At a General Assembly, begun and held in the city of Raleigh, on Monday, the twenty-fifth day of December, A. D. 1826, and in the fifty-first year of the Independence of the United States, it being the first session of this General 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:

Ashe, James Blevins, Zachariah Baker.
Beaufort, Wm. A. Blount, Thomas Ellison.
Bertie, James G. Mhoon, Joseph D. White.
Bladen, John T. Gilmour.
Brunswick, Jacob Leonard.
Buncombe, David L. Swain, John Clayton.
Burke, David Newland.
Cabarrus, J. C. Barbourd, Robert Pickens.
Cameron, Thomas Dozier, Simeon Jones.
Carteret, Edward H. Bell, Otway Burns.
Carroll, J. E. Lewis, C. D. Donoho.
Chatham, Ambrose K. Ramsay, Thomas Hill.
Chowan, Josiah M'Keil, William Jackson.
Columbus, Caleb Stephens, L. R. Simons.
Craven, Andrew H. Richardson, Samuel Whitehurst.
Cumberland, Jos. Hodges, A. M'Dearmid.
Currituck, W. D. Barnard, Enoch Ball.
Davidson, Thomas Hampton, John Ward.
Duplin, Benj. Best, jun. Wm. K. Frederick.
Edgecombe, Benj. Sharpe, Hardy Flowers.
Franklin, James Howze, Joel King.
Gates, John Walton, Wm. W. Stedman.
Grantsville, Nicholas Jones, Willis Lewis.
Greene, Charles Edwards, Joseph Ellis.
Haldifon, Anthony A. Wyche, George E. Spruill.
Harnett, Jas. R. Love, Ninian Edmonston.
Hertford, Bridger J. Montgomery, Leonard Martin.
Hyde, Tillman Farrow, John J. Bonner.
Johnston, Hillory Wilder, K. Q. Adams.
Jones, Owen B. Cox, Enoch For.
Granville, Archibald Mhoon, Benjamin Baker.
Lenoir, James Cox, William B. Kilpatrick.
Lincoln, Oliver W. Holland, Bartlett Shipp.

Martin, David Latham, Jesse Cooper.
Mecklenburg, Matthew Bain, William J. Alexander.
Montgomery, John Dargan.
Moore, Gideon Seavell, Wm. Wadsworth.
Nash, Duncan York, Joseph Arrington.
New Hanover, John Kerr.
Onslow.
Orange, John Boon, John Stockard.
Pasquotank, William J. Hardy.
Pergamum, Eliza Burke.
Person, Thomas M'Ghee, Thomas Webb.
Richmond, Archibald M'Nair.
Robeson, Shadrack Howell, Warren Alford.
Rowan, John Clements, John Linn.
Rutherford, John Carson, Wm. Richardson.
Scotland, David Underwood.
Surry, Eliza Arnold, Galihoo Moore.
Terrell, D. N. Bateman, Fred'k Davenport.
Vance, Samuel Whitaker, Nat. G. Rand.
Wayne, Philip B. Rafford, Joshua Hastings.

For the town of Haldifon, Robert Pottor.
Eclator, Newbern, John Stanly, Willington.
Fayetteville, Hillsborough, John Scott.
Salisbury, Charles Fisher.


A quorum, consisting of a majority of the whole of the Members, being present, Mr. Shepperd moved that Mr. Stanly, the Member representing the town of Newbern, be appointed Speaker. The question to concur with the motion passed unanimously in the affirmative; whereupon the Speaker was conducted to the Chair, from whence he made his acknowledgments to the House.

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

Mr. Carson moved that John Lumsden and Richard Roberts be appointed Door-keepers, and Mr. Seawell moved that the name of Jesse Meuse be added to the nomination, as principal Door-keeper; and on the question, shall John Lumsden be appointed principal Door-keeper? it was resolved in the affirmative; and on the further motion of Mr. Carson, Richard Roberts was appointed Assistant Door-keeper.

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

TUESDAY, DECEMBER 26, 1826.

John M. Morehead, one of the Members of Guilford county, and Robert Strange, the Member representing the town of Fayetteville, appeared, produced their certificates, were qualified, and took their seats.

A message from the Senate, by their Clerk Assistant, informing that the Senate is organised, having appointed Bartlett Yance, Speaker; Benjamin H. Covington, Clerk; and James W. Clark, Clerk Assistant; and Thomas W. Wheeler, Principal, and Robert Ray, Assistant Door-keeper; and proposing to raise a joint select committee to wait on his Excellency the Governor, and inform him of the readiness of the two Houses to receive such communications as he may think proper to make.

On motion of Mr. Jones, of Warren, ordered that a message be sent to
the Senate, informing them of the readiness of this House to join in the discharge of public business, having appointed John Stanly, Speaker; Pleasant Henderson, Principal Clerk; and Charles Manly, Clerk Assistant; John Lumsden, Principal, and Richard Roberts, Assistant Door-keepers; and that a committee, consisting of Mr. Jones, Mr. Settle and Mr. Lewis, is appointed to join the committee appointed by the Senate to wait on his Excellency the Governor, to inform him of the readiness of the two Houses to receive such communications as he may think proper to make.

On motion of Mr. Montgomery, ordered that a message be sent to the Senate, proposing to ballot immediately for three Engrossing Clerks; and informing that Samuel F. Patterson, James H. Poole, Felix Axley, Robert H. Wynn, Samuel Holt, Joseph A. Ramsay, Henry Carson, Thomas G. Stone, Thomas Dew, William R. Hinton, William J. Cowan and William Street are in nomination for the appointments.

On motion of Mr. Burke, ordered that a writ of election issue to the Sheriff of Perquimons county, commanding him to hold an election in said county on the 8th and 9th days of the next month, (January,) at the several places appointed by law for holding elections in said county, to supply the vacancy occasioned by the death of John Bogue.

On motion of Mr. Swain,
Resolved, That Mr. Swain, Mr. Carson, Mr. Strange, Mr. Gary and Mr. Cox of Lebanon, be a committee to prepare and report rules of order for the government of this House during the Session; and that in the interim the rules of order of the last Session be observed.

On motion of Mr. Fisher, ordered that a message be sent to the Senate, proposing to raise a joint select committee to prepare and report joint rules of order for the government of the intercourse between the two Houses; and informing that Messrs. Fisher, Blount, Scott, Potter and Stedman form the committee on the part of this House.

Mr. Jones, from the committee appointed to wait on his Excellency the Governor, and inform him of the readiness of the two Houses to receive such communications as he may think proper to make, reported that the committee had performed that duty, and that the Governor replied, that at 12 o'clock this day he would make a communication in writing.

A message from the Senate, consenting to ballot immediately for three Engrossing Clerks, and adding to the nomination the name of John B. Jasper; and informing that Mr. Beard, of Rowan, and Mr. Leak form the committee of superintendence on their part.

On motion, ordered that a message be sent to the Senate, informing that Mr. Gary and Mr. Whitehurst form the committee on the part of this House to superintend the balloting for the Engrossing Clerks.

On motion of Mr. Fisher, ordered that a message be sent to the Senate, proposing to ballot at the meeting of the two Houses to-morrow morning for a Governor of this State for the ensuing year, and informing that Hutchins G. Burton, the present incumbent, is nominated for the appointment.

On motion of Mr. Swain,
Resolved, That the Speaker assign suitable places in the Hall for one or more Stenographers during the Session.

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

To the Honorable the General Assembly of North-Carolina:
Gentlemen,—Although we have continued, during the past year, in
the uninterrupted enjoyment of all our civil and religious privileges; yet, the chastening hand of an all wise providence has borne heavily, on particular sections of our State.—Whether the injury sustained by the late un-toward seasons, is of magnitude sufficient, to merit your interference, is a question submitted entirely to your discretion.

Believing it universally admitted, that the existence of free govern-ments depends upon the virtue and intelligence of the great body of the people; and that these are also, the sources of individual comfort and hap-piness, I shall not consume your time in repeating arguments so often ad-duced, to shew the necessity of diffusing the benefits of education among the poorer class of our fellow citizens. But, permit me to call your at-tention to a clause in our State Constitution, which enforces the obliga-tion, of giving to this subject your serious consideration. It is this: "A school or schools shall be established by the Legislature of this State, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices. All useful learning shall be duly encouraged and promoted in one or more Universi-ties." The latter branch of this constitutional injunction has long since been complied with, by your predecessors. We have an University in a prosperous condition, with competent funds. But, as to the former, and no less important branch, concerning schools,—it is to be lamented, that from the formation of the Constitution, until the last session of the Gene-ral Assembly, (a period of forty nine years,) nothing whatever has been done. The last Legislature commenced the important work; but if that beginning is not well sustained and pursued, the present generation may pass away, before any thing effectual is accomplished. Many enlighten-ed persons believe, that it is more difficult for an individual in ordinary circumstances, to obtain for his child, at this time, the common rudiments of education, than it was at the period when our Constitution was adopted. This increased difficulty originates, in part, from the increased demand which the exigencies of government have made upon the resources of indi-viduals and the enhancement of the necessaries of subsistence. It appears, therefore, peculiarly just and proper, that the State should contribute somewhat to the diminution of that burden, which, in part, it has created. And while it exacts and expects obedience and support from the citizens to its laws and institutions, it should give them the opportunity to appreci ate their privileges and improve their condition. The least reflection will satisfy us, that reading, writing, and the common rules of arithmetic are highly essential to the healthy action of our government, founded, as it is, upon the supremacy, and executed by the agency of the people: And they unquestionably contribute more largely to the individual benefit and morality of the body of the people, than the branches of severe science usu-ally taught in our established seminaries. Whilst upon this subject, I beg leave to remark, that the Constitution itself, in the section before recited, has not only imposed the obligation, but has also suggested an important mean for the execution of the injunction.

