the time of their working on said roads, reported that the committee had, according to order, considered the subject, and instructed him to report a bill, entitled "a bill to make overseers of public roads competent witnesses as to notice." The report was concurred in, and the bill reported read the first time and passed.

Mr. Scott, from the same committee, to whom was referred a resolution directing them to inquire into the expediency of amending the outlawry laws, reported that the committee, according to order, had considered the said resolution, and instructed him to report that it is inexpedient to make any amendment in said laws. The question to concur with the report passed in the affirmative.

Mr. Swain, from the select committee, to whom the petition of a number of the citizens of Burke and Rutherford counties was referred, praying for the erection of a new county, reported that the committee had, according to order, considered the said petition, and deem it reasonable, and instructed him to report a bill in pursuance to the prayer thereof, entitled "a bill to erect part of the counties of Buncombe and Burke into a separate and distinct county." The said bill was read the first time, and, on the motion of Mr. Drake, postponed indefinitely.

Mr. Spruill, from the select joint committee to whom was referred the memorial of the Grand Jury of Chatham county on the subject of a Penitentiary, reported that the committee, according to order, had had the said memorial under consideration, and instructed him to report that it is inexpedient at this time to establish a Penitentiary. The question to concur with the report passed in the affirmative. On motion, ordered that the said report be sent to the Senate, with a proposition that it be printed, two copies for each member of the Assembly.

Mr. Swain presented the petition of John M'Rae, of the town of Fayetteville, stating that he is about to publish, by subscription, a Map of the State, and asking for a loan of three thousand dollars, to enable him to effect the work. On motion, ordered that the said petition be referred to Messrs. Swain, Miller, Elliott, Picot and Edwards.

On motion of Mr. Vann,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the present laws, as to prevent as far as possible frivolous and malicious prosecutions going into Courts, when the prosecutors or defendants are not able to pay the costs; and that they report by bill or otherwise.

The bill for the relief of Peter Dowell, late Sheriff of Wilkes, was read the second time, and the question shall the said bill pass? was determined in the negative.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of William Hooker, in behalf of himself and others, made a report unfavorable to the prayer of the petition, and recommended its rejection. The question to concur with the report passed in the affirmative.

Mr. Polk, from the same committee, to whom was referred the petition of sundry inhabitants of the county of Lincoln, reported favorably to the prayer of the petition, recommending the passage of a bill, which he presented, entitled "a bill concerning the county of Lincoln." The report was concurred in, and the bill reported read the first time and passed.

The House then adjourned until to-morrow morning, 9 o'clock.
FRIDAY, DECEMBER 23, 1825.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to repeal an act, passed in the year 1822, entitled "an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Bertie; a bill to amend an act, passed in the year 1824, entitled "an act to authorize the appointment of commissioners to run and mark the dividing line between the counties of Lincoln and Burke;" and a resolution in favor of Thomas Rogers, of Anson county; and asking the concurrence of this House.

Mr. Holland presented a bill to amend the 9th section of an act, passed in the year 1777, entitled "an act directing the method of electing members of the General Assembly, and for other purposes;" which was read the first time and passed.

The engrossed bill to repeal an act, passed in the year 1822, entitled "an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Bertie, was read the first time and passed. On motion, ordered that the said bill be read a second time, and the question shall the said bill pass its second reading? was determined in the affirmative.

Mr. Whitehurst presented a bill concerning stakes in Neuse river below Newbern. The said bill was read the first time and passed. Ordered that the said bill be read the second time, and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing that they had passed the engrossed resolution explanatory of the resolution of 1821, in relation to the Public Library, with several amendments, and asking the concurrence of this House. The amendments were read, concurred in, and the Senate informed thereof by message.

On motion of Mr. Iredell,

Resolved, That the Clerk of this House be authorised and directed to employ an additional Assistant Clerk for the remainder of the session, who shall be entitled to the same daily compensation as is allowed to the present Assistant Clerk.

The bill to amend an act, entitled "an act concerning the town of Salisbury," passed in the year 1822, chapter 52, and for other purposes, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The resignation of Jesse Bray, Justice of the Peace for the county of Chatham, was read and accepted.

Mr. Howell presented the petition of Mary Barker, praying to be divorced from her husband Charles Barker. Ordered that the said petition be referred to the committee of Divorce and Alimony.

Mr. Iredell, from the joint committee of Finance, who were instructed to burn the defaced Treasury notes in the Treasury, reported that, according to order, they had examined and caused to be burnt, in their presence, thirteen thousand nine hundred and eighty-four dollars and thirty-five cents, ($13,984 55,) and recommended the passage of a resolution enabling the Public Treasurer to obtain a credit in his public account to an equal amount. The said resolution was read and conurred with. Ordered that the said resolution be engrossed and sent to the Senate.
Mr. Gordon presented a bill to amend an act, passed in the year 1814, entitled "an act for the better regulation of the town of Wilkesborough, in the county of Wilkes." The said bill was read the first time and passed. Ordered that the said bill be read the second time, and the question shall the said bill pass its second reading was determined in the affirmative.

Mr. Carson, from the committee to whom the petition of James Kirkland was referred, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

The resignations of Thomas Atkinson, Lieutenant Colonel of the Caswell regiment of militia, and John M'Millan, Justice of the peace for the county of Caswell, were read and accepted.

The bill to incorporate the Cotton Plant Steam Boat Company, on the Cape Fear, was read the second time and amended, and the question shall the said bill pass was determined in the affirmative.

A message from the Senate, informing that they concur in the several amendments made by this House in the bill to amend an act for the better care of orphans, and security and management of their estates. The said bill being read the third time and passed, with the amendments proposed several days ago, on motion, ordered that the said bill be enrolled.

The bill to provide for the removal of the shoal in Tar River below the town of Washington, was read the third time, and the question shall the said bill pass was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Donoho, from the committee of Internal Improvements, to whom was referred the resolution directing them to report a bill requiring the Board of Internal Improvements to take bond and security for the due and faithful fulfilment of contracts, in relation to Internal Improvements, reported that the committee had, according to order, considered the said resolution, and instructed him to report a bill directing the Board of Internal Improvements to make contracts with such persons as may hereafter undertake any of the public improvements in this State, and to take bond and security for the performance of the same. The report was concurred in, and the bill reported read the first time and passed.

A message from the Senate, proposing to ballot immediately for Lieutenant Colonel of Cavalry, attached to the 11th Brigade of the militia. The message was concurred in, and the Senate informed by message that Mr. Durgan and Mr. Skinner form the committee on the part of this House to conduct the balloting.

A message from the Senate, informing that Mr. Daniel and Mr. Alexander attend this House, to conduct the balloting for Lieutenant Colonel of Cavalry, attached to the 11th brigade, on their part.

Mr. Simpson presented a bill for the better regulation of the County Courts of Guilford county. The said bill was read the first time and passed. Ordered that the bill be read the second time, and the question shall the said bill pass its second reading was determined in the affirmative.

The bill for the relief of certain purchasers of the Cherokee lands, was read the third time, and the question shall the said bill pass was determined in the affirmative.
The bill to encourage the publication of a historical and scientific work on this State, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

On motion of Mr. Shepperd,
Resolved, That the Public Treasurer be directed to refund to Joseph Welch, of Haywood county, the sum of one hundred dollars, paid by him to William Gaston, Esq. as counsel in the case, decided in the Supreme Court, Ea Chillah, a Cherokee Indian, vs. Joseph Welch.

Ordered that the said resolution be engrossed and sent to the Senate.

Mr. Dorgan, from the committee appointed to conduct the ballotting for Lieutenant Colonel of Cavalry, attached to the 11th brigade of the militia, reported that the committee had performed the duty assigned to them; and that, on counting the ballots, it appeared William Newton Park had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

A message from the Senate, informing, that they had indefinitely postponed the consideration of the recommendation of Thomas Independence Polk, as Lieutenant Colonel of the first regiment of the Mecklenburg county militia.

Mr. Donoho, from the committee of Internal Improvements, made a report on the petition of sundry inhabitants of the county of Wilkes on the subject of a road, unfavorable to the prayer of the petition, recommending that the subject be referred to the court of said county. The question to concur with the report passed in the affirmative.

The bill to prescribe the duties of the Attorney General, and to appoint two Solicitors for the third and fourth judicial circuits, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Donoho, from the committee on Internal Improvements, to whom was referred the petition of sundry inhabitants of the county of Haywood on the subject of a road, made a report unfavorable to the prayer of the petition, recommending its rejection. The question to concur with the report passed in the affirmative.

The engrossed resolution in favor of Thomas Rogers, of Anson county, received from the Senate, directing the Secretary of State to issue a grant for two hundred acres of land to him, was read and concurred with. Ordered that the said resolution be enrolled.

Mr. Swain presented a letter from John De Lacy, praying renu- meration for services performed in surveying the coast about Roanoke Inlet, at the request of the late Governor Hawkins. The said letter was read, and, on motion, ordered to be postponed indefinitely.

Mr. Glasgow presented a bill to incorporate the trustees of the Presbyterian Church in Oxford. The said bill was read the first time and rejected.

Mr. Boon presented the petition of Willie Dobson, of Orange county, praying to be restored to the privileges of a citizen, forfeited by a prosecution and conviction of perjury. On motion, ordered that the said petition be postponed indefinitely.

Mr. Scott presented the petition of the Franklin Library Society, established in the town of Hillsborough, praying to be authorised by law to
raise a sum of money, not exceeding three thousand dollars, to be appropriated for the purchase of books. The said petition was read, and, on motion, ordered to be postponed indefinitely.

Mr. Scott, from the committee on the Judiciary, to whom was referred the resolution directing them to inquire into the expediency of amending the laws concerning attachments and garnishments, reported that the committee, according to order, had considered the said resolution, and instructed him to report that the existing law in that respect needs neither modification or amendment. The question to concur with the report passed in the affirmative.

A message from the Senate, informing that they agree to refer that part of the Governor's message of the 19th ultimo, in relation to James Forsyth, to a select joint committee, and on their part to Messrs. Gilchrist, Sneed, Vanhook, Pool, and Davidson of Iredell.

The engrossed bill to amend an act, passed in the year 1824, entitled "an act to authorise the appointment of commissioners to run and mark the dividing line between the counties of Lincoln and Burke," was read the first time, and, on motion, postponed indefinitely.