The benefits resulting from a well regulated and properly conducted system of Internal Improvements, in a country like ours, are too ap-parent to require many remarks to prove their importance. Let us, for instance, confine ourselves to the limits of North-Carolina, and mark her situation at this time. We all know that in particular sec-tions of the State, the greatest distress is at present apprehended, a-
among the poorer class of our fellow citizens, from the deficiency of the various crops, springing from sources, which it is unnecessary to investigate. We also know, that in other sections, the usual productions were never more abundant. From the great variety of soil and climate, may not this state of things often occur? Let me ask then, what is the proper remedy for such evils? Can there be any other answer given than—"facilitate the intercourse between the different sections of the State?" In other words, open your water courses, repair your old roads, and make new ones. Make them, what they should be, cheap and convenient mediums of social intercourse! Then the failure of crops in some few counties would not have the effect of thinning a population, already too much scattered and diminished. But the redundant fullness of some parts, might conveniently be drawn off, to fructify and supply less fortunate situations. There is every reason to believe, that at the present time, grain and other necessary articles would not command, more than their ordinary price, were it not for the great difficulty of transportation. Those who are, fortunately the vendors of produce this year, may be purchasers the next. It behooves the people of every part of the State, maturely to consider this subject. It is frankly admitted, that money has been, perhaps unnecessarily expended, at the commencement of this undertaking. But is not this, the fate of all human undertakings, without the benefit of experience? Is there an individual, who for the first time has opened a plantation or built him a house, who is not, at its close, convinced that he has committed many errors, and expended money uselessly? What then would be thought of the reasoning, which should gravely conclude, that these things, which add so much to our comfort and convenience, were useless, because errors might be committed? I do not advocate, far less wish, the public money to be unnecessarily expended, when it can be avoided. But a prudent, though unfortunate management, may be lamented, although it should not be blamed. When it is considered that there is already a fund created, (the Cherokee Lands,) and our fellow citizens will not probably be burdened with additional taxes, it is most respectfully submitted, whether a judicious system of Internal Improvements, should not be prosecuted? In connection with this subject, it may be well to mention, that under the provisions of the several acts, prescribing the mode of surveying and selling the lands acquired by treaty from the Cherokee Indians, four sales at public auction have been had, and the most valuable lands disposed of. It is believed, however, that the lands remaining unsold, are of sufficient value, to be well worthy the attention of the Legislature. It is submitted to your discretion, to determine what disposition shall be made of them. It is obviously the interest of the State, and more immediately of the citizens of that section of the State, that they should forthwith be brought into market, since their value is continually diminishing, by trespassers, who destroy the timber and wear out the soil, and who can scarcely be presumed to make good citizens or quiet neighbors. Whether it will be advisable to have the unsurveyed lands run out, and with the surveyed lands undisposed of, offered at public auction, or open an entry office under suitable regulations, are subjects which will properly claim your consideration. Before we take leave of this subject, you will pardon me for again calling your attention to the reclaiming of our swamp lands. It is believed to be a sub-
ject, in which the State is deeply interested. If the States have the power of regulating their own internal police, if they have the power of instituting precautions for the preservation of the health and lives of their citizens, can there be a doubt of the power to act upon this subject? What can stay the tide of emigration, now flowing to the west, but the improvement of our own State? There can be but little doubt, that the undertaking would not prove burdensome, but would rather directly and greatly enhance the present revenue, while it would augment the agricultural resources of the State, improve the health of our citizens, and relieve our territory from a melancholy blot on its geographical appearance. As to the particular works which have been carried on, during the past year, their progress, &c. will be detailed in another communication.

Some of our most enlightened fellow citizens are of opinion, that the criminal code is susceptible of improvement. This would be attained, by leaving it discretionary with the proper jurisdictions, to substitute either the treadmill, or work-house, instead of the present modes of punishment, for petty offences, by fine, imprisonment and stripes. The assertion can scarcely be doubted, that in the neighborhood of our towns and villages, within the last few years, the commission of crimes is much more frequent than formerly. The present modes of punishment, especially by imprisonment, which is most generally inflicted, present feeble, very feeble checks to their multiplication, and tend but little, either to an amendment of the culprit's morals, or to produce a wholesome influence on other wrong-doers. At the same time, the general insolvency of such offenders, heavily accumulates the charges of prosecutions, upon the different counties. One of the present modes of punishment, that of whipping, especially where meanness enters into the commission of the crime, I esteem a valuable feature in our criminal code. The propriety of extending it to some misdemeanors, at present punishable by fine and imprisonment, particularly in the case of fraudulently trading with slaves, is respectfully submitted to your consideration. I doubt not, that the use of the treadmill and work-house, where such establishments were found practicable, and were well organized and conducted, would contribute largely to the efficient administration of criminal justice, to the reformation of offenders, and sensibly diminish the charges of prosecution, by the profits of the establishments. The present mode of compensating our prosecuting officers, appears to me objectionable. Is it not the policy and duty of every wise and liberal government, as well to protect the innocent as to punish the guilty? Can it be right and just, that the compensation of these gentlemen, should, in a great degree, depend upon conviction? Is it not their interest to convict, whether the accused be innocent or guilty? And, however respectable, still they are but men! liable to all the weaknesses "of which flesh is heir to," and capable of being influenced by all the considerations, which influence humanity. Would it not be preferable, that they should enjoy fixed salaries, thus removing all temptation to persecution, and make their present fees payable to the county trustees and State Treasury, as reimbursements? That there are other defects in our judiciary system, cannot seriously be doubted, but whether they are of that description, which require legislative interference, or such as are incident to all human institutions, you alone are competent to decide.
I herewith transmit you a communication from Vermont, enclosing a resolution of their General Assembly, for your concurrence. It is, in substance, that slavery is an evil to be deprecated by a free and enlightened people; and, declaring that their General Assembly will concur in any measures, which may be adopted by the general government, for its abolition in the United States, that may be consistent with the rights of the people and the general harmony. This is an additional instance, indicating, that States, like individuals, may fall into the common error of believing, that they better understand, and with more skill and to greater advantage could manage the concerns of others, than they display in their own transactions. The reason is obvious: They take but a partial and imperfect view of another’s affairs, without the advantage of being possessed of the whole ground. May not this be the situation of the non-slave holding States, and can they not, without transcending “the modesty of nature,” fairly presume, that this subject, in all its bearings, is fully understood in the South? It becomes every State and people, to be peculiarly alive to every circumstance, which may threaten their existence; and to provide every precaution, against any emergency to which they may be exposed I repeat but a common truism, but one appreciated by every wise people,—“that peace is the time to prepare for war.” From foreign force, or internal insurrection, we are indeed protected by constitutional provision. But it does not become us, to neglect our resources or overlook the peculiarity of our situation, in common with a few other States, arising from the diversity of our population. We do not entertain any feminine apprehensions of danger. But the frequent and misguided proceedings of individuals, societies and States, in other sections of our country, relative to this question, demand from us a sleepless vigilance. These unauthorised, unjustifiable interferences with so delicate a topic, is the more to be regretted, as they may induce the States concerned, from a due regard to their highest interest, to increase the severity of their policy towards this portion of their population; to curtail existing privileges and forbear future immunities, which humanity might suggest and prudence sanction. The history of this State will shew, that our laws have been gradually liberalized in their provisions, operating on this class of our community, and their domestic administration has been ameliorated in a corresponding degree. But if the relations subsisting between masters and slaves, are not to be left to the unbiased operations of our own sympathies, justice and discretion; if inflammatory doctrines are to be scattered through our land, by foreign hands; it may well be doubted, whether our attention may not be more properly turned from the consideration of plans of amelioration, to a question of deeper magnitude—the preservation of ourselves and country, from insurrectionary movements, through an increased restriction, or at least, by a more vigilant exercise of our police. Under these impressions and opinions, I would beg leave to recommend to the Legislature, a revision of the laws, relative to calling out the militia to suppress insurrections, those for appointing and keeping patrols, and those in relation to the migration of free persons of colour into this State. The law for calling out the militia, by the variety of its enactments, may lead to confusion, and the others referred to, although they may appear sufficient, are permitted, in many parts of our country, to lie dormant and neglected. Whether the effica-
cy and activity of patrols would not be considerably promoted by an in-
crease of privileges, established remuneration, or higher penalties for ne-
glect of duty: and, whether the policy of our sister States, prohibiting
the migration of free persons of colour within their boundaries, should
not be met by countervailing enactments, if constitutional, are questions
submitted entirely to your discretion.

In the month of July last, F. Nash, Esq. presented to the Executive
his resignation, as one of the Judges of the Superior Courts of Law, &c.
In consequence thereof, the Council of State was convened as soon as
circumstances permitted. They advised that a temporary commission
should be granted to Willie P. Mangum, Esq. With you it rests to make
a permanent appointment. The lamented and much regretted death of
the late Judge Paxton, which has deprived the Courts of an able and up-
right Judge, society of an amiable and beloved associate, and the State
of an eminently useful citizen, creates an additional vacancy, on the
same bench, which you, in your discretion, will supply. The resigna-
tions of Justices of the Peace and Militia Officers, will be found in the
file marked B. herewith transmitted.

The letter book of the Governor, will be held in readiness, by my Pri-
ivate Secretary, for your examination. With it, the journal of the pro-
cedings of the Council of State, will await the call of the Legislature.
In the latter will be found the correspondence, between the Executive
and the Council, as to the proper mode of filling vacancies, which may
occur during the recess of the Legislature. On this subject, a great va-
riety of opinions has existed among my predecessors.

Through the hands of the Hon. John Branch, one of our Senators in
Congress, I have received a communication, herewith transmitted, (in file
A,) proposing to publish the debates of the several States, on the adop-

Many important subjects, independent of those herein submitted, will
doubtless come under your consideration. Such assistance, as my feeble
abilities can afford your deliberations, during my continuance in office,
will most cheerfully be afforded by,

Gentlemen, your very obedient servant,

H. G. BURTON.

Executive Department, 2
December 26, 1826.

On motion of Mr. Shepperd, ordered that the foregoing communication
be sent to the Senate, with a message proposing that it be printed, four
copies for each member:

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

Wednesday, December 27, 1826.

Mr. Gary, 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 it appeared, on examining the ballots,
that Samuel F. Patterson had a majority of the whole number, and was
duly elected; that neither of the other candidates had such majority.—
The question to concur with the report passed in the affirmative.

John Iver McMillan, one of the members of Bladen county, and John
Giles, one of the members of Onslow county, appeared, produced their
credentials, were qualified, and took their seats.
On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for two Engrossing Clerks.

Thomas Sutton, one of the members of Sampson county, appeared, produced his credentials, was qualified, and took his seat.

A message from the Senate, by their Clerk Assistant, disagreeing with the proposition of this House, made yesterday, to have the message of the Governor printed, four copies for each member; and informing they had ordered the printing of said message, one copy for each member of their House. On motion of Mr. Shepperd, the House receded from the proposition of yesterday, and ordered the said message to be printed, one copy for each member of the House.

A message from the Senate, agreeing to ballot for two Engrossing Clerks, and informing that Messrs. Alexander and Boddie form the committee to conduct the balloting on their part. On motion, ordered that a message be sent to the Senate, informing that Mr. Seawell and Mr. Dargan form the committee to conduct the balloting on the part of this House.

A message from the Senate, informing of the assent of that House to ballot this morning for a Governor of this State for the ensuing year, and that Mr. Forney and Mr. Williams of Martin form a committee on their part to conduct the balloting. On motion, ordered that a message be sent to the Senate, informing that Mr. Fisher and Mr. Potter form, on the part of this House, the committee to conduct the balloting.

A message from the Senate, proposing to ballot immediately for Treasurer, Secretary of State and Comptroller of the Public Accounts, and informing that John Haywood, as Treasurer, William Hill, as Secretary of State, and Joseph Hawkins, as Comptroller, are in nomination for the respective appointments. The message was concurred in, and the Senate informed that Mr. Marshall and Mr. Frederick form the committee to conduct the balloting on the part of this House.

A message from the Senate, informing that Mr. Hill of Stokes and Mr. Wilson of Edgecombe attend this House as a committee on their part to conduct the balloting for Treasurer, Secretary of State, and Comptroller of the Public Accounts.

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

Mr. Dargan, from the committee appointed to superintend the balloting for two Engrossing Clerks, reported that the committee had performed that duty; and that it appeared, on examining 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.

On motion of Mr. Fisher, ordered that a message be sent to the Senate, proposing to raise a select joint committee to wait on the Governor, and inform him of his re-election to the Chief Magistracy of State for the ensuing year, and to ascertain when it may be convenient to him to attend the two Houses for the purpose of taking the oaths of office; and informing that Mr. Fisher and Mr. Potter form this committee on the part of this House.
Mr. Swain, from the committee appointed to prepare and report Rules of Order for the government of this House during the present session, made the following report, which was read and concurred in:

1. The Speaker shall take the Chair every day, at the hour to which the House shall have adjourned, and shall immediately call the Members to order; and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read. He shall preserve order and decorum, and questions of order shall be decided by the Speaker without debate, subject to an appeal to the House by any Member; in which case the Speaker may deliver his opinion in preference to any other Member. He shall rise to put a question, but may state it sitting. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye," and after the affirmative voice is expressed, "As many as are of the contrary opinion, say No." If the Speaker doubt, or if 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, 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.

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 stated; and the range of pillars on the north side of the Commons Hall shall be considered the bar of the House.

10. Every Member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

11. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and, if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the Members shall be taken alphabetically.

12. When a motion is made and seconded, it shall be stated by the Speaker; or, if written, it shall be handed to the Chair, and read by the Clerk before debated.

13. Every motion shall be reduced to writing, if the Speaker or any two Members desire it.

14. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn before a decision or amendment.

15. When a question is under debate, no motion shall be received but to adjourn, to 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, beat 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; provided it be done, 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.

On motion, the House proceeded to appoint the standing committees, as directed in the 38th rule for the government of this House, to wit:


On motion of Mr. Bain,
Resolved, That a select committee be raised, to be styled the Military Committee: and to that committee be referred so much of the Governor's message as relates to the calling out of the militia in certain cases.

On motion of Mr. Swain,
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. R. H. Jones,
Resolved, That so much of the Governor's message as relates to internal improvements, be referred to the standing committee on that subject; and that so much of the said message as relates to agriculture, be referred to the standing committee on that subject.

On motion of Mr. Jones, of Warren, ordered that a message be sent to the Senate, proposing to raise a joint select committee, to consist of five on the part of this House, to be styled the Judiciary committee, and to it be referred so much of the Governor's message as relates to the judiciary.

On motion of Mr. Green, ordered that a message be sent to the Senate, proposing to raise a select joint committee upon that part of the Governor's message which relates to the subject of slavery, and the communication made by the Legislature of the State of Vermont on that subject; and that the said committee consist of five on the part of this House.

On motion of Mr. Spruill, ordered that a message be sent to the Senate, proposing to raise a select joint committee, consisting of twenty members of each House, to be selected, five from the first, five from the second, five from the third, and five from the fifth Judicial Districts, to inquire into the expediency of altering the times of holding the fall terms of the Superior Courts of said districts; and that said committee be authorised to report by bill or otherwise.

The resignation of Benjamin Howard, justice of the peace for Rowan county, was read and accepted.

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

Thursday, December 23, 1826.

Mr. Marshall, from the committee appointed to conduct the balloting for Treasurer, Secretary of State and Comptroller, reported that the committee had performed that duty; and that it appeared, on examining the ballots, John Haywood as Treasurer, William Hill as Secretary of State, and Joseph Hawkins as Comptroller, had each a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

On motion of Mr. Best, ordered that a message be sent to the Senate, proposing to ballot this morning for two Engrossing Clerks.

Mr. Potter moved that the House do reconsider the resolution of yesterday, the object of which is to refer that part of the Governor's message
which relates to the subject of slavery, and the communication of the Legislature of Vermont on that subject, to a select joint committee. The question thereon, passed in the affirmative. On motion of Mr. Potter, the said resolution was ordered to lie on the table.

Mr. Alfred Moore, one of the members from Brunswick county, and Mr. Joseph A. Hill, the member from the town of Wilmington, appeared, produced their credentials, were qualified, and took their seats.

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 of a main State Road from the town of Fayetteville to Wilkesborough, in conformity to the route heretofore surveyed by the Civil Engineer; and that they have leave to report by bill or otherwise.

A message from the Senate, consenting to ballot this morning for two Engrossing Clerks, and informing that the names of Felix Axley and Wm. R. Hinton are withdrawn from the nomination. On motion, ordered that a message be sent to the Senate, informing that Mr. Best and Mr. Green wait on the Senate as a committee, on the part of this House, to superintend the balloting for Engrossing Clerks; and that the names of Robert H. Wynne and Henry Carson are withdrawn from the nomination.

Mr. Bain presented the following resolution:

Whereas subjects of a private nature are frequently introduced for the consideration of the Legislature at a late period of the session, probably to the exclusion and nature deliberation of subjects of a public nature and more general interest; for remedy whereof,

Resolved, That after the twentieth day of January ensuing, no bill of a private nature shall be introduced into this House.

The question, will the House adopt the resolution? passed in the negative.

On motion of Mr. Love, ordered that a message be sent to the Senate, proposing to raise a joint select committee of both Houses, to consist of five members on the part of this House, to whom shall be referred that part of the Governor's message which relates to the Cherokee lands.

On motion of Mr. Morehead, ordered that a message be sent to the Senate, proposing to raise a select joint committee, to consist of two members on the part of this House, to be styled the Committee of the Public Buildings.

A message from the Senate, informing of the assent of that House to raise a select joint committee to wait on his Excellency the Governor, to inform him of his re-election for the ensuing year, and to inquire when it may be convenient for him to qualify as such; and informing that Mr. Porney and Mr. Wilson form the committee on their part.

Mr. Fisher, from the joint committee appointed to wait on his excellency the Governor, to inform him of his re-election to the Chief Magistracy of State for the ensuing year, and to inquire of him when it will suit his convenience to attend the two Houses, to take the oaths of qualification, reported that the committee, according to order, had performed that duty; and that the Governor replied he would wait on the two Houses to-morrow, at 12 o'clock, for that purpose.

Mr. Shepperd, with leave, presented a bill concerning the granting license to practice law in the County Courts of this State. The said bill was read the first time, and the question, shall the said bill pass its first reading? was determined in the affirmative.
On motion of Mr. Montgomery,
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 be called for.

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

The resignations of R. C. Power, colonel commandant of the Warren regiment of militia; John W. Rooper, colonel commandant of the 11th regiment of the thirteenth brigade; Joseph S. Mayo, lieutenant colonel of the Hyde militia; John Hodges, colonel commandant of the 34th regiment; and A. Macleod, lieutenant colonel of said regiment of Cumberland militia; Thomas Cartrell and Frank Blake, of Columbus county; Larkin E. York, of Randolph county; John Ricks, of Nash county; Hardy Lee, of Johnston county; and George D. Phillips and Benoni Sams, of Buncombe county, justices of the peace, were presented, read and accepted.

The Speaker laid before the House the report of the Public Treasurer:

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

Gentlemen,—In obedience to the act of Assembly which requires of the Public Treasurer of this State, for the time being, an annual report to the Legislature, I do myself the honour 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, 1825, and ending with the last day of October, 1826, 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 lately 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, amount to one hundred and thirty-five thousand, one hundred and forty-seven dollars, and forty-nine cents, and one fourth of a cent; including an item of twenty-one thousand and forty-two dollars, and seventy cents, received into the Treasury in course of the year, as a reimbursement of the like sum theretofore advanced and paid out of it, in aid of the fund for Internal Improvements and to extinguish the claims of sundry Indians of the Cherokee Nation to certain reservations of lands in Haywood county ($135,147 49).}

To this sum the balance remaining in the Treasury on the first day of November, 1826, and thereafter to be accounted for, as reported to the last General Assembly, being added, viz:—One hundred and thirteen thousand, eight hundred and eighty-four dollars, and twenty-seven cents, and three fourths of a cent, an aggregate amount of two hundred and forty-nine thousand, and thirty-one dollars, and seventy-seven cents is formed ($249,031 77.)