Mr. Martin presented the following resolution:

Resolved, That the Board of Internal Improvement be, and they are hereby directed to prepare and transmit to the President and Directors of the Roanoke Navigation Company, a memorial, respectfully soliciting that body to accept of the appropriation made by the Legislature of this State, in the year 1823, for the purpose of locking into the river at Weldon, and report the result of said memorial to the next session of the Legislature.

Mr. Iredell moved that the consideration of said resolution be postponed indefinitely. The question thereon passed in the affirmative—yeas 83, nays 32. The yeas and nays moved for by Mr. Martin.


Those who voted in the negative were Messrs. Allen, Alston, Barnett, Bateman, Bell, Blount, Bozman, Brooks, Brower, Burns, Carter, Clement, Cox, Davenport, Ellison, Gary, Glasgow, Gorham, Hoover, Latham, Martin, Marshall, Mhoon, Richardson, Shepperd, Smith of Davidson, Spurgen, W. Underwood, Vann, Webster, Whitehurst, Williamson—32 nays.

The bill to alter the time of the annual meeting of the General Assembly, was read the second time. Mr. Caldwell moved to amend the said bill, by striking out the words, on the last Monday in December, the time contemplated by the bill for the meeting of the next Legislature, and inserting the words on the said Monday in December. Mr. Miller called for a division of the question; and the question will the house strike out passed in the negative. Mr. Cooper moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the negative—yeas 51, nays 61. The yeas and nays called for by Mr. Cooper.


The said bill was put on its passage, and the question shall the said bill pass? was determined in the affirmative.

The House then adjourned until to-morrow morning, 10 o’clock.

Saturday, December 24, 1825.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to repeal an act, passed in 1812, entitled “an act directing the time and manner of appointing overseers of roads in Richmond county;” a bill to amend an act, entitled “an act to amend an act, entitled ‘an act directing the time and place of sales of land and slaves under execution in Rowan county;” a bill to divorce Mary Fields, of the county of Ashe, from her husband William Fields; a bill to authorize the County Courts of Stokes and Guilford to appoint a committee of Finance; and a bill to alter the time of holding the Court of Pleas and Quarter Sessions of Person county; in which they ask the concurrence of this House.

The bill to amend an act, entitled “an act directing the time and place of sales of land and slaves under execution in Rowan county,” was read the first time, and the question shall the said bill pass? was determined in the affirmative.

The bill to repeal an act, passed in 1812, entitled “an act directing the time and manner of appointing overseers of roads in Richmond county,” was read the first time and passed. Ordered that the said bill be read a second time, and the question shall the said bill pass its second reading? was determined in the affirmative.

The bill to alter the time of holding the Court of Pleas and Quarter Sessions of Person county, was read the first time and passed. On motion, ordered that the said bill be read a second time, and the question shall the said bill pass its second reading? was determined in the affirmative.

The bill to authorize the County Courts of Stokes and Guilford to appoint a committee of Finance, was read the first time and amended; and the question shall the said bill pass? was determined in the affirmative.

Mr. Lassiter presented a bill to regulate the patrol of Lenoir county. Mr. Picot presented a bill authorizing a loan to John M’Rae, to aid him in the publication of a Map of this State. These bills were read each the first time, and the questions shall the said bills pass? were determined in the affirmative.
The resolutions of John Eason, Colonel of the regiment of militia of Johnston; Levi Mewborn, Justice of the Peace of Lenoir county, were read and accepted.

Mr. Polk, from the Military committee, to whom was referred the petition of sundry inhabitants of Rutherford county, reported a bill, in pursuance to the prayer of the petition, entitled "a bill directing the manner in which the regiments of infantry of this State shall hereafter be reviewed." The report was concurred in, and the bill reported read the first time and passed.

Mr. Polk, from the committee of Propositions and grievances, to whom was referred the petition of Thomas H. Scarborough, of Chatham county, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled "an act to prevent the stealing of slaves, or, by violence, seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes therein mentioned," passed in the year 1792, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred with, and the Senate informed thereof by message.

Mr. Wilson presented a bill to amend the first section of an act, passed in the year 1820, concerning the marriage of infant females. Mr. Whitehurst presented a bill to repeal part of an act, passed in 1818, entitled "an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special Justices of the Peace, and making compensation to such justices for certain services." Mr. Drake presented a bill to provide for the payment of jurors for the county of Nash. Mr. N. Jones presented a bill to establish a poor house in Granville county, and for other purposes. Mr. Drake presented a bill to incorporate Morning Star Lodge, in the town of Nashville, Nash county. Mr. McCauley presented a bill to appoint commissioners for the village of Chapel Hill, and for other purposes. Mr. M'Millan presented a bill concerning the Court of Pleas and Quarter Sessions of the county of Bladen. Mr. Spruill presented a bill to alter the times of holding the Superior Courts of Law and Equity for the counties of Halifax and Northampton. Mr. Adams presented a bill to incorporate Fellowship Lodge, No. 84, in Johnston county. Mr. Ellison presented a bill to appoint commissioners for the town of Bath, in the county of Beaufort, and for the better regulation of said town. These bills were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Donoho, from the committee on Internal Improvements, to whom was referred a resolution instructing them to inquire into the expediency of providing by law for the establishment and construction of a State road from Fayetteville to the town of Salem, and from thence to Wilkesborough, reported that the committee, according to order, had considered the said resolution, and instructed him to report that it is not expedient to legislate at this time on the subject. The question to concur with the report passed in the affirmative.
Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Hugh and Eli Stuart, of the county of Mecklenburg, reported favorable to the prayer of the petition, and recommended the passage of a resolution, presented by him, for their relief. The said resolution was read and passed, and ordered to be engrossed.

Mr. Donoho, from the committee on Internal Improvements, made a report on the petition of Ebenezer Pettigrew, of the county of Tyrrell, favorable to the prayer thereof, recommending the passage of a bill to prevent persons from injuring a dam and canal, lately constructed by Ebenezer Pettigrew, in the county of Tyrrell. The said bill was read the first time and passed.

Mr. Ballew presented a bill to authorise Abner Payne, of the county of Burke, to erect a gate on his own lands across the road leading to Lincolnton. The said bill was read the first time and passed.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of Mary Barker, praying to be divorced from her husband Charles Barker, made a report unfavorable to the prayer of the petition, and praying to be discharged from the further consideration of the subject. The question to concur with the report passed in the affirmative.

Mr. Donoho, from the committee on Internal Improvements, to whom was referred the bill to repair and improve the road leading from Columbia, in Tyrrell county, to Gum Neck and Frying Pan, reported that the committee had, according to order, considered the said bill, and instructed him to report the bill, and recommend its passage. The said bill was read the second time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to repeal in part the several acts of the General Assembly respecting the sales of land and slaves under execution, so far as regards the county of Gates; a bill to alter in part the times of holding the Superior Courts of Law and Equity in the 5th judicial circuit; also a resolution in favor of Thomas Lanier and Hardy Wood, of Franklin county; and asking the concurrence of this House; and informing further, that they had indefinitely postponed the engrossed bill to repeal the 10th section of an act, directing the manner in which the Clerks of the Superior Courts shall be appointed, passed in the year 1806, chapter 695, entitled "an act for the more uniform and convenient administration of justice within this State."

The bill to fix the compensation hereafter to be given to the Public Printer within this State, was read the second time, and, on motion, postponed indefinitely.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the bill to amend an act, entitled "an act for the better regulation of the town of Murfreesborough, in the county of Hertford, and to enlarge the same," reported that the committee, according to order, had the said bill under consideration, and instructed him to report the same without amendment, and to recommend its passage. The report was concurred in, and the said bill read the first time and passed.

The engrossed bill to repeal in part the several acts of the General Assembly, respecting the sales of lands and slaves under execution, so far as regards the county of Gates; and the engrossed bill to alter in part the times of holding the Superior Courts of Law and Equity in the 5th
judicial circuit, were each read the first time, and the questions shall the
said bills pass? were determined in the affirmative.

Mr. Scott, from the Judiciary committee, to whom was referred the re-
solution instructing them to inquire into the expediency of so amending
the law, as to more effectually suppress the practice of slaves hiring their
own time, reported that the committee, according to order, had had the
said resolution under consideration, and instructed him to report that
the law in that respect requires no amendment. The question to con-
cur with the report passed in the affirmative.

Mr. Scott, from the same committee, to whom was referred the reso-
olution instructing them to inquire into the expediency of amending an act,
passed in the year 1819, to prevent fraudulent trading with slaves, so far
as to prevent slaves from selling cotton to any person except their ow-
ers or other persons having the management of them, reported that the
committee had had the said resolution under consideration, and instruc-
ted him to report that the present law, if duly executed, is sufficient to
prevent such practices. The question to concur with the report passed
in the affirmative.

The engrossed resolution in favor of Thomas Lanier and Hardy Wood,
of Franklin county, was read and ordered to lie on the table.

The bill to alter the time of the annual meeting of the General Assem-
bly, was read the third time, and the question shall the said bill pass? was
determined in the affirmative—yeas 64, nays 56. The yeas and nays mo-
ved for by Mr. Skinner.

Those who voted in the affirmative, are Messrs. Allen, Ashe, Bain, Ball,
Barnett, Bateman, Bell, Best, Blount, Boon, Brooks, Brower, Bryan,
Burns, Bynum, Cox, Crawford, Daniel, Davenport, Donoho, Dunn, Ed-
monston, Edwards, Elliott, Ellison, Gary, Gause, Glasgow, Gorham,
Hardy, Iredell, Joiner, W. W. Jones, Lamb, Lassiter, Lewis, Love,
Martin, Matthews, Melchor, Miller, Mhoon, A. Moore, Murchison,
M'Caulley, M'Nair, Polk, Raiford, Scott, Shepperd, Skinner, J. N.
Smith, Spruill, Swain, Tillett, Torrence, W. Underwood, Wm. Walton,
Wasden, Weaver, Webster, Wilcox, W. T. Williams, Wilson—64
yeas.