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 twenty-three thousand, seven hundred and twenty-nine dollars and seven cents ($125,729 07.) the vouchers for which, including a warrant of transfer for twelve thousand, three hundred and four dollars, ninety-five cents, and an half ($12,304 95 ½) to the common school or education fund, 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 twenty-five thousand, three hundred and two dollars, and seventy cents remaining in the Treasury of this State on the first day of November last—say on the first day of November, 1826, and hereafter to be accounted for ($125,302 70.)

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

The State Bank of North Carolina declared dividends in the months of December and June last at the rate of 6 per cent; which, on the shares held in it by this State, amounted to twenty-one thousand, five hundred and forty-four 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, as usual, 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 the Bank's stock to the State, a sum of the usual for 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 disbursements for the late fiscal year, and will be found in the files handed over to the Comptroller, as above mentioned.

The Banks of Cape-Fear and Newbern likewise declared half yearly dividends in the months above mentioned: the Bank of Cape-Fear at the rate of three per cent; and the Bank of Newbern at the rate of four per cent; part of the proceeds of which it will be re-collected are appropriated and goes to the fund erected for Internal Improvements:—and those Banks declared also additionally at the same time and at the same rate, on the stock or shares of their capital lately purchased by the State, the first named to amount of nineteen hundred and fifty-six dollars; and the other to amount of eight hundred and eighty-four dollars; which two sums were paid into the common Treasury of the State, and are included in the warrant of transfer to the education fund herein before noticed.

The sum of one hundred and twenty-five thousand, three hundred and two dollars and seventy cents above mentioned, as being the balance due and payable from the Public Treasurer to the State of North-Carolina on the first day of November last, forty-one thousand, three hundred and sixty-one dollars and forty-five cents were deposited and stood at my credit, as Public Treasurer, in the State Bank at Raleigh.

Thirty-three thousand and seven dollars and thirty-one cents were deposited and stood at my credit, in like manner, in the Bank of Newbern, in Raleigh.

And nine thousand, eight hundred and seventy-nine dollars, and twenty-five cents, were deposited, in like manner, and stood at my credit, as Public Treasurer, in the Bank of Cape-Fear at Fayetteville.

The remainder consists of worn and redeemed Treasury Notes, which have so considerably and so rapidly accumulated since the first of November last, as to put it out of my power hitherto to count and prepare them for burning, which shall however be done as soon as practicable:—of warrants and other claims on the Treasury paid off and taken up since the close of the late fiscal year:—and of Bank Notes and current Treasury Notes kept in the office for the purpose of meeting the demands or expenditures of the day, which are often great and rarely fail to be considerable.

It will be seen, from the Comptroller's Statements, as well as from this report, that the common school fund had at its credit, on the first day of November last, the sum of twelve thousand, three hundred and four dollars, ninety-five cents and one half, since which time and on the 7th of December instant, the dividend declared by the Cape Fear Navigation Company for 1826 on the shares held in it by North Carolina, amounting to four hundred and twenty dollars, (which also is appropriated and belongs to that fund,) has been paid into the Treasury of the State. This item however could neither be reported nor otherwise, officially made known by me to the Comptroller on the first day of November last, the day on which all the public accounts are made up and balanced; because payment was not at that time made by the Company, nor was it in fact made until the 7th of the month following: a circumstance which would leave me free to omit making it here, nor should I do it, were it not for my anxious desire to place this infant fund in the most respectable point of view in my power; and from my wish likewise, to do even more than common justice to the patriotic zeal and unshrinking endeavors of this the only Navigation Company in the State which has, as yet, declared any dividend, whatever—and, acting under the influence of the same principle and feeling, I may be permitted here to remark, that although the balance of the agricultural fund could not be transferred on the first of November last, on account of the provisions and limitation of the act of 1824 in regard to that fund, and because likewise of the unsatisfied claims which then existed and at present exist, as well as of others of the like nature which may be made upon it by counties that have not yet formed Agricultural Societies, but which may still do so, in February next these difficulties and hindrances will be done away; when the transfer of a respectable balance from the agricultural to the common school fund may be looked forward to, with reasonable hope and expectation; at which time likewise it is highly probable, and, indeed, well nigh certain, that the Comptroller will, by his warrant, transfer also to the Bank according to the amount of the dividend last above mentioned.

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, 1825, to the first of November, 1826, comprehending the payments made at the Treasury by the purchasers of parts of the Cherokee lands, together with all other monies received by him which are subject to the drafts or disposal of that Board; which shows or leaves in his hands an unex-pended sum or balance of twenty-three thousand, four hundred and seven dollars, and twenty-
three cents, yet to be accounted for, ($23,407 23,) a copy or abstract of which account or statement accompanies this, and is marked with the letter A.

The Treasurer has the honour likewise to submit to the General Assembly an abstract of receipts and disbursements, or statement of account, showing the condition of the agricultural fund of North Carolina on the first day of November last, which will be found to leave a balance of seven thousand nine hundred and sixty-five dollars and ninety-five cents ($7,965 95) in favour of and to the credit of the said fund: which statement is marked with the letter B.

The Treasury Notes last ordered by the General Assembly were not all issued or sold on the first day of November last, nor are the whole of them yet disposed of, a few sheets remaining still on hand, but not more than will probably be sold in course of the present session of the Assembly: this item, however, in conformity with the assurance given by the Treasurer in his last annual report, was incorporated in his general account for 1826 as settled with the Comptroller on the first day of November last, and was then set off and balanced by the delivery of Bank Stock or shares, purchased for the use and benefit of the State, to that officer in full of the same—and to him was likewise delivered, at the same time, other Shares of Bank Stock bought with the surplus monies in the treasury in course of the fiscal year of 1826, to amount of ten thousand, nine hundred and twenty-five dollars, as may be seen by his statements furnished for the use of the Members of this Assembly: The stock above mentioned was of the three several Banks of North-Carolina—The shares which were of the State Bank and of the Bank of Newbern, which have hitherto and for years past declared their dividends at the rate of 4 per cent, half yearly, were purchased at par; and those which were of the Bank of Cape-Fear, which has latterly declared at the rate of three per cent, half yearly only, were bought at ninety-five dollars per share.

Pursuant to the provisions of the act of the last General Assembly, entitled "An act to cede to the United States a certain tract of land, called Bogue Banks," the sum of twelve hundred and eighty-seven dollars has been sent or remitted to me by Lieutenant William A. Ellisson, of the Engineers, and agent of fortifications at Fort Macon, to be deposited in the Public Treasury as the purchase money and in payment for the lands ceded to the United States by North-Carolina, through the said Act: Applications have since been made at the Treasury by one or more of the claimants under the provisions of the said Act, for a part or portion of the money so deposited, or rather for information as to the manner or means necessary to the obtaining it; which have been necessarily postponed on the ground, that the Public Treasurer is not clothed with any power by the act aforesaid, to judge either of the validity of the claims which might be preferred, or to pay off or discharge such as should be considered good and valid:—On the grounds likewise that all power in regard to this deposit rests wholly with the Legislature:—and on the ground moreover that the Public Treasurer has not yet seen or been furnished with the evidence on which any such claims rest.

A part of the purchase money bid for the lands belonging to this State near Raleigh, and which were sold in 1820, remains still unpaid: Judgments have, from time to time, been had in every instance, save two, in which payment was withheld or delayed: but it has unfortunately happened that, in several cases, the purchasers, together with their securities, proved insolvent, and consequently the executions, which have been frequently issued, have been uniformly returned, in these cases, with an endorsement of "not satisfied," and of course without the money due:—The Law authorising and ordering the sale of those lands, provided that no deed or other conveyance should be made until the purchase money was fully paid up; and thus it happens that the lots of land so sold and not paid for still remain to the State, no conveyance or title whatever having been made for them by the Commissioners who were authorised and appointed to sell them:—The purchasers however continue to claim them and to exercise ownership over them, on the ground of having bid them off and consequently to pay for them; although it is known and admitted that they have no power to do so, they and their securities having long since proved insolvent as aforesaid; and some of them continue likewise still to use the lots or lands as their own, by cutting and taking the timber from off them, and committing other wastes on them. The Public Treasurer heretofore made a like representation to the General Assembly, but as no effectual remedy was then or has since been provided, and these matters still remaining in the same or a worse situation, it has considered it his duty again to mention them, as there remains not the most distant prospect or probability that payments will be made; whilst the lots or lands in question will necessarily be lessened in value when disposed of the remaining growth of timber at present on them, and will indeed thereby become in a measure worthless.

The exposes or statements of the situation of the Banks of this State, as required by a resolution of the Assembly of 1822, are herewith transmitted.

Much and respectfully, gentlemen, your obt. serv't.

JOHN HAYWOOD, Public Treasurer.

Raleigh, 27th December, 1826.
On motion of Mr. Swain, ordered that the said report, with the attendant references, be referred to the joint committee of Finance; and that the same be sent to the Senate, with a proposition that the usual number be printed for the use of the members. The House then adjourned until to-morrow morning, 10 o'clock.

Friday, December 29, 1826.

On motion of Mr. Cooper, ordered that a message be sent to the Senate, proposing to ballot immediately for the Engrossing Clerks, and informing that the names of Messrs. Jasper, Holt and Ramsay are withdrawn from the nomination.

Mr. Leonard Martin, one of the members of Hertford county, appeared, produced his credentials, was qualified, and took his seat.

Mr. Wyche presented the following resolution, to wit:

Resolved by the Legislature of North Carolina, That the Congress of the United States do not possess the power of laying and collecting a revenue for the purpose of cutting roads and canals in the respective States; and that our Senators be instructed, and our Representatives requested, to use all lawful exertions in their power to prevent it; and that His Excellency the Governor cause a copy of the above resolution to be forwarded to the individuals composing the delegation of this State in Congress.