Those who voted in the negative, are Messrs. Adams, Alford, Alston,
Andrews, Ballew, Bontier, Bozeman, Burke, Caldwell, Carson, I. Carter,
W. Carter, Clement, Conrad, Cooper, Drake, Durgan, Gordon, Har-
per, Hartley, Herbert, Hill, Holland, Hoover, Howell, N Jones, Latham,
Marshall, Mewborn, G. Moore, M' Millan, Picot, Poor, Pugh, Rand,
Rascoe, Richardson, L. H. Simmons, L. R. Simmons, Simpson, J. Smith
of Anson, J. Smith of Davidson, Spurgen, Stephens, Stedman, Unthank,
Vann, J. Walton, Walker, Webb, Whitaker, Whitehurst, Wilder, E.
Williams, Williamson, Wright—56 nays.

Ordered that the said bill be enrolled.

The Clerk, in obedience to the resolution of yesterday, instructing him
to engage an additional assistant clerk, has appointed Ichabod Whif-
more.

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

MONDAY, DECEMBER 26, 1825.

Mr. Swain, from the select committee, to whom was referred the
memorial of John M'Rae, of the town of Fayetteville, reported a
bill, in pursuance of the prayer of said memorial, entitled "a bill authorizing a loan to John M'Rae, to aid him in the publication of a Map of this State," and recommend its passage. The said bill was read the first time and passed.

The House resolved itself into a committee of the Whole, on the motion of Mr. Picot, on the bill to prevent protracted litigation by enlarging the jurisdiction of Justices of the Peace, Mr. Martin in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Martin reported that the committee of the Whole, according to order, had had the said bill under consideration, and instructed him to report it with sundry amendments. The amendments were read and concurred in. Mr. Picot moved that the further consideration of said bill be postponed indefinitely. The question thereon passed in the affirmative—yeas 65, nays 47. The yea and nay moved for by Mr. Picot.


Mr. Martin, from the select committee, to whom was referred the bill to compel certain officers therein named to make out their fee-bills in dollars and cents, and for other purposes, returned the bill without amendment, and recommended its passage. The said bill was read the first time passed.

Mr. Scott, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of so amending the present laws, as to prevent, as far as possible, frivolous and malicious prosecutions going into court, reported that the committee, according to order, had the said resolution under consideration, and instructed him to report that it is not expedient to legislate on the matter. The question to concur with the report passed in the affirmative.

The bill directing the Board of Internal Improvements to make contracts with such persons as may hereafter undertake any of the public improvements in this State, and to take bond and security for the performance of the same, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The House, on motion of Mr. Wm. Underwood, resolved itself into a committee of the whole House, on the bill limiting the time within which actions shall be brought on justices' judgments, Mr. Scott in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Scott reported that the committee of the Whole, according to order, had had the said bill under consideration, and instructed him to report it with an amendment. The amendment was read and agreed to. Mr. Mewborn moved that the further consideration of the said bill be postponed;
ned indefinitely. The question thereon passed in the negative. The bill was then put on its passage, and the question shall the said bill pass its second reading as amended was determined in the affirmative.

On motion, ordered that Mr. Adams have leave of absence for this day.

The bill to make an appropriation for clearing out the flats below Wilmington, was read the second time. Mr. Boon moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the negative—yeas 45, nays 62. The yeas and nays moved for by Mr. Cox.


The said bill was put on its passage, and the question shall the said bill pass its second reading was determined in the affirmative.

On motion of Mr. Iredell, the House resolved itself into a committee of the whole House, on the bill concerning the election of Sheriffs, Mr. Donoho in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Donoho reported that the committee of the Whole, according to order, had had the said bill under consideration, and instructed him to report that it is inexpedient to pass the same. The question to concur with the report passed in the affirmative. The bill thereupon was put on its passage for its second reading, and the question shall the said bill pass was determined in the negative—yeas 46, nays 69. The yeas and nays moved for by Mr. Stedman.


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

TUESDAY, DECEMBER 27, 1825.

A message from the Senate, proposing to suspend the joint resolution relative to the introduction of private bills, so far as regards a bill for the
better regulation of the committee of Finance in the county of Cumberland, and for other purposes. The message was concurred with, and the Senate informed thereof by message.

The resignation of Jo. Richardson, Justice of the Peace for the county of Johnston, was read and accepted.

The bill concerning the town of Oxford, was read the second time and amended, and the question shall the said bill pass? was determined in the affirmative.

Mr. Scott, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of amending the law on the subject of bastardy, reported that the committee, according to order, had considered the said resolution, and instructed him to report that it is not expedient to amend the said law. The question to concur with the report passed in the affirmative.

Mr. Scott, from the same committee, to whom was referred the bill to make valid certain deeds registered in the county of Guilford, reported that the committee had had the said bill under consideration, and instructed him to report that it is inexpedient to pass the said bill, and to recommend its rejection. The question to concur with the report passed in the affirmative.

Mr. Wilson presented a bill to provide for taking testimony in certain cases. Mr. A. Moore presented a bill to alter the time of electing the members of the General Assembly in this State. These bills were read the first time and passed.

Mr. Donoho, from the committee on Internal Improvements, to whom was referred the communication from the Governor of the State of Virginia on the subject of the Dismal Swamp Company, reported that the committee had, according to order, had the subject under consideration, and instructed him to report a bill to authorise the stockholders of the Dismal Swamp Canal Company to increase their capital stock, and to recommend its passage. The said bill was read the first time and passed.

A message from the Senate, proposing to ballot immediately for a Major of the regiment of Cavalry attached to the 11th Brigade, and informing that Robert Kirkpatrick is nominated for the appointment. The message was concurred with, and the Senate informed by message that Mr. Walker and Mr. D. Underwood form the committee to conduct the balloting on the part of this House.

On motion, ordered that Mr. Alston, after this day, and Mr. Martin and Mr. Barnett, after Thursday next, have leave of absence until the end of the session.

The resignations of John Stockard, Col. Commandant of the third regiment of Militia of Orange county, and Robert Graham, Major in said regiment; of Malcom Munroe, of Cumberland county, and Robert Cannon, of Wake county, Justices of the Peace, were read and accepted.

The bill to amend and explain the 8th section of an act, passed in 1784, entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this State to order the laying out public roads, &c." was read, and, on motion, ordered to be referred to Messrs. Bain, Shepperd, Wilson, Picot and Glasgow.

Mr. Miller, from the committee of Claims, to whom the petitions of William L. Griffin, of Rutherford county, and James Daniel, of Wayne
county, were referred, reported that the committee, according to order, had the said petitions under consideration, and instructed him to report that they be rejected. The question to concur with the report passed in the affirmative.

The bill to amend the several acts heretofore in force regulating the proceedings in Courts of Equity, was read the second time, and the question shall the said bill pass was determined in the negative.

A message from the Senate, informing that Mr. Alexander and Mr. Daniel attend this House, on their part, as a committee to conduct the balloting for Major of Cavalry in the 11th Brigade.

Mr. Stedman presented a bill to prevent persons from educating slaves. The said bill was read the first time, and, on motion, rejected.

A message from the Senate, informing that they had passed the engrossed resolution in favor of the door keepers, and requesting the concurrence of this House. The said resolution was read, and the question shall the said resolution pass was determined in the affirmative. Ordered that the resolution be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill directing at what time the polls shall be closed at the separate elections in the county of Martin; also a bill to authorize the Courts of Pleas and Quarter Sessions of Carteret and Jones counties to appoint special Justices of the Peace, and making compensation to such Justices for certain services; also the bill prescribing the time and places of electing the Members of the General Assembly for the county of Wayne, Members of Congress and Electors to vote for President and Vice President of the United States, &c. with several amendments to each; in which they ask the concurrence of this House. The amendments made in each bill were read and concurred in, and the Senate informed thereof by message.

The bill directing the Board of Internal Improvements to make contracts with such persons as may hereafter undertake any of the public improvements in this State, and to take bond and security for the performance of the same, was read the third time. Mr. W. W. Jones moved to amend the bill by striking out the words, in the first section, "with good and sufficient security, payable to the Governor for the time being, in double the sum paid, or contracted to be paid, with the condition that he or they will faithfully perform his or her contract, according to the plans and specifications agreed on," and inserting in lieu the following words: "with condition to repay the money advanced upon the contract in case of failure fully to perform the same: Provided always, that the Board of Internal Improvements shall have power, on consideration of the work which may be done by any contractor who shall fail fully to perform his undertaking, and of the circumstances attending such failure, to allow such contractor to retain such sum as they may deem equitable and just for the work performed." The question thereon passed in the negative—yeas 54, nays 58. The yeas and nays called for by Mr. Bell.

Those who voted in the negative, are Messrs. Adams, Allen, Baker, Ballew, Barth- 
nett, Bell, Boon, Bonner, Brooks, Brower, Burke, I. Carter, W. Carter, Conrad, 
Cooper, Cox, Daniel, Dockery, Durgan, EDMonston, Gary, Glasgow, Holland, How- 
er, Joiner, N. Jones, Latham, Martin, Marshall, Newborn, Mhoon, G. Moore, McNair, 
Picot, Poor, Pugh, Raiford, Rascoe, L. R. Simmons, Simpson, Skinner, Smith of An- 
son, Smith of Davidson, Spurgeon, Stephens, Stedman, Torrence, W. Underwood, 
Unthank, Vann, J. Walton, Win. Walton, Walker, Wasden, Webster, Whitaker, Whi- 
Whitehurst, Wilder—58 nays.

The bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The House then adjourned until 3 o'clock, P. M.

The Bill to amend an act, passed in the year 1814, entitled "an act for the better regulation of the town of Wilkesborough, in the county of Wilkes;" also the bill for the better regulation of the County Courts of Guilford county. The said bills were read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The engrossed bill to repeal an act, passed in the year 1822, entitled "an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Bertie; also the engrossed bill to alter the time of holding the Court of Pleas and Quarter Sessions of Person county, were read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

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

WEDNESDAY, DECEMBER 28, 1825.

On motion of Mr. Williamson, ordered that a message be sent to the Senate, proposing to ballot this morning for Colonel, Lieutenant Colonel and Major of Cavalry attached to the 16th brigade, and informing that John Willie, as Colonel, Reuben Walton, as Lieutenant Colonel, and Elijah Hester, as Major, are in nomination.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to repeal an act, passed in 1823, entitled "an act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions in the county of Rockingham;" a bill for the better protection of public bridges owned by individuals or corporations, and pre-eribing the punishment for burning the same; a bill to provide for the security of persons purchasing slaves sold by virtue of executions issued by Justices of the Peace; a bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to land within this State;" a bill to alter the names of Willie Wiggins, Ricks Wiggins, Micajah Wiggins and John Wiggins, and to legitimate them; a bill to alter the times of holding two of the County Courts in the county of Brunswick; a bill to annex a part of the lower Regiment to the upper Regiment, in Robeson county; a bill concerning the settlement of Guardians appointed by the Superior Courts; and a bill concerning the Militia of the county of Montgomery; and asking the concurrence of this House.