On motion of Mr. Jones, of Warren, ordered that the said resolution lie on the table.

On motion of Mr. Strange,

Resolved, That Professor J. W. Fay have the use of the Commons Hall, for the purpose of delivering to such of the members of either House of the Legislature as think proper to attend, a lecture on foreign languages to-morrow evening, at half past 3 o'clock.

A message from the Senate, consenting to ballot this morning for the Engrossing Clerks, and informing that Mr. Montgomery and Mr. Smith form the committee to conduct the balloting on their part. On motion, ordered that a message be sent to the Senate, informing that Mr. Cooper and Mr. Hodges wait upon the Senate as a committee to conduct the balloting for the Engrossing Clerks on the part of this House.

Mr. Cooper, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee, according to order, had performed the duty assigned to them; and that it appeared, on examining the ballots, Thomas G. Stone and William J. Cowan had each a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

A message from the Senate, informing that in pursuance to the Joint Rules of the two Houses, they had raised a committee of Finance, to join the committee on the part of this House, consisting of Messrs. M'Kay, Pickett, King, Hill of Franklin, Seawell, Williams of Beaufort, Stokes and Sharpe. On motion of Mr. Swain, ordered that a message be sent to the Senate, informing that Messrs. John Carson, Richard Allison, John Scott, Robert H. Jones, Leonard Martin, Wm. A. Blount, Alfred Moore and Robert Strange form the committee of Finance on the part of this House.

Thomas Jordan, one of the members of Pasquotank county, appeared, produced his credentials, was qualified, and took his seat.
On motion of Mr. Swain,

Resolved, That the Joint Rules for the government of the intercourse between the two Houses, adopted at the last session, be considered as the Rules for the government of the intercourse between the two Houses during the present session; and that they be printed, one copy for each member of the House.

Mr. Clement moved for leave, and presented a bill to establish Mocksville Academy, in the county of Rowan, and to incorporate the trustees thereof. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative. On motion, the said bill 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 engrossed and sent to the Senate for concurrence.

Mr. Wyche moved for leave, and presented a bill to alter the time of holding the meetings of the General Assembly. Mr. Hampton, with leave, presented a bill concerning certain officers of the county of Davidson.—These bills were read each the first time, and the questions, shall the said bills pass? were determined in the affirmative.

On motion,

Resolved, That the Secretary of State issue to the heirs at law of William Halme, deceased, a grant for two hundred acres of land, in the county of Ashe, agreeable to a survey made in obedience to the entry-taker's warrant No. 496, entered the 9th day of November, 1801.

On motion, ordered that the said resolution be referred to the committee of Claims.

Mr. Shepperd presented the memorial of Joseph Cowles, of Surry, on the subject of the tax on pedlars; and Mr. Mhoon presented the petition of Jonathan Cooper, praying to be authorised to erect a gate across a public road passing through his lands. These petitions were read; the former referred to the committee of Finance, the latter to the committee of Propositions and Grievances.

The Speaker laid before the House the memorial of the American Colonization Society; which was read, and, on motion, ordered to be laid on the table.

On motion, ordered that a message be sent to the Senate, proposing to raise a joint select committee, whose duty it shall be to wait on his Excellency the Governor elect, to conduct him into the Commons Hall, for the purpose of qualifying as such for the ensuing year; and informing that Mr. Fisher and Mr. Potter form the committee to join the committee to be appointed by the Senate for this purpose.

A message from the Senate, consenting to the proposition of this House to appoint a joint select committee to wait on the Governor elect, to conduct him into the Commons Hall, for the purpose of qualifying as Governor of this State for the ensuing year; and informing that Mr. Forney and Mr. Wilson form this committee on their part.

Hutchins G. Burton, the Governor elect for the ensuing year, being conducted into the Commons Hall at 12 o'clock this day, both branches of the Legislature being in attendance, qualified as such, by taking and subscribing to the several oaths prescribed by law for his qualification, the oaths of office being administered by Chief Justice Taylor.

The resignations of Joseph G. Garland, Lieutenant Colonel of the 40th regiment of the militia; Thomas Crawford, Lieutenant Colonel of the 1st regiment of Iredell county; John G. Wright, Lieutenant Colonel of the
Rockingham county militia; Galihu Moore, Lieutenant Colonel of the 1st Surry regiment; John M. Smith, Lieutenant Colonel of the 1st regiment of the Davidson county militia; James Jones, of the county of Randolph; J. Carriway, of Wayne county; John Howard, of Carteret county; Benjamin Tarkenton, of Washington county; James W. Patten, of Buncombe county; A. H. Rhodes, of Onslow county; John B. Walton, of Gates county; A. Saunders, of Pitt county; and Lewis Amis, of Person county, Justices of the Peace, were presented, read, and accepted.

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

Saturday, December 30, 1826.

Mr. Montgomery presented the following resolution, to wit:

Resolved, That the committee of Public Buildings procure two stoves, and have them placed in the lobby of this House.

The question thereon passed in the negative.

Mr. Settle moved for leave, and presented a bill to authorise the County Courts of Pleas and Quarter Sessions to permit gates to be raised across the public roads, and to impose a tax thereon. Mr. Barnhardt also, with leave, presented a bill to repeal in part an act, entitled "An act to regulate the patrol of Richmond county, and for other purposes." These bills were each read the first time, and the questions, shall the said bills pass? were determined in the affirmative.

Mr. Swain moved that the House do reconsider the resolution of yesterday, in relation to the Joint Rules of the two Houses, and the printing thereof for the use of the Members. The question thereon was determined in the negative.

A message from the Senate, informing that they had passed a bill to incorporate an academy on the lands of Seth Jones, in the county of Wake, by the name and under the title of Pomona Academy; also a bill to amend an act, passed in 1819, concerning the town of Concord; and a bill to incorporate Springfield Academy, in the county of Hertford, and appointing the trustees thereof; and asking the concurrence of this House.

Mr. Green moved that the House do now consider the resolution presented by him the day before yesterday, on the subject of slavery, and the resolution of the Legislature of the State of Vermont on that subject.—The question, will the House now consider the said resolution? passed in the negative.

On motion of Mr. Fisher,

Resolved, That the following Rules be observed, additional to the Rules heretofore agreed on for the government of this House the present session, to wit:

"That every resolution, order or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House and laid on the table on a day preceding in which the same shall be moved, unless the House otherwise allow; and that all resolutions, the object of which is to draw money from the Treasury, shall be read three times on three different days, unless otherwise ordered."

Mr. Newland presented the petition of Nimrod Lunsford, praying to be authorised to erect a gate on a public road passing through his lands; and Mr. Arnold presented the petition of William Dowling, of the county of Surry, praying to be authorised to erect two gates on a public road passing through his lands. Ordered that these petitions be referred to the committee of Propositions and Grievances.

The bill concerning certain officers of the county of Davidson, was read
the second time and amended, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Spruill, with leave, presented a bill to incorporate Roanoke Chapter, No. 4, of Excellent and Most Excellent Royal Arch Masons, in the town of Halifax. The said bill was read the first time, and the question, shall the said bill pass? passed in the affirmative.

On motion of Mr. Bain,
Resolved, That a select committee on Divorce and Alimony be raised; and that Messrs. Bain, Morehead, Jo. A. Hill, Fisher and Whitehurst do form the committee.

On motion of Mr. Wyche, ordered that the bill to alter the time of holding the meetings of the General Assembly be made the order of the day for Thursday next, then to be considered in committee of the whole House.

Mr. Morehead presented the petition of Elizabeth Dare, of Guilford county; and Mr. Swain presented the petition of Polly Buckner, of Buncombe county, praying to be divorced from their husbands. On motion, ordered that the said petitions be referred to the committee on Divorce and Alimony.

The bill concerning certain officers of 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.

A message from the Senate: We do not agree to your proposition, that a select joint committee, to consist of five members on the part of the House of Commons, be appointed, to be styled the Judiciary committee; and that so much of the Governor's message as relates to that subject, be referred to that committee. Pursuant to the joint rules of the two Houses, we have appointed a committee on the Judiciary; and we do not agree to your further proposition, that a select joint committee, to consist of five Members on the part of the House of Commons, to be styled the committee on the Cherokee lands, be raised, to whom shall be referred so much of the Governor's message as relates to that subject. Pursuant to the joint rules of the two Houses, we have appointed a committee on this subject. But we agree to your proposition, to raise a select joint committee, to consist of twenty members from each House, to be selected, five from the first, five from the second, five from the third, and five from the fifth Judicial Districts, to inquire into the expediency of altering the times of holding the Fall Terms of the Superior Courts of said Districts, with power to report by bill or otherwise; and Messrs. Pickett, McKay, Tyson, Locke, Elliott, Spaight of Craven, Speight of Greene, Miller, Williams of Beaufort, Davis, Seawell, Wilson of Edgecombe, Hill of Franklin, Boddie, Joiner, Bullock, Bell, Riddick, Sharpe and Hunter form the committee on the part of this House. We also agree to your proposition, that a select joint committee be appointed, to consist of two members on the part of the House of Commons, to be styled the committee on Public Buildings; and Messrs. Sneed and King are appointed the committee on the part of the Senate.

The engrossed bill, received from the Senate, to incorporate an Academy on the lands of Seth Jones, in the county of Wake, by the name and under the title of Pomona Academy; also a bill to amend an act, passed in 1819, concerning the town of Concord; also a bill to incorporate Spring-
field Academy, in the county of Hertford, and to appoint the trustees thereof, were respectively read the first time, and the questions, shall the said bills pass? were determined in the affirmative.

Received from the Senate, a resolution, proposing to raise a select joint committee, to take into consideration so much of the Governor's message as relates to an amendment of the Constitution of the United States, and the resolution of the State of Vermont on the subject of slavery. On motion, ordered that the said resolution be laid on the table.