Mr. Best, from the committee appointed to conduct the balloting for Major of Cavalry attached to the 11th Brigade, reported that the commit-
Bills had performed the duty assigned to them; and that it appeared, on examining the ballots, Robert Kirkpatrick had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

The bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to lands within this State;" the bill to provide for the security of persons purchasing slaves sold by virtue of executions issued by Justices of the Peace; the bill for the better protection of Public Bridges owned by individuals or corporations, and prescribing the punishment for burning the same; and the bill concerning the settlement of Guardians appointed by the Superior Courts, were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative.

A message from the Senate, informing of the assent of that House to ballot for the Cavalry officers attached to the 16th Brigade; and that Mr. Sneed and Mr. Vanhook form the committee to conduct the balloting on their part.

On motion of Mr. Donoho, ordered that a message be sent to the Senate, informing that the name of Samuel Mitchell is added to the nomination for Major of Cavalry in said Brigade.

Mr. Blount presented a bill to amend the Militia Laws of this State, so far as regards the returns of Brigadier Generals and Colonels. The said bill was read the first time and passed.

The bill to alter the times of holding two of the County Courts in the county of Brunswick; also the bill concerning the Militia of the county of Montgomery; also the bill to annex a part of the lower Regiment to the upper Regiment in Robeson county; also the bill to repeal an act, passed in 1823, entitled "an act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions in the county of Rockingham," were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative. Ordered, that the said bills be read the second time; and the questions shall the said bills pass their second readings? were determined in the affirmative.

On motion of Mr. Ashe, ordered that the bill establishing a Medical Board in this State, be made the order of the day for to-morrow, then to be considered in committee of the whole House.

A message from the Senate, informing that they had passed the engrossed bill for the relief of certain purchasers of the Cherokee lands, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

The bill to incorporate the North Carolina Gold Mine Company, was read the second time, and the question shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be read the third time; and the question shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

A message from the Senate, informing that they had passed the engrossed bill to create a fund for the establishment of common schools, and asking the concurrence of this House.

The resignations of John Shaw, of the county of Wake, and Henry Ripple, of Stokes county, Justices of the Peace, were read and accepted.
The bill to create a fund for the establishment of common schools, was read the first time, and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill to prescribe the duties of the Attorney General, and to appoint two Solicitors for the third and fourth Judicial Districts.

The bill to alter the names of Willie Wiggins, Ricks Wiggins, Micajah Wiggins and John Wiggins, and to legitimate them, was read the first time, and, on motion, rejected.

Mr. Andrews presented a bill to repeal in part the first section of an act, passed in the year 1794, entitled “an act to prevent fraud in the sale of property therein mentioned,” which was read the first time and rejected.

The bill directing the manner in which the Regiments of Infantry of this state shall hereafter be reviewed, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The bill to regulate the hire of slaves, was read the second time. Mr. Bain moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the affirmative—yeas 84, nays 25.

The yeas and nays moved for by Mr. Cooper.


Mr. Lewis, from the committee appointed to superintend the ballotting for cavalry officers attached to the 10th brigade and third division of the militia, reported that the committee, according to order, had performed the duty assigned to them; and that it appeared, on examining the ballots, John Willie, as Colonel, Reuben Walton, as Lieutenant Colonel, and Elijah Hester, as Major, had each a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

The House resolved itself into a committee of the whole House on the bill to make an appropriation for clearing out the flats below Wilmington, Mr. Lewis in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Lewis reported that the committee of the Whole, according to order, had had the said bill under consideration, and instructed him to report that it is expedient to pass the same. The report was concurred in, and the said bill read the third time; and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The bill for the better regulation of the town of Pittsborough, in Chatham county, and to incorporate the same; also the bill to repeal an act,
passed in 1812, entitled "an act directing the time and manner of appointing overseers of roads in Richmond county," were read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the latter bill be enrolled, the former engrossed and sent to the Senate.

The bill to repeal an act, passed in the year 1823, entitled "an act for the more convenient administration of justice in the Court of Pleas and Quarter Sessions in the county of Rockingham," was read the third time, and, on the motion of Mr. Barnett, postponed indefinitely.

The resolution in favor of William Buylan and the rest of the heirs of Benjamin M'Cullock, deceased, was read the second time, and, on motion of Mr. Bell, postponed indefinitely.

The House then adjourned until 3 o'clock, P. M.

The engrossed bill to annex a part of the lower regiment to the upper regiment in Robeson county, was read the third time, amended, and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendments.

The bill to alter the times of holding two of the County Courts in the county of Brunswick; also the bill to provide for the better government of the town of Lincolnton; also the bill concerning the militia of the county of Montgomery, were severally read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

The bill to incorporate the Cotton Plant Steam Boat Company, on the Cape Fear river, was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate.

The bill authorising David Craig, of the county of Rowan, to erect two gates on the public road leading to the South Yadkin river; also the bill concerning the Court of Pleas and Quarter Sessions of the county of Bladen; also the bill to regulate the patrol of Lenoir county, were respectively read the second time and passed. Ordered that the said bills be read the third time; and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

On motion, ordered that a message be sent to the Senate, proposing to suspend the joint rule prohibiting the introduction of private bills after Saturday last, so far as to admit the introduction of the following bills, to wit: A bill to authorise Josiah Holly, of the county of Bertie, to erect a gate on his own lands; a bill to divorce John J. Hendrick and Lucy Hendrick; and a bill requiring the Justices of the Court of Pleas and Quarter Sessions of the county of Bladen to elect all public officers at their February term.

The bill to incorporate Fellowship Lodge, No. 84, in the county of Johnston; also the bill to alter the times of holding the Superior Courts of Law and Equity for the counties of Halifax and Northampton; also the bill to amend an act, entitled "an act for the better regulation of the town of Murfreesborough, in the county of Hertford, and to enlarge the same," were each read the second time and passed. Ordered that the said bills be read the third time; and the questions shall the said bills pass their third readings? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.
The bill to prevent the falling of timber in, or obstructing the run of Brown creek, in Anson county; also the bill to amend an act, entitled "an act to amend an act, entitled 'an act directing the time and place of sales of lands and slaves under execution in Rowan county;" also the bill for the better government of the town of Wadesborough, in Anson county; also the bill to authorise Willis Lewis, of Granville county, to erect and keep up on his own lands two gates across the public road leading from Clay's cross roads to Grassy creek; also the bill to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; also the bill to revive and continue in force the provisions of an act, passed in the year 1818, entitled "an act directing a road to be laid out and opened from the town of Leaks ville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough," and to amend the same, were severally read the second time and passed. On motion, ordered that the said bills be read for their third reading; and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

The bill to alter the time of laying the county taxes of Craven county, and appointing receivers of lists of taxables in said county; also the bill to provide for the payment of jurors for the county of Nash; also the bill concerning the county of Lincoln; also the bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Wilkes; also the bill to incorporate Eastern Lodge, in the county of Pasquotank; also the bill to repeal part of an act, passed in 1818, entitled "an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint Special Justices of the Peace, and making compensation to such justices for certain services;" also the bill to establish a poor house in Granville county, and for other purposes; also the bill to prevent persons from injuring a dam and canal, lately constructed by Ebenezer Pettigrew, in the county of Tyrrell; also the bill to appoint commissioners for the town of Bath, in the county of Beaufort, and for the better regulation of said town; also the bill to authorise Abner Payne, of the county of Burke, to erect a gate on his own lands across the road leading to Lincolntown, were respectively read the second time and passed. Ordered that the said bills be read the third time; and the questions shall the said bills pass their third readings? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The bill to repeal an act, passed in 1823, entitled "an act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions in the county of Rockingham," was read the third time and postponed indefinitely.

The bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

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

Thursday, December 29, 1825.

A message from the Senate, informing that they had passed the engrossed bill directing the Board of Internal Improvements to make contracts with such persons as may hereafter undertake any of the public
improvements in this State, and to take bond and security for the performance of the same, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred with, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill to encourage the publication of a historical and scientific work on the State, with several amendments, and asking the concurrence of this House. The said amendments were read, the first and second were concurred with, and the third rejected. Ordered that the Senate be informed thereof by message.

Mr. Donoho, from the committee on Internal Improvements, to whom was referred the communication from the Executive of Virginia to the Governor of this State, enclosing an act relative to the Dismal Swamp Company, reported that the committee, according to order, had considered the said communication, and instructed him to report a bill giving the assent of the General Assembly of the State of North Carolina to an act of the Commonwealth of Virginia, passed the 29th day of January, A. D. 1818, entitled "an act to authorize the Dismal Swamp Canal Company to open a navigable communication between the Canal and the nearest navigable part of the North West river, and for other purposes," and to recommend its passage. The said bill was read the first time and passed.

On motion, ordered that Mr. Gorham, after this day, Lemuel H. Simmons and Mr. M'Cauley, after to-morrow, and Mr. Picot, after Saturday, have leave of absence until the end of the Session.

Mr. Scott, from the Judiciary committee, to whom it was referred to inquire into the propriety of appointing in each county within the State a regular and standing board of auditors, &c. reported that the committee, according to order, had considered the subject, and instructed him to report that it is inexpedient to legislate on the same, and ask to be discharged from the further consideration thereof. The report was read and concurred with.

The bill directing the manner in which the regiments of Infantry of this State shall hereafter be reviewed; also the bill to authorize and direct the payment to the wardens of the poor in each county, in the State the tax imposed on retailers of spirituous liquors, was read the third time, and the question shall the said bills pass was determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

On motion, ordered that Mr. Iredell and Mr. A. Moore have leave of absence from the service of this House after Saturday next until the end of the Session.

Mr. Bain, from the select committee to whom was referred the bill to amend and explain the 8th section of an act, passed in 1784, entitled "an act to empower the County Courts and Quarter Sessions of the several counties in this State to order the laying out of public roads, &c. returned the bill, with an amendment. The amendment was concurred in, and the bill, as amended, read the second time and passed.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the committee of Finance in the county of Cumberland, and for other purposes; also the engrossed bill limiting the time within which prosecutions for certain offences shall be commenced; and also the engrossed bill concerning the navigation of Neuse River, and asking the concurrence of this House.
The engrossed bill limiting the time within which prosecutions for certain offences shall be commenced, was read the first time, and, on motion, postponed indefinitely.

The bill for the better regulation of the committee of Finance in the county of Cumberland, and for other purposes; also the bill concerning the navigation of Neuse River, were read the first time, and the question shall the said bills pass? was determined in the affirmative.

The engrossed bill concerning company musters, was read the second time and rejected.

The bill directing to whom the bonds of certain officers therein named shall be made payable, and for other purposes, was read the second time and passed.

A message from the Senate, informing of the assent of that House to the amendment made in the engrossed bill concerning the town of Oxford. The said bill was thereupon read the third time as amended, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

A message from the Senate, informing of the disagreement of that House to the proposition to suspend the joint rule for the admission of private bills.

The bill to repair and improve the road leading from Columbia, in Tyrrell county, to Gum Neck and Frying Pan, was read the third time and amended, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Received from the Senate, the certificate of three Justices of Mecklenburg county, in favor of Leah Beaty, countersigned by the Speaker. The question shall the Speaker countersign the said certificate? was determined in the negative.

The House, agreeably to the order of the day, resolved itself into a committee of the whole House, on the bill to establish a Medical Society, and to regulate the practice of Physic and Surgery within this State, Mr. Shepperd in the Chair; and, after some time spent therein, Mr. Shepperd reported that the committee, according to order, had had the said bill under consideration, and instructed him to report the said bill with several amendments, and to recommend their adoption. The report was concurred in, and the bill, as amended, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Scott, from the Judiciary committee, to whom was referred the bill to amend the several acts of the General Assembly on the manner of issuing marriage licenses, and for other purposes, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report the same with amendments, and to recommend the passage of the bill as proposed to be amended. The amendments was concurred in except one; and the bill, as amended, was put on its passage, and the question shall the said bill pass? was determined in the negative.

The bill to revive and continue in force, for and during the time therein mentioned, an act of the General Assembly of 1824, entitled "an act to alter and amend the act of the General Assembly of 1823, entitled 'an act for the relief of such persons as became purchasers of the Cherokee
lands sold under the authority of the State," was read the second time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Miller, from the committee of Claims, to whom was referred the resolution in favor of Joseph Welch, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to recommend its passage, without an amendment. The question to concur with the said report passed in the negative.

The House then adjourned until 3 o'clock, P. M.

On motion, ordered that Charles Edwards have leave of absence from the service of this House, after Saturday next, until the end of the Session.

The bill concerning stakes in Neuse river below Newbern, or in Core Sound, in Carteret county, was read the third time and amended; and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The bill to repeal an act, passed in the year 1823, entitled "an act concerning the duty of Ferrymen across the Albemarle Sound and its waters;" also the bill to authorise the executor of Isaac Lamb, late Sheriff of Camden county, to collect arrears of taxes, were read—the former for its second reading, the latter for its first; and the questions shall the said bills pass their respective readings? were determined in the negative.

The bill to appoint commissioners for the village of Chapel Hill, and for other purposes; also the bill to incorporate Morning Star Lodge, in the town of Nashville, Nash county, were read the second time and passed. On motion, ordered that the said bills be read the third time, and the questions shall the said bills pass their third readings? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The bill for the better regulation of the town of Beaufort, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

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

FRIDAY, DECEMBER 30, 1823.

On motion, ordered that Mr. Spurgen, after to day, Mr. Bryan, after Sunday next, and Mr. Brower, after Monday, have leave of absence from the service of this House until the end of the Session.

Mr. Miller presented a bill to declare valid certain deeds registered in the county of Wayne. The said bill was read the first time and passed.

Mr. Bain presented the following resolution:

Resolved, That the Public Treasurer pay to Leah Beaty, widow of John Beaty, deceased, of Mecklenburg county, her usual pension of forty dollars, for which he shall be allowed in the settlement of his public accounts.

The said resolution was read for its first, second and third readings, and the question shall the said resolution pass its several readings? was determined in the affirmative. Ordered that the said resolution be engrossed and sent to the Senate.

A message from the Senate, proposing to ballot immediately for a Board of Internal Improvements, and informing that James Iredell, Daniel M.
Forney and Edward B. Dudley are nominated for the appointments. The message was concurred in, and the Senate informed thereof by message; and that the name of Michael Holt is added to the nomination.

A message from the Senate, informing that the Senate have indefinitely postponed the further consideration of the engrossed bill to incorporate the Cotton Plant Steam Boat Company, on the Cape Fear river; also they have indefinitely postponed the bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Wilkes; and that they had rejected the bill concerning the county of Lincoln.

A message from the Senate, informing that Mr. Leak and Mr. Hill of Stokes attend this House as a committee on their part to conduct the balloting for a Board of Internal Improvements.

Mr. Scott, from the committee on the Judiciary, to whom was referred the bill to amend an act, passed at the last session of the General Assembly, entitled "an act to appoint commissioners to contract with Jeremiah Land for a piece of land, for the use and benefit of the county of Currituck," reported that the committee, according to order, had considered the said bill, and instructed him to report the said bill, with several amendments, and to recommend its passage. The amendments were concurred in, and the bill, as amended, read the third time and passed. Ordered that the said bill be engrossed, and sent to the Senate.

On motion, ordered that Mr. Harper have leave of absence after tomorrow until the end of the session.

A message from the Senate, informing of the assent of that House to the amendment made in the engrossed bill to repeal in part the several acts respecting the sales of lands and slaves under execution, so far as regards the county of Gates; also their agreement with the amendment made in the engrossed bill to annex a part of the lower regiment to the upper regiment in Robeson county. The said bills were respectively read the third time and passed. Ordered that the said bills be enrolled.

The bill limiting the time when actions shall be brought on justices' judgments, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

A message from the Senate, informing that they insist on their amendment marked C. in the engrossed bill to encourage the publication of a historical and scientific work on the State. On motion, ordered that the Senate be informed by message that this House insist upon their disagreement to the amendment marked C. in the said bill, and to ask for a committee of conference in the said disagreeing votes.

Mr. Ashe, from the committee appointed to conduct the balloting for a Board of Internal Improvements, reported that the committee had performed that duty; and that it appeared, on examining the ballots, James Iredell, Daniel M. Forney and Edward B. Dudley had each a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

Mr. Swain presented the following resolutions:

Resolved, That the Secretary of State be directed to procure, on the best terms practicable, one copy for the use of each County Court in this State of the several reports of the Supreme Court, which, in order of time, precede the third volume of Murphey's reports; which reports, so procured, he shall cause to be transmitted to the several counties at the same time that the laws and journals are transmitted.
Resolved, That the Public Treasurer be authorised to pay the Secretary of State the amount that may be necessary to carry into effect the object of this resolution.

On motion, ordered that the said resolution lie on the table.

The House, agreeably to the order of the day, resolved itself into a committee of the whole House, on the bill to prevent free persons of color from migrating into this State, for the good government of such persons resident in the State, and for other purposes, Mr. Scott in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Scott reported that the committee had, according to order, had the said bill under consideration, and instructed him to report that they had made progress therein, and ask leave to sit again on said bill. The question thereon passed in the affirmative.

Mr. Skinner, from the committee of Propositions and Grievances, to whom was recommitted the petition of Joseph Welch, of Haywood county, reported that the committee had considered the said petition, and instructed him to report a bill, in pursuance to the petition, entitled "a bill authorising Joseph Welch, of Haywood county, to erect two gates on the public road, called the Smoky Mountain Turnpike road." The report was concurred in, and the bill reported read the first time and passed.

The House then adjourned until 3 o'clock, P. M.

On motion of Mr. Poor,

Resolved, That the Secretary of State be, and he is hereby required to issue a grant to David Sherill, for one hundred and fifty acres of land, situated in the county of Burke, agreeably to the warrant and certificate of survey, No. 8684, as heretofore filed in his office.

Ordered that the said resolution be engrossed and sent to the Senate.

The resignation of George Bower, Lieutenant Colonel of Cavalry attached to the 9th brigade and 5th division, was read and accepted.

The bill for the better regulation of the committee of Finance in the county of Cumberland, and for other purposes, was read the 2d time and passed. Ordered that the said bill be read the third time; and the question shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be enrolled.

The resolution in favor of Sherwood Fort, of the county of Cumberland, was read the second time and passed. On motion, ordered that the said resolution be read the third time; and the question shall the said resolution pass its third reading? was determined in the affirmative. Ordered that the said resolution be engrossed and sent to the Senate.

The bill to revive and continue in force, for and during the time therein mentioned, an act of the General Assembly of 1824, entitled "an act to alter and amend the act of the General Assembly of 1823, entitled 'an act for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State," was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

The bill to authorise the Courts of Pleas and Quarter Sessions of Beaufort county to appoint a committee of Finance, was read the second time and passed. Ordered that the said bill lie on the table.

The bill for the better regulation of the town of Beaufort, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.
The bill to authorise the Stockholders of the Dismal Swamp Canal Company to increase their capital stock, was read the second time and passed. Ordered that the said bill be read the third time; and the question shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The bill concerning the navigation of Neuse river, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

Mr. Ashe, who voted yesterday evening in the majority on the question of indefinite postponement of the bill to repeal an act, passed in the year 1823, entitled "an act concerning the duty of ferrymen across the Albemarle Sound, and its waters," moved that the House do reconsider that vote. The question thereon passed in the affirmative. The bill, thereupon, was put on its passage, and the question shall the said bill pass? was determined in the negative.

The bill to alter the name of Dicey Cartwright, of Perquimons county, and to legitimate her, was read and ordered to lie on the table.

The bill to legitimate Frances Ann M'Kinney and William Hardy M'Kinney, natural children of John Mallard, of Jones county, and to change their names; also the bill to legitimate Eliza Bailey and Ambrose Bailey, children of John and Nancy Bailey, of Pasquotank county, were read the second time, and the question shall the said bills pass? was determined in the negative.

The bill to alter the names of John Baptist, William Cook and Mary Frances Cook, children of John Mansard and Penelope Cook, of Pasquotank county, and to legitimate them, was read the second time and rejected.