The resignation of Edward H. Bell, Justice of the Peace of the county of Carteret, was presented, read and accepted.

On motion of Mr. Edmonston,
Resolved, That Messrs. Love, Swain, Martin, Donoho and Dargan, form a select committee, to whom shall stand referred so much of the Governor's Message as relates to the Cherokee lands.

Resolved, That Messrs. Iredell, Martin, Rozman, Mhoon, Stedman, Burns, Torrence, Blount, Edwards, Cox of Lenor, R. H. Jones, Spruill, Gary, Dickinson, Whitaker, A. Moore, Strange J. A. Hill, Marshall and M'Nair, form the joint select committee, to consider on the expediency of altering the Fall sittings of the Superior Courts in the first, second, third and fifth Judicial Circuits, and that the Senate be informed thereof by message.

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

MONDAY, JANUARY 1, 1827.

Mr. William P. Ferrand, one of the members of Onslow county, appeared, produced his credentials, was qualified, and took his seat.

Mr. Whitehurst presented the petition of Eliza Hope Cox, of Craven county, praying to be divorced from her husband Longfield Cox. On motion, ordered that the said petition be referred to the committee on Divorce and Alimony.

Mr. Shipp, with leave, presented a bill allowing jurors in the County and Superior Courts of Lincoln county to receive pay for their services; Mr. Shipp also presented a bill to empower Joseph Houston, of Iredell county, to erect gates across certain roads therein mentioned; and Mr. Strange presented a bill to authorize the commissioners of Fayetteville to select a special justice for said town, and to amend the 5th section of an act, entitled "An act for the better regulation of the town of Fayetteville," passed in the year 1821; Mr. Alexander presented a bill to amend an act, entitled "An act to amend an act, passed in the year 1815, entitled 'an act to incorporate the town of Charlotte, in the county of Mecklenburg; and Mr. Cooper presented a bill to repeal the 6th section of an act, passed in the year 1803, entitled "An act to extend the jurisdiction of a single justice; and to amend the several laws in force in this State relative to the recovery of debts before a Justice of the Peace." These bills were severally read the first time, and the questions, shall these bills pass? were determined in the affirmative.

Mr. M'Nair presented the petition of David Standback, of Richmond county, praying to be exempted from the payment of the tax imposed on a gate erected by him on a public road. On motion, ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Forney presented the petition of Mary Caldwell, of the county of Iredell; Mr. Edmonston presented the petition of Susanna Tindell, of Haywood county, respectively praying to be divorced from their hus-
bands. On motion, ordered that these petitions be referred to the com-
mittee on Divorce and Alimony.

Mr. William Watts Jones, one of the members of New-Hanover coun-
ty, appeared, produced his certificate, qualified, and took his seat.
On motion of Mr. Donohoo,

Resolved, That a committee be appointed, whose duty it shall be to inquire into
the expediency of establishing a Medical Board for this State; and that they have
leave to report by bill or otherwise.

On motion of Mr. Gary,

Resolved, That so much of the Governor's message as relates to a well regulated
and efficient patrol, increase of privileges, higher penalties for neglect of duty,
and a proper remuneration, be referred to the committee on the Judiciary; and
that they report by bill or otherwise.

On motion of Mr. Alexander,

Resolved, That the Judiciary committee be instructed to inquire into the expe-
diency of so amending the laws with regard to constables, as to ensure the more
speedy collection and payment of debts placed in their hands for collection.

The resignation of James Clark, Justice of the Peace, was presented,
read, and accepted.

The bill to incorporate Springfield Academy, in the county of Hertford,
and appoint the trustees thereof, 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. On motion, ordered that the said bill be enrolled.

Mr. Gary presented the petition of Elijah Pope, praying to be divorced
from his wife. Ordered that the said petition be referred to the commit-
tee on Divorce and Alimony.

Mr. Newland presented the petition of Laban Eris, and many other ci-
tizens of the county of Burke, praying to be remunerated for their la-
bour in opening a public road, under an order of Court of their said
county. Ordered that the said petition be referred to the committee on
Internal Improvement.

Mr. Swain presented the letter or representation of G. D. Philips, of
Buncombe county, on the subject of the laws in regard to fences. On
motion, ordered that it be referred to the committee on Agriculture.

Mr. Green moved that the House do now proceed to consider the re-
solution by him heretofore submitted, in relation to the communication of
the Legislature of the State of Vermont on the subject of slavery. The
question thereon passed in the negative.

On motion of Mr. Jones, of Warren,

Resolved, That the Judiciary committee consist of seven, instead of five, as re-
quired by the rules of the House.

Whereupon the Speaker selected as members of this committee Mes-
srs. R. H. Jones, Iredell, Shepperd, Strange, Spruill, Settle and Swain.

On motion,

Resolved, That Messrs. Bain, Blount, Bateman, Torrence and Miller form the
committee on Military Affairs.

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

---

TUESDAY, JANUARY 2, 1827.

A message from the Senate, proposing to ballot, at the meeting of the
two Houses to-morrow morning, for a Judge of the Superior Courts, to
supply the vacancy occasioned by the resignation of Frederick Nash; and
informing that Willie P. Mangum is in nomination for the appointment. The question to concur with the said message passed in the negative, and the Senate were informed thereof by message.

Edward Poor, one of the members of Burke county, appeared, produced his certificate, was qualified and took his seat.

Mr. Strange 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, a pension of forty dollars for the last year. On motion, ordered that the said certificate be countersigned by the Speaker of this House, and sent to the Senate.

Mr. Barnard presented a bill to amend an act, passed in 1824, 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, and for laying out a town;" Mr. Sharpe presented a bill to establish New-Hope Academy, in the county of Edgecombe, and incorporate the trustees thereof. These bills were each read the first time, and the questions, shall the said bills pass? were determined in the affirmative.

Mr. A. Moore presented the certificate of the County Court of Cumberland, in favor of Ann Morrison, the widow of Alexander Morrison, dec'd, a soldier of the war of the revolution, placing her on the pension list, and allowing her for the present year a pension of twenty pounds.—On motion, ordered that the said certificate be countersigned by the Speaker, and sent to the Senate.

On motion of Mr. Swain, Received, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law for the arranging, revising and digesting the whole body of the public statute laws of North-Carolina, commencing with the latest English statutes in force in this State.

Mr. Hill, of Wilmington, presented a bill supplemental to an act, entitled "An act concerning the estate of persons dying intestate." The said bill was read the first time and passed, and, on motion, referred to the committee on the Judiciary.

Mr. Foy presented a bill to amend an act, passed in the year 1819, entitled "An act to prevent the fraudulent trading with slaves." On motion, ordered that the said bill be referred to the Judiciary committee.

A message from the Senate, informing that, in pursuance of the joint rules of the two Houses, they had appointed a Library committee, consisting of Messrs. Spaight of Craven, Pickett and M'Kay.

On motion of Mr. Newland, Received, That Mr. Newland, Mr. Poor and Mr. Gary be added to the Military committee.

On motion, ordered that the Senate be informed by message, that Messrs. A. Moore, Iredell and Shepperd, form the Library committee on the part of this House.

A message from the Senate, informing that they had passed a bill for the better regulation of the Courts of Pleas and Quarter Sessions for the counties of Nash and Northampton; in which they ask the concurrence of this House.

The engrossed bill, received from the Senate, for the better regulation of the Courts of Pleas and Quarter Sessions for the counties of Nash and Northampton, was read the first time, and the question, shall the said bill pass? was determined in the affirmative.
On motion of Mr. Morehead, ordered that a message be sent to the Senate, proposing to raise a select joint committee, to whom shall be referred the memorial of the Colonization Society.

Mr. Ellis presented a bill requiring the Clerks of the several Courts and Registers within this State to keep their offices at the Court Houses of their respective counties. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

The bill to amend an act, entitled "An act to amend an act, passed in the year 1815, entitled 'An act to incorporate the town of Charlotte, in the county of Mecklenburg," was read the second time, and the question, shall the said bill pass? was determined in the affirmative.

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

The bill to empower Joseph Houston, of Iredell county, to erect gates across certain roads therein mentioned, was read, and, on motion of Mr. Shipp, referred to the committee on Internal Improvements.

The bill to amend an act, passed in 1819, concerning the town of Concord, in the county of Cabarrus, was read the second time and amended. The question, shall the said bill pass? was determined in the affirmative.

Mr. Blevins presented a bill to repeal an act, passed at the last General Assembly of this State, allowing compensation to the Jurors of the county of Ashe. The said bill was read the first time and passed.

Mr. Webb presented the petition of Mary Green, of the county of Person; Mr. Gordon presented the petition of John Fugate, of Wilkes county; and Mr. Swain presented the petition of Nancy Chadwick, respectively praying for divorces. On motion, ordered that the said petitions be referred to the committee on Divorce and Alimony.

Mr. Bonner presented the petition of sundry citizens of Hyde county, residing on the margin of the Mattamuskeet lake, praying to be enabled, by a loan of money, to cut a canal from said lake; and Mr. Clayton presented the petition of Joseph Oliver, of Haywood county, stating that he is a very old man, and incapable of maintaining himself by labour, and praying that the State would assist him by granting him a small tract of the unappropriated lands in his said county. On motion, ordered that these petitions be referred, the former to the committee on Internal Improvement, the latter to the committee of Propositions and Grievances.

The bill concerning the granting of license to practice law in the County Courts of this State, was read the second time, and, on motion of Mr. Martin, postponed indefinitely.

The bill to incorporate an Academy on the lands of Seth Jones, in the county of Wake, by the name and under the title of Pomona Academy, was read the second time, and the question, shall the said bill pass its second reading? was determined in the affirmative.