The bill concerning the navigation of Neuse river, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

The bill authorising Joseph Welch, of Haywood county, to erect two gates on the public road, called the Smoky Mountain Turnpike Road, and Josiah Holly, of Bertie county, to erect and keep up a gate on his own land across the road leading to Colerain Landing, was read the second and third times and amended, and the question shall the said bill pass for its second and third readings? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

A message from the Senate, informing of the assent of that House to the proposition for the appointment of a committee of Conference on the disagreeing votes of the two Houses on the bill to encourage the publication of a historical and scientific work on this State; and informing that Mr. Hill of Franklin and Mr. Wilson form the committee on their part. On motion, ordered that a message be sent to the Senate, informing that Mr. Iredell and Mr. Shepperd form the committee on the part of this House.

The House then adjourned until to-morrow morning, 9 o'clock.
Saturday, December 31, 1825.

On motion, ordered that Mr. Walker, after Tuesday next, have leave of absence from the service of this House until the end of the session.

Mr. Gary presented the resignation of William Drew, Attorney General of the State; which was read and accepted.

On motion, ordered that Mr. Howell have leave to withdraw from the files the petition of Mary Barker; and that Mr. Miller have leave to withdraw from the files the petition of James Daniel.

The engrossed bill to alter the name of Dicey Cartwright, of Perquiments county, and to legitimate her, was read the third time and amended; and the question shall the said bill pass? was determined in the affirmative. Ordered that a message be sent to the Senate, asking the concurrence of that House to the amendment.

A message from the Senate, informing that they had, at the third reading, amended the engrossed bill making compensation to the jurors for the county of Moore; also, at the third reading of the engrossed bill to provide for the removal of the shoal in Tar River below the town of Washington, they had amended the said bill; and asking the concurrence of this House. The said amendments were read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill to establish a poor house in the county of Granville, and for other purposes, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill giving further time to the North-Carolina Catawba Navigation Company to complete the navigation of the Catawba River; also a resolution instructing the Secretary of State to purchase stationary; and a resolution in favor of Joseph Gales & Son; in which they ask the concurrence of this House.

A message from the Senate, proposing to ballot immediately for Attorney General of this State, and informing that James F. Taylor is in nomination for the appointment. The message was disagreed to, and the Senate informed thereof by message, and proposing to ballot on Monday next, at the meeting of the two Houses.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the North-Carolina Gold Mine Company, with several amendments, and asking the concurrence of this House. The said amendments were read, and the first concurred in, the two latter disagreed to, and the Senate informed thereof by message.

A message from the Senate, informing of the assent of that House to the amendments made in the several following bills, to wit: The bill to authorise the County Courts of Stokes and Guilford to appoint a committee of Finance; also the bill to extend the time for registering grants and mesne conveyances, powers of attorney, and deeds of gift; and the bill authorising the Court of Pleas and Quarter Sessions of the county of Bladen to appoint commissioners to lay off Turnbull creek, in said county, into districts, for the purpose of being worked on and rendered navigable. The said several bills were read the third time and passed. Ordered that the said bills be enrolled.
The bill directing to whom the bonds of certain officers therein named shall be made payable, and for other purposes; also the bill to amend and explain the 8th section of an act, passed in 1784, entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this State to order the laying out roads," &c. were read the third time, and the question shall the said bills pass? was determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

A message from the Senate, informing that they had passed the engrossed bill to amend an act to prevent conspiracies and insurrections among slaves, passed in the year 1802, and asking the concurrence of this House.

Mr. Stephens presented a bill regulating the duty of grand jurors in regard to presentments for assault and battery. The said bill was read the first time and passed.

The bill to amend an act to prevent conspiracies and insurrections among slaves, passed in the year 1802; also the bill giving further time to the North-Carolina Catawba Navigation Company to complete the navigation of the Catawba River, were read the first time and passed.

The bill to repeal part of an act, passed in the year 1817, entitled "an act further pointing out the duties of the overseers of roads in this State, and for other purposes;" also the bill to direct the manner in which licenses shall be hereafter issued to retailers of spirituous liquors; also a bill to explain and amend an act, passed in the year 1819, chapter 1000, giving the Courts of Pleas and Quarter Sessions power to regulate separate elections; also the bill to amend the 6th section of an act, entitled "an act to amend such parts of the act, entitled 'an act for establishing Courts of Law, and for regulating the proceedings therein,' as may relate to proceedings on attachments;" also the bill to amend an act, passed in the year 1816, entitled "an act to amend the laws in force respecting the trial of slaves in capital cases," and to extend the provisions thereof to the trial of slaves in certain other cases; also the bill to arrange in numerical order the regiments of Infantry of the militia of this State in the counties in which they are located, were respectively read the second time, and the questions shall the said bills pass? were determined in the affirmative.

On motion of Mr. Glasgow,

Resolved, That the Public Treasurer be, and he is hereby authorised to cause to be erected a suitable and convenient building on the Public Square, in which to suspend and preserve the new Bell; and that he be allowed such sum as may be necessary to erect the same in the settlement of his public account.

Ordered that the said resolution be engrossed and sent to the Senate.

A message from the Senate, informing that they had rejected the engrossed bill to authorise and direct the payment to the wardens of the poor in each county in this State the tax imposed on retailers of spirituous liquors.

Mr. Scott, from the committee on the Judiciary, to whom was referred the bill directing the manner in which dowers shall be laid off, reported that the committee, according to order, had had the said bill under consideration, and instructed him to return the bill, with a recommendation that it be rejected. The question to concur with the report passed in the affirmative.

The resolution relative to Joseph Gales & Son; also the resolution instructing the Secretary of State to purchase stationary, received from the
Senate, were read and concurred with. Ordered that the said resolutions be enrolled.

The bill to alter in part the times of holding the Superior Courts of Law and Equity in the 5th judicial circuit; also the bill to amend an act, passed in 1813, entitled “an act directing how persons injured by the erection of public mills shall in future proceed to recover damages,” and to amend the 10th section of an act, passed in 1777, directing the duty of millers, were read, and, on motion, postponed indefinitely.

Mr. Webb, who voted in the majority yesterday on the question of rejection of the bill to designate what persons shall hereafter be liable to serve as overseers of roads, and for other purposes, moved that the House do now reconsider that vote. The question thereon passed in the affirmative, and the bill was ordered to lie on the table.

The resignation of James Jameson, Lieut. Colonel of the first regiment of the Rowan county Militia, was read and accepted.

On motion, ordered that Mr. Mhoon have leave of absence from the service of this House, after Monday next, to the end of the session.

The House, agreeably to the order of the day, resolved itself into a committee of the whole House, on the bill to prevent free persons of color from migrating into this State, for the good government of such persons resident in the State, and for other purposes, Mr Scott in the chair; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Scott reported that the committee of the whole, according to order, had had the said bill under consideration, and instructed him to report that the first section thereof be stricken out. Mr. Iredell moved that the consideration of the report be postponed until Monday next. The question thereon passed in the negative. The question then recurring will the House concur with the report? passed in the affirmative—yeas 56, nays 47. The yeas and nays called for by Mr. Stedman.


Mr. Bain moved that the said bill be postponed indefinitely. The question thereon passed in the affirmative.

On motion, ordered that a message be sent to the Senate, informing that the names of Daniel L. Barringer and George E. Spruill are added to the nomination for Attorney General of the State.

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

**Monday, January 2, 1826.**

On motion, ordered that Mr. G. Moore, Mr. Ball, Mr. Barnard and Mr. Tillett have leave of absence, after to-morrow, from the service of this House, until the end of the session.
Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the resolution instructing them to inquire into the expediency of extending the jurisdiction of the Superior Courts in cases of Divorce and Alimony, reported that the committee had considered the said resolution, and instructed him to report a bill to amend an act, passed in 1814, extending the jurisdiction of the Superior Courts in favor of Divorce and Alimony, and to recommend its passage. The bill reported was read the first time and passed.

A message from the Senate, consenting to ballot this morning for Attorney General of this State.

On motion, ordered that Mr. Marshall and Mr. Skinner attend the Senate as a committee to conduct the balloting for Attorney General.

A message from the Senate, informing that Mr. Hill of Franklin and Mr. Wilson of Edgecombe attend this House as a committee on their part to conduct the balloting for Attorney General.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, appointing Sheriffs, and directing their duty in office, and compelling them to give sufficient security for the discharge of their public duties; and asking the concurrence of this House.

The bill to explain and amend an act, passed in the year 1819, Chapter 1000, giving the Courts of Pleas and Quarter Sessions power to regulate separate elections, was read the third time, amended, passed and ordered to be engrossed, and sent to the Senate.

A message from the Senate, informing that they had passed the engrossed bill limiting the time in which actions shall be brought on Justices' judgments, with several amendments, and asking the concurrence of this House. The amendments were concurred in, and the Senate informed thereof by message.

Mr. Skinner, from the committee appointed to conduct the balloting for Attorney General, reported that the committee had performed that duty; and that, on counting the ballots, it appeared neither of the candidates had a majority of the whole number. The report was concurred in.

On motion, ordered that a message be sent to the Senate, proposing to ballot again immediately for Attorney General.

The bill to repeal part of an act, passed in the year 1817, entitled "an act further pointing out the duties of the Overseers of roads in this State, and for other purposes," was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate.

A message from the Senate, consenting to ballot immediately for an Attorney General; and informing that Mr. Hill of Franklin and Mr. Wilson attend this House as a committee to conduct the balloting on their part.

On motion, ordered that a message be sent to the Senate, informing that Mr. Skinner and Mr. Marshall form the committee to conduct the balloting for an Attorney General on the part of this House.

A message from the Senate, informing that they had passed the engrossed bill authorising Joseph Welch, of the county of Haywood, to erect two gates on the public road, called the Smoky Mountain road, &c. in which they ask the concurrence of this House; and informing that they had indefinitely postponed the engrossed bill to amend an act, passed at the last General Assembly, entitled "an act to appoint commissioners to
contract with Jeremiah Land for the purchase of a piece of land, for the use and benefit of the county of Currituck.

Mr. Skinner, from the committee appointed to conduct the ballot for an Attorney General, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, that neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot again for an Attorney General; and informing that the name of Samuel Hillman is added to the nomination, and that the name of George E. Spruill is withdrawn from the nomination.

The bill to amend the 6th section of an act, entitled "an act to amend such parts of the act, entitled 'an act for establishing Courts of Law, and for regulating the proceedings therein,' as may relate to proceedings on attachments," &c. also the bill to direct the manner in which licenses shall be hereafter issued to retailers of spirituous liquors; also the bill to amend an act, passed in the year 1816, entitled "an act to amend the laws in force respecting the trial of slaves in capital cases," and to extend the provisions thereof to the trial of slaves in certain other cases, were respectively read the third time and passed. Ordered that the said bills be engrossed and sent to the Senate.

On motion, ordered that Mr. Bain have leave of absence, after to-morrow, until the end of the session.

A message from the Senate, agreeing to ballot again for an Attorney General, and informing that the committee who conducted the former balloting for an Attorney General on their part, now attend this House to conduct the present.

On motion, ordered that Mr. Scott and Mr. Wm. T. Williams form the committee, on the part of this House, to conduct the ballot for Attorney General; and that the Senate be informed thereof by message.

The bill to provide for taking testimony in certain cases in the Supreme Court; also the bill directing the manner in which the costs of suits decided in the Supreme Court shall hereafter be collected and paid over; also the bill to designate what persons shall hereafter be liable to serve as overseers of roads, and for other purposes; also the bill to make overseers of public roads competent witnesses as to notice; also the bill to compel certain officers therein named to make out their fee bills in dollars and cents, and for other purposes, were read the second time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to amend an act appointing Sheriffs, and directing their duty in office, and compelling them to give sufficient security for the discharge of their public duties, was read the first time and passed.

A message from the Senate, proposing to ballot immediately for a Colonel and Lieutenant Colonel of Cavalry of the 9th brigade and 5th division of militia, and informing that Nathaniel Gordon, as Colonel, and Samuel F. Patterson, as Lieutenant Colonel, are in nomination. The said message was disagreed to, and the Senate informed thereof by message.

Mr. Scott, from the committee appointed to conduct the ballot for Attorney General, reported that the committee had performed the duty assigned to them; and upon examining the ballots, a majority of the whole number was found to be in favor of James F. Taylor, who was duly elected. The question to concur with the report passed in the affirmative.
The bill to amend the militia laws of this State, so far as regards the returns of Brigadier Generals and Colonels, was read the second time and amended; and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill to amend and explain the 8th section of an act, passed in the year 1784, entitled "an act to empower the county Courts of Pleas and Quarter Sessions of the several counties within this State to order the laying out public roads," &c. with an amendment; also informing that they had passed the engrossed bill directing to whom the bonds of certain officers therein named shall be made payable, and for other purposes, with an amendment; and asking the concurrence of this House. The said amendments were read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had agreed to the recommendation for Justices of the Peace for Martin county, with an amendment, viz: "to strike out the names of John G. Smithwick, Joseph Robeson, and Thomas Shaw." The amendment was concurred in, and the Senate informed thereof by message.

Mr. Scott, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of so explaining and amending the act of 1799, relative to descents of real estates given by a parent to natural born children, &c. &c. reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that it is not expedient to legislate on the subject, and to ask to be discharged from the further consideration of the said resolution. The question to concur with the report passed in the affirmative.

The bill giving the assent of the General Assembly of the State of North-Carolina to an act of the Commonwealth of Virginia, passed the 29th day of January, A. D. 1818, entitled "an act to authorise the Dismal Swamp Canal Company to open a navigable communication between the canal and the nearest navigable part of the North West River, and for other purposes?" also the bill to declare valid certain deeds registered in the county of Wayne; also the bill regulating the duty of grand jurors in regard to presentments for assault and battery; also the bill concerning the settlement of guardians appointed by the Superior Courts, were read the second time, and the question shall the said bills pass? was determined in the affirmative.

A message from the Senate, informing that they insist on their amendments marked B. and C. as proposed by them to the engrossed bill to incorporate the North-Carolina Gold Mine Company; and informing, further, that they had indefinitely postponed the engrossed bill to alter the name of Dicey Cartwright, of Perquimons county, and to legitimate her, together with the amendment proposed by the House of Commons to the said bill.

On motion, ordered that a message be sent to the Senate, informing that this House insist on the bill to incorporate the North-Carolina Gold Mine Company as sent to the Senate for concurrence; and ask for a committee of Conference on the disagreeing votes of the two Houses on said bill.
The bill to amend the 9th section of an act, passed in the year 1777, entitled "an act directing the method of electing members of the General Assembly, and for other purposes," also the bill authorising a loan to John M'Rae, to aid him in the publication of a Map of this State; also the bill to provide for the security of persons purchasing slaves sold by virtue of executions issued by Justices of the Peace, were severally read the second time and rejected.

Mr. Iredell, from the committee of Conference on the disagreeing votes of the two Houses in relation to the amendment proposed by the Senate to the engrossed bill, entitled "a bill to encourage the publication of a historical and scientific work on the State," reported that the committee, according to order, had met the Conferences on the part of the Senate; and, after considerable discussion, they had been unable to come to any agreement on the subject.

The House then adjourned until 3 o'clock, P. M.

The bill to authorise the Court of Pleas and Quarter Sessions of Beaufort county to appoint a committee of Finance; also the bill directing the manner in which the costs of suits decided in the Supreme Court of North Carolina shall hereafter be collected and paid over; also the bill to make overseers of public roads competent witnesses as to notice; also, the bill to compel certain officers therein named to make out their fee bills in dollars and cents, and for other purposes; and also the bill to provide for taking testimony in certain cases in the Supreme Court, were read the third time and passed. Ordered that the said bills be engrossed and sent to the Senate.

The bill to alter the time of electing the Members of the General Assembly of this State; also the engrossed bill to designate what persons shall hereafter be liable to serve as overseers of roads, and for other purposes, were read the third time, and, on motion, postponed indefinitely. Ordered that the Senate be informed by message of the indefinite postponement of the latter bill.

A message from the Senate, informing that they agree to the recommendation for Justices of the Peace for the county of Guilford, except as to the names of John Gadsdon, John Moore and William Hayworth; and asking the concurrence of this House. The message was disagreed to, and the Senate informed thereof by message.

A message from the Senate, consenting to appoint a committee of Conference on the disagreeing votes of the two Houses on the bill to incorporate the North Carolina Gold Mine Company; and informing that Messrs. Seawell and Forney form the committee on their part. On motion, ordered that the Senate be informed by message that Mr. Caldwell and Mr. Spruill form the committee on the part of this House.

On motion, resolved, that the rule of the House, prohibiting the reading of public bills three times in one day, be suspended.

The bill to amend an act, passed in 1814, extending the jurisdiction of the Superior Courts in cases of Divorce and Alimony; also the bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to lands within this State;" also the bill giving further time to the North Carolina Catawba Navigation Company to complete the navigation of the Catawba river, were read the
second time, and the question shall the said bills pass? was determined in the affirmative.

Mr. Iredell, from the committee of Finance, reported that, in addition to the amount of Treasury Notes already reported as unfit for circulation, and burnt under their direction, they have caused to be burnt the further sum of fourteen hundred and eight dollars and eleven cents, and recommended the passage of a resolution, crediting the Public Treasurer with that amount in the settlement of his public accounts. The report was concurred in, and the resolution passed and ordered to be engrossed, and sent to the Senate.

Mr. D. Underwood presented a bill for the regulation of the Board of Internal Improvement, and for other purposes; which was read and ordered to lie on the table.

The bill to amend the first section of an act, passed in the year 1820, concerning the marriage of Infant Females, was read the second time, and, on motion, ordered to be postponed indefinitely.

Mr. Adams presented a bill regulating the duty of Constables and officers on executions. The said bill was read the first time and passed.

The bill for the better protection of public bridges, owned by individuals or corporations, and prescribing the punishment for burning the same, was read the second time and passed.

The bill to restore to credit Thomas Bennett, of Stokes county; also the bill giving further time to the North Carolina Catawba Navigation Company to complete the navigation of the Catawba river; also the bill to extend the provisions of an act, passed in the year 1822, entitled “an act granting further time to perfect titles to lands within this State,” were read each the third time and passed. Ordered that the said bills be enrolled.

The bill to establish a Medical Society, and to regulate the practice of Physic and Surgery in this State, was read the third time. Mr. Lamb moved that the said bill be postponed indefinitely, and called for the yeas and nays. The question thereon passed in the negative—yeas 16, nays 78.


The bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The House then adjourned until to-morrow morning, 9 o'clock.

Tuesday, January 3, 1826.

Mr. Iredell, from the joint committee of Finance, to whom was referred the examination of the accounts of the late Governor Holmes, in relation
to the expenditure of one thousand dollars, appropriated in 1820 for the purchase of furniture for the Governor's House, reported that the committee had, according to order, considered the said accounts, and instructed him to report a resolution on the subject, and to recommend its passage. The resolution was read and concurred with, and ordered to be engrossed and sent to the Senate.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill to explain and amend an act, passed in the year 1819, chapter 1000, giving the Courts of Pleas and Quarter Sessions power to regulate separate elections; and also the engrossed bill to repeal part of an act, passed in the year 1817, entitled "an act further pointing out the duties of overseers of roads in this state, and for other purposes," and that they had passed the engrossed bill to give publicity to mortgages and deeds of trust and marriage contracts; also the resolution relating to the Governor's house and the Capitol, &c. and the resolution in favor of Jesse Adams, and asking the concurrence of this House.

The engrossed bill for the better protection of public bridges, owned by individuals or corporations, and prescribing the punishment for burning the same, was read the third time and passed. Ordered that the said bill be enrolled.

The resolution in relation to the Governor's House and the Capitol, &c. was read the first time and passed.

On motion of Mr. Burns,

Resolved, That the Treasurer be authorised to pay Bell & Lawrence ninety-nine dollars thirty-seven and an half cents; and that he be allowed therefor in the settlement of his public accounts; and that the rule be dispensed with, in this case, which requires that resolutions of this character be read three times in each House.

Ordered that the said resolution be engrossed and sent to the Senate.

The resolution in favor of Jesse Adams, was read, concurred with, and ordered to be enrolled.

The bill to give publicity to mortgages and deeds of trust and marriage contracts, was read the first time; and the bill to declare valid certain deeds registered in the county of Wayne, was read the third time, and, on motion, were rejected.