The bill to incorporate Roanoke Chapter, No. 4, of Excellent and Most Excellent Royal Arch Masons, in the town of Halifax; also the bill to amend an act, passed in 1824, 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 Currituck county, and for the laying out of a town;" also a bill to repeal in part an act, passed in the year 1824, entitled "An
act to regulate the patrol of Richmond county, and for other purposes;" and also the bill allowing Jurors in the County and Superior Courts of Lincoln county to receive pay for their services, were respectively read the second time, and the questions, shall the said bills pass their second reading? were determined in the affirmative. On motion, ordered that the said bills be read the third time, and the question, shall the said bills pass their third readings? was determined in the affirmative. On motion, ordered that the said bills be engrossed, and sent to the Senate for concurrence.

The bill to authorise the commissioners of Fayetteville to select a special justice of the peace for said town, and to amend the 5th section of an act, entitled "An act for the better regulation of the town of Fayetteville," passed in the year 1821; also the bill to amend an act, entitled "An act to amend an act, passed in the year 1815, entitled 'An act to incorporate the town of Charlotte, in the county of Mecklenburg.'" were read the second time and passed. On motion, ordered that the said bills be read the third time, and the question, shall the said bills pass their third reading? was determined in the affirmative. Ordered that the said bills be engrossed, and sent to the Senate for concurrence.

The resignations of Francis Logan, Major of the first regiment of militia of Rutherford county; John Patterson and Archibald Dalrymple, of Moore county; Benjamin Braly, of Beaufort county; and John Stewart, of Robeson county, Justices of the Peace, were presented, read, and accepted.

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

Wednesday, January 3, 1827.

James Iredell, the Member representing the town of Edenton, appeared, produced his credentials, was qualified, and took his seat.

Mr. Willis Lewis, with leave, presented a bill to require conveyances of lands and negroes to be published; Mr. Marshall also presented a bill to authorise the trustees of Spring Grove Academy, in Anson county, to raise the sum of five thousand dollars by way of lottery. These bills were read each the first time, and the question, shall the said bills pass? was determined in the affirmative.

On motion of Mr. Hardy,

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 and administrators, (where fraud shall not appear,) in all suits at law wherein they may be parties, or in their settlements with the County Courts; 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.

On motion of Mr. Clement,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of amending an act, passed in the year 1809, chapter 773, directing how persons injured by the erection of public mills shall in future proceed to recover damages, so as to extend the time for which damages are assessed from five to ten years; and that they report by bill or otherwise.
On motion of Mr. Richardson,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law respecting runaway slaves, as to report a bill, declaring that if any runaway slave or slaves are known to be in any county of this State, armed for the space of twenty days, they shall be considered as outlaws, and treated accordingly.

On motion of Mr. Spruill,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of compelling executors to give security in certain cases; and that they report by bill or otherwise.

On motion of Mr. Scott, ordered that Mr. Boon have leave of absence from the service of this House, including yesterday and this day.

Mr. Ellis moved the following resolution:
Resolved, That there shall be no private bills received in this House after Monday, the 22d of this month.

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

On motion of Mr. Foy,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of compelling testamentary guardians to give security, where it shall appear to the County Court that they are insolvent, and are likely to waste and squander the property of their wards; and to report by bill or otherwise.

Mr. Bain presented a certificate of four of the Justices of the Peace of Mecklenburg county, in favor of Patsy Thompson, the widow of John Thompson, one of the pensioners of the State, certifying that in their opinion the said widow is entitled to a pension of forty dollars for the present year. On motion, ordered that the said certificate lie on the table.

Mr. Hampton presented a bill, founded on a petition to annex a part of the county of Stokes to the county of Davidson. The said bill was read with the petition, together with two counter petitions, presented by Mr. Shepperd, and was, on motion, together with the petitions, referred to the committee of Propositions and Grievances.

Mr. St. Clair presented the petition of Francis Moreau, of the county of Wilkes, together with a petition of sundry citizens of said county on the subject, praying that a certain portion of the unappropriated lands on the Brushy Mountain in said county be conveyed to him, for the purpose of cultivating the grape. On motion, ordered that the said petitions be referred to the committee of Agriculture.

A message from the Senate, informing that they had passed the engrossed bill, entitled "A bill to confirm the name and to legitimate Alexander Murdock, son of Robert Murdock, and Mary his wife;" also the engrossed bill, entitled "A bill to change the time and regulate the manner of holding the Courts of Pleas and Quarter Sessions in the county of Haywood;" also the bill authorising the trustees of the Richmond Academy to raise the sum of ten thousand dollars by lottery; and also the bill respecting the allowance of claims and the appropriation of the public monies in Davidson county; and asking the concurrence of this House.

On motion of Mr. Hill, of Wilmington, the House proceeded to consider the resolution, received from the Senate, proposing to raise a select joint committee, to whom shall be referred so much of the Governor's message as relates to slavery, and the resolution of the Legislature of the State of Vermont on that subject. The question to concur with the resolution passed in the affirmative, and the Senate was informed thereof by message; and further, that Messrs. J. A. Hill, R. H. Jones, Morehead, Iredell and Green form the committee on the part of this House.
On motion of Mr. Jones, of Warren, ordered that Mr. Martin and Mr. Fisher be added to the Judiciary committee.

Mr. Richardson, who voted in the majority on the question of indefinite postponement of the bill concerning the granting of license to practice law in the County Courts of this State, moved that the House do reconsider that vote. The question thereon passed in the affirmative; and the question of indefinite postponement being withdrawn, the bill was read the second time, amended, and, on motion, ordered to lie on the table.

Mr. Alexander presented a bill concerning executors, administrators and guardians; and Mr. Shipp presented a bill to repeal an act, passed the year 1820, chapter 14, entitled "An act directing the County Court to pay fees to certain officers therein named." These bills were read the first time, and the question, shall they pass their first reading? was determined in the affirmative.

The engrossed bill, received from the Senate, respecting the allowance of claims and the appropriation of the public money in Davidson county; also the bill to confirm the name and to legitimate Alexander Murdock, son of Robert Murdock and Mary his wife; also the bill to change the time and regulate the manner of holding the Courts of Pleas and Quarter Sessions in the county of Haywood; also the bill authorising the trustees of the Richmond Academy to raise the sum of ten thousand dollars by lottery; and also the bill for the better regulation of the Courts of Pleas and quarter Sessions for the counties of Nash and Northampton, were respectively read the first time, and the question, shall the said bills pass? was determined in the affirmative.

The bill to repeal an act, passed at the last General Assembly of this State, allowing compensation to the jurors in the county of Ashe; also the bill to establish New-Hope Academy, in the county of Edgecombe, and incorporate the trustees thereof, were severally read for their second and third readings, and the question, shall the said bills pass their several readings? was determined in the affirmative. On motion, ordered that the said bills be engrossed, and sent to the Senate for concurrence.

The bill to authorise the trustees of Spring Grove Academy, in Anson county, to raise the sum of five thousand dollars by way of lottery, was read the second time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Willis Lewis, with leave, presented a bill to provide for the support of the families of insolvents, and the education of their children. The said bill was read the first time, and the question, shall the said bill pass? was determined in the negative.

On motion of Mr. Fisher,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the existing laws on Divorce and Alimony, as to give to the Superior Courts more extensive jurisdiction than they now possess.

Mr. Swain presented the petition of sundry citizens of Burke and Buncombe counties, praying for the erection of a new county from parts of their said counties, agreeably to lines defined in said petition. On motion, ordered that the said petition be referred to Messrs. Swain, Poor, Ellison, Barnard and Whitaker.

Mr. Holland presented the petition of sundry citizens of Lincoln county, on the subject of the murrin distemper among cattle; and Mr.
Richardson presented the petition of Charles Lewis and Benjamin Hyl-
der, of Rutherford county, praying for permission to turn a public road which passes through their lands. On motion, ordered that these peti-
tions be referred to the committee of Propositions and Grievances.

Mr. Alexander presented the petition of Jesse Stancel, of Mecklenburg county, praying to be placed on the pension list; Mr. Edmonston present-
ed the petition of John Galloway, of Haywood county, praying that the State sell to him three hundred and twenty acres of the unsold lands ad-
joining his farm, at the price of one dollar per acre. On motion, ordered that these petitions be referred, the former to the committee of Claims, the latter to the committee on Cherokee Lands.

Mr. Alexander presented the petition of James W. Mills, praying, for reasons stated in his petition, to be divorced from his wife Mary Ann. On motion, ordered that the said petition be referred to the committee on Di-

vorce and Alimony.

The resignations of William Hinton, of Johnston county, and Jesse Bradshaw, of Person county, justices of the peace, were presented, read, and accepted.

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

Thursday, January 4, 1827.

On motion of Mr. Bain, the House proceeded to consider the certifi-
cate of the County Court of Mecklenburg, laid on the table, in favor of Patsy Thompson, widow of John Thompson, a pensioner of the State, al-
lowing her a pension of forty dollars for the present year; which, being read, was, on motion, ordered to be referred to the committee of Claims.

Mr. Newland, with leave, presented a bill to amend an act, passed in the year 1820, entitled “An act for the better regulation of the County Courts of Rutherford, Burke and Lincoln;” Mr. Mc’Nair presented a bill to facilitate the making and repairing of roads. These bills were read for their first readings. The former passed—the latter rejected.

Mr. Morehead, with leave, presented a bill to advance the administra-
tion of justice in Courts of Equity, and to establish Courts for that pur-

pose. On motion of Mr. Jones, of Warren, ordered that the said bill be laid on the table, and be printed, one copy for each member.

Mr. Underwood, with leave, presented a bill to amend an act, passed in the year 1821, entitled “an act to establish Clinton Academy, in Samp-

son county, and to incorporate the trustees thereof;” and Mr. Stephens presented a bill to authorize the Court of Pleas and Quarter Sessions of the county of Columbus to appoint an overseer and hands, for the purpose of clearing out and rendering navigable Big Swamp, from Lennon’s bridge to Lumber river. These bills were read the first time, and the question, shall the said bills pass? was determined in the affirmative.

Mr. Morehead, with leave, presented a bill to emancipate slaves on certain conditions. On motion, ordered that the said bill be laid on the table and be printed.

Mr. Thomas Hill presented the memorial of Green B. Palmer, praying to be remunerated for work performed on Broad river beyond the specifi-
cations contracted for. On motion, ordered that the said memorial be referred to the committee on Internal Improvements.

The bill respecting the allowance of claims and the appropriation of
the public money in Davidson county, was read the second time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Bain, who voted in the majority on the question of rejecting the bill to provide for the support of the families of insolvents, and the education of their children, moved that the House do now reconsider that vote. The question to concur with the motion passed in the negative.

The bill to incorporate an Academy on the lands of Seth Jones, in the county of Wake, by the name and under the title of Pomona Academy; also the bill for the better regulation of the Courts of Pleas and Quarter Sessions of the counties of Nash and Northampton; also the bill to change the time and regulate the manner of holding the Courts of Pleas and Quarter Sessions in the county of Haywood, were respectively read the third time, and the question, shall the said bills pass? was determined in the affirmative. On motion, ordered that the said bills be enrolled.

The bill to authorise the Court of Pleas and Quarter Sessions of the county of Columbus to appoint an overseer and hands, for the purpose of clearing out and rendering navigable Big Swamp, from Lennon's Bridge to Lumber River; also the bill to amend an act, passed in the year 1821, entitled "An act to establish Clinton Academy, in Sampson county, and to incorporate the trustees thereof," were read the second time and passed.

On motion, ordered that the said bills be read the third time, and the question, shall the said bills pass their third readings? was determined in the affirmative. On motion, ordered that the said bills be engrossed and sent to the Senate for concurrence.

The bill respecting the allowance of claims and the appropriation of the public money, in Davidson county; also the bill to amend an act, passed in the year 1822, entitled "An act to provide a revenue for the payment of the civil list and contingent charges of government, were each read the second time, and the question, shall the said bills pass their second readings? was determined in the affirmative. On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

On motion, ordered that a message be sent to the Senate, proposing that, at the meeting of the two Houses on Saturday next, a balloting take place for a Public Printer for the ensuing year, and informing that Messrs. Lawrence & Lemay are in nomination for the appointment.

Mr. Shepperd, with leave, presented a bill to prevent litigation, by regulating costs in certain cases. The said bill was read the first time, passed, and, on motion, referred to the committee on the Judiciary.

The resignations of Isaac Beeson, Lieutenant Colonel of the first regiment of Guilford county; William Neil, of Burke county, and Daniel Clapp, of Guilford county, Justices of the Peace, were presented, read, and accepted.

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

Friday, January 5, 1827.

The Speaker, in pursuance of a resolution of the House, selected Messrs. Donoho, Wyche, Scott and Fisher, as a committee upon the subject of establishing a Medical Board in this State.
On motion of Mr. Hardy,

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of amending the existing laws relating to petty and malicious indictments, so as to compel the prosecutor to give bond and security for the payment of the costs of such indictments, and to oblige them in all cases to pay the costs which may accrue thereon, unless he sustain the same; and that they report by bill or otherwise.

Mr. Blount, with leave, presented a bill to amend an act, passed at the last General Assembly, entitled "An act to appoint commissioners for the town of Bath, in the county of Beaufort, and for the better regulation of said town." The said bill was read the first time, and the question, shall the bill pass? was determined in the affirmative.

Mr. Swain, from the select committee to whom was referred the petition of sundry citizens of the counties of Burke and Buncombe, on the subject of a new county, reported that the committee, according to order, had had the said petition under consideration, and deem the prayer thereof to be inexpedient, and beg leave to recommend that it be rejected. On motion of Mr. Swain, ordered that the said report be laid on the table.

Mr. Shipp, from the select committee to whom was referred the bill to empower Joseph Huston, of Iredell county, to erect gates across certain roads therein mentioned, reported the bill without amendment. On motion, ordered that the said bill be recommitted to the same committee.

Mr. Scott presented the memorial of Archibald D. Murphy, on the subject of publishing a history of the State. On motion of Mr. Scott, ordered that the said memorial be sent to the Senate, with a message, proposing that it be referred to a select joint committee.

A message from the Senate, informing of the assent of that House to the appointment of a select joint committee, to consider the memorial of the Colonization Society; and further, that Messrs. Seawell, Pickett, Spaight of Craven, Gilchrist and Hill of Franklin form the committee on their part; and informing further, that Messrs. Spaight of Greene, Pickett, M'Kay, Forney and Sneed form the select joint committee on their part on so much of the Governor's message as relates to the amendment of the Constitution of the United States, in regard to the abolition of slavery, and the resolution therein referred to.

On motion, ordered that a message be sent to the Senate, informing that Messrs. W. W. Jones, Montgomery, Settle, White and Jordan form the select joint committee on the memorial of the Colonization Society on the part of this House.

Mr. Allison, who voted in the majority on the question of rejecting yesterday the bill authorising the trustees of the Richmond Academy to raise the sum of ten thousand dollars by lottery, moved that the House do now reconsider that vote. The question thereon passed in the affirmative.—

The said bill was read and amended, and the question, shall the said bill pass? was determined in the negative.

Mr. Clayton, with leave, presented a bill requiring Mills river, in the county of Buncombe, to be kept open for the passage of fish. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Raiford presented a bill to declare valid certain deeds in the county of Wayne. The said bill was read the first time and passed. On motion, ordered that the said bill be read the second time, and the question, shall the said bill pass its second reading? passed in the affirmative.
On motion of Mr. Alexander, ordered that the bill concerning executors, administrators and guardians, be referred to the Judiciary committee.

Mr. A. H. Richardson presented a bill to authorise Thomas H. Daves, late sheriff of Craven, to collect arrears of taxes for the years therein mentioned. The said bill was referred to the committee of Claims.

The bill to amend an act, passed at the last session of the General Assembly, entitled "An act to appoint commissioners for the town of Bath, in the county of Beaufort, and for the better regulation of said town," was read the second time, and the question, shall the said bill pass? was determined in the affirmative.

The engrossed bill, received from the Senate, respecting the allowance of claims and the appropriation of the public money in Davidson county, was read the third time and passed. On motion, ordered that the said bill be enrolled.

The bill to amend an act, passed in the year 1820, entitled "An act for the better regulation of the County Courts of Rutherford, Burke and Lincoln," was read the second time and amended, 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? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill requiring Mills river, in the county of Buncombe, to be kept open for the passage of fish, 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. On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to declare valid certain deeds registered in the county of Wayne, 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 for concurrence.

Mr. Smith, with leave, presented a bill to establish a poor house in the county of Anson. The said bill was read and ordered to lie on the table.

On motion of Mr. Fisher,

Resolved, That a select joint committee of both Houses be appointed to prepare a memorial from this Legislature to the Congress of the United States, asking that an appropriation be made by the General Government for the extinguishment of the Indian title to such lands in this State as are yet occupied by the Indians.

On motion, ordered that the said resolution lie on the table.

Mr. Gordon presented the petition of Amos Harmon, of Wilkes county, stating that some years ago he was indicted and convicted of a crime, by which he forfeited certain privileges, and praying to be restored. On motion, ordered that the said petition be referred to the committee of Propositions and Grievances.

A message from the Senate, informing of their assent to the proposition of this House to ballot for a Public Printer for the ensuing year, at the meeting of the two Houses to-morrow morning, and informing that Gales & Son are added to the nomination.

The resignation of Thomas W. Normond, colonel of the north regiment of the Granville county militia; Benjamin Burgen, of Burke county; Samuel Frink, of Brunswick county; and John Fellow, of Sampson county, justices of the peace, were presented, read and accepted.
Mr. ——, who voted in the majority on the question of indefinite postponement of the bill concerning the granting of license in the County Courts of this State, moved that the House do now reconsider that vote. The question thereon passed in the affirmative. Mr. Shepperd then moved that the House do consider the said bill in committee of the whole. The question thereon passed in the affirmative, and the House resolved itself into a committee of the whole on the said bill, Mr. Dargan in the chair; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Dargan reported that the committee, according to order, had had the said bill under consideration, and directed him to report that it be rejected. The question, will the House concur with the report? passed in the affirmative—Yeas 81, Nays 39. The yeas and nays called for by Mr. Ramsay.


On motion, ordered that the leave of absence from the service of this House, granted to Mr. Boon, be extended to Monday next.

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

Saturday, January 6, 1827.

Thomas C. Dunn, one of the members of Montgomery county, appeared, produced his certificate, qualified and took his seat.

On motion of Mr. Stedman,

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

A message from the Senate, informing that they had passed an engrossed bill to establish a poor house in the county of Hyde; also the engrossed bill to amend an act, passed in the year 1824, entitled "An act to allow pay to the jurors of the Superior and County Courts of the county of Surry; and asking the concurrence of this House.

A message from the Senate, informing that Mr. Hill of Franklin and Mr. Croom attend this House as a committee on their part to superintend the balloting for Public Printer for the ensuing year. On motion, ordered that the Senate be informed by message, that Mr. Bain and Mr. Ferrand attend the Senate as a committee on the part of this House to superintend the balloting for a Public Printer.

Received from the Senate the following resolution:

Resolved. That a joint select committee be appointed to present a memorial to the
Congress of the United States, to extinguish the Indian title to all the lands belonging to the State of North-Carolina within the limits of the Cherokee Nation.

On motion, ordered that the said resolution lie on the table.

On motion, the House took up the resolution, presented yesterday by Mr. Fisher, and laid on the table, on the subject of extinguishing the Indian title to lands in this State. The question to concur with the resolution passed in the affirmative.

A message from the Senate, informing of the assent of that House to the amendment proposed to be made in the engrossed bill to amend an act, passed in 1819, concerning the town of Concord. Whereupon, on motion, the said bill was ordered to be enrolled.

The engrossed bill, received from the Senate, to amend an act, passed in the year 1824, entitled "An act to allow pay to the jurors of the Superior and County Courts of the county of Surry;" also the engrossed bill to establish