The bill concerning the settlement of guardians appointed by the Superior Courts; also the bill to amend the militia laws of this State, so far as regards the returns of Brigadier Generals and Colonels; also the bill regulating the duty of Grand Jurors in regard to presentiments for assault and battery, were severally read the third time and passed. Ordered that the former be enrolled, and the two latter engrossed and sent to the Senate.

The bill to arrange in numerical order the regiments of Infantry of the militia of this State in the counties in which they are located; also the bill giving the assent of the General Assembly of the State of North Carolina to an act of the Commonwealth of Virginia, passed the 29th day of January, A. D. 1819, entitled "an act to authorize the Dismal Swamp Canal Company to open a navigable communication between the Canal and the nearest navigable part of the North West river, and for other purposes," were read the third time and passed. Ordered that the said bills be engrossed and sent to the Senate.

Mr. Caldwell, from the committee of Conference on the disagreeing votes of the two Houses on the bill incorporating the North Carolina Gold
Mine Company, reported that the committee, according to order, had met the committee on the part of the Senate, and could not agree.

A message from the Senate, informing that they had passed the engrossed bill to direct the manner in which licenses shall be hereafter issued to retailers of spirituous liquors, with several amendments, and asking the concurrence of this House. The said amendments were read, the first disagreed to, and the latter concurred in, and the Senate informed there-of by message.

A message from the Senate, informing that they had rejected the engrossed bill to establish a Medical Society, and to regulate the practice ofPhysic and Surgery within this State.

The bill to amend an act, passed in 1817, establishing a flour warehouse in the town of Fayetteville, was read the second time; also the bill to amend an act, passed in 1814, extending the jurisdiction of the Superior Courts in cases of Divorce and Alimony, was read the third time; and the bill to amend an act appointing Sheriffs, and directing their duty in office, and compelling them to give sufficient security for the discharge of their public duties, was read the second time. On motion, ordered that the said bills be postponed indefinitely.

The bill for the better regulation of the Board of Internal Improvements, and for other purposes, was read the first time. Mr. Mewborn moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative—yeas 38, nays 42.

The yeas and nays moved for by Mr. D. Underwood.


The bill was put on its passage, and the question shall the said bill pass? was determined in the affirmative.

The bill regulating the duty of Constables, and other officers on executions, was read the second time, and, on the motion of Mr. Ashe, postponed indefinitely—yeas 58, nays 25. The yeas and nays moved for by Mr. Adams.


On motion, ordered that Mr. J. N. Smith have leave of absence from the service of this House, after to-morrow, until the end of the session.
The engrossed bill to prevent conspiracies and insurrections among slaves, passed in the year 1822, was read the second time, and, on the motion of Mr. Shepperd, postponed indefinitely.

A message from the Senate, informing that they had passed the engrossed bill to compel certain officers therein named to make out their fee bills in dollars and cents, and for other purposes, with several amendments, and asking the concurrence therein of this House. The amendments were read and disagreed to, and the Senate informed thereof by message.

A message from the Senate, informing that they further insist on their amendments, as proposed to the engrossed bill to incorporate the North-Carolina Gold Mine Company; and that they also further insist on their amendments proposed to the engrossed bill to encourage the publication of a historical and scientific work on the State.

On motion, ordered that the Senate be informed by message that this House further insist on their disagreement to the amendment proposed by them to the engrossed bill to encourage the publication of a historical and scientific work on this State; and that this House adhere to their disagreement to the amendments, as proposed by the Senate, to the engrossed bill to incorporate the North-Carolina Gold Mine Company.

The House then adjourned until 5 o'clock, P. M.

The resolution in favor of John Barnett, Sheriff of Person county, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate.

On motion, ordered that a message be sent to the Senate, proposing to rescind the joint rule so far as relates to the introduction of a bill supplemental to an act, passed at this session of the General Assembly, entitled "an act to provide for the better government of the town of Wadesborough, in Anson county."

The resolution in favor of Matthew Miller, was read the third time, passed, and ordered to be enrolled.

The resolution relative to John Duckworth, was read the second and third times, passed, and ordered to be enrolled.

The resolution appropriating two hundred dollars out of the fund set apart for Internal Improvements to complete the road from Wilkesborough, over the Brushy Mountain, at Green's Gap, to the widow Bogle's, in Iredell county, was read the second and third times and passed. Ordered that the said resolution be engrossed and sent to the Senate.

The resolution relating to the Governor's House and Capitol, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they recede from their amendments made in the engrossed bill to encourage the publication of a historical and scientific work on this State; and that they agree to suspend the joint rule in regard to the introduction of bills, so far as to admit the introduction of the bill supplemental to an act, passed at this session, entitled "an act to provide for the better government of the town of Wadesborough, in Anson county." The said bill was read the first, second and third times, and the question shall the said bill pass its several readings? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Ashe, from the joint select committee, to whom was referred the
The message of his Excellency the Governor relative to the education of James Forsyth, reported that the committee, according to order, had had the subject under consideration, and instructed him to report a resolution thereon, and to recommend its passage. The said resolution was read and unanimously concurred with, and ordered to be engrossed and sent to the Senate.

The engrossed resolution in favor of Thomas Lanier and Hardy Wood, of Franklin county, was read the first, second and third times, passed, and ordered to be enrolled.

The resolution concerning a Lunatic Asylum, was read and concurred with, and returned to the Senate.

Mr. Caldwell presented a bill authorising and empowering the several County Courts in this State to procure a copy of Comyn's Digest, and such State reports as may be deemed necessary, and to make such regulations as may be necessary for the preservation of the same. The said bill was read the first time, and rejected.

On motion, ordered that Mr. Ashe have leave to withdraw from the files the papers of Morgan Brown; and that Mr. Conrad have leave to withdraw from the files the papers accompanying the petition of William Bevins.

Resolved, That the Secretary of State be directed to issue to Joseph Whitson, of Buncombe county, a grant for one hundred acres of land, agreeably to the entry taker's certificate, and the Treasurer's receipt filed in the proper office.

The bill to alter the dividing line between the counties of Surry and Stokes, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate.

The bill to divorce Elizabeth Ferguson, of Wilkes county, from her husband James Ferguson, was read the first time and rejected.

The bill to secure to Elizabeth Witherspoon, of Wilkes county, such property as she may hereafter acquire, was read the first, second and third times, and the question shall the said bill pass its several readings? was determined in the affirmative. Ordered that the said bill be enrolled.

A message from the Senate, informing that they recede from their first amendment, as proposed in the bill to direct the manner in which licenses shall be hereafter issued to retailers of spirituous liquors.

The bill for the regulation of the Board of Internal Improvements, and for other purposes, was read the second time. Mr. Burns moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the affirmative—yeas 43, nays 41. The yeas and nays moved for by Mr. D. Underwood.


The engrossed bill to create a fund for the establishment of common schools, was read the second and third times, amended, and passed. Or-
ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the said amendment.

On motion, ordered that the Senate be informed by message that this House recede from their disagreement with the amendments made by them to the bill to compel certain officers therein named to make out their fees bills in dollars and cents, and for other purposes.

A message from the Senate, informing of their assent to the proposition to suspend the joint rule of both Houses in relation to the introduction of bills, so far as to admit the bill supplemental to an act, passed at this session of the General Assembly, entitled "an act to provide for the better government of the town of Wadesborough, in Anson county."

Received from the Senate, a communication, announcing the death of Jethro Howell, a member of that House, and a resolution to wear crape on the left arm for thirty days, as a testimony of respect to the deceased.

On motion of Mr. Iredell,

Resolved, That this House, as a testimony of their respect to the deceased Senator, will wear crape on the left arm for thirty days.

A message from the Senate, insisting on their amendments to the engrossed bill to incorporate the North-Carolina Gold-Mine Company. On motion, ordered that this House adhere to the said bill as engrossed and sent to the Senate for concurrence.

A message from the Senate, informing that they had rejected the following engrossed bills, to wit: The bill to arrange in numerical order the regiments of Infantry of the militia of this State; the bill to amend the militia laws of this State, so far as regards the returns of Brigadier Generals and Colonels; and the bill regulating the duty of Grand Jurors in regard to presentations for assault and battery.

On motion of Mr. Gordon, ordered that he have leave to withdraw from the files the papers and vouchers accompanying the petition of Willis Alexander.

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

Wednesday, January 4, 1826.

Mr. Iredell, from the committee of Finance, reported that the committee had examined the accounts and vouchers of the Comptroller for the last fiscal year, and instructed him to report that they found them correct, and, according to order, had punched and cancelled them. The question on said report passed in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill concerning the entry of land, in which they ask the concurrence of this House; and informing of their agreement with the amendment made by this House in the engrossed bill to create a fund for the establishment of common schools. The said bill was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill concerning the entry of land, was read the second time and passed. Ordered that the said bill be read the third time. Mr. Davenport moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative—yeas 42, nays 45. The yeas and nays moved for by Mr. Mewborn.

Those who voted in the affirmative, are Messrs. Alford, Allen, Bateman, Bell, Bonner, Bozman, Burke, Bynum, I. Carter, Cooper, Cox,


The said bill was put on its passage, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

The bill to repeal an act, passed in the year 1818, entitled "an act to elect a magistrate for the town of Wilmington, and for other purposes;" also the bill for the regulation of the Board of Internal Improvements, and for other purposes, were read the second time, and, on motion, postponed indefinitely.

The report of the select joint committee on the public printing, and the report of the select joint committee, to whom was referred the memorial of the Grand Jury of Chatham county on the subject of a Penitentiary in this State, were, on motion, ordered to lie on the table without day.

The resolution directing the Secretary of State to purchase certain books for the use of the different County Courts in the State; also the resolution directing the committee on Education to ascertain and report to the House whether the committee appointed by the last General Assembly to digest a plan for the education of the children of the poor, intend reporting on the subject; and the recommendation made by Mr. Bonner for Justices of the Peace for the county of Hyde, were postponed indefinitely.

On motion, ordered that a message be sent to the Senate, informing of the readiness of this House to adjourn without day.

A message from the Senate, informing of the readiness of that House to adjourn sine die.

On motion of Mr. Carson,

Resolved, unanimously, That the thanks of this House are due, and are hereby conferred upon the Hon. John Stanly, for the prompt, able and dignified manner in which he has discharged the arduous duties of the Chair during the present session.

The Speaker, thereupon, made his acknowledgments to the House, and adjourned it without day.

By order,

P. Henderson, C. H. C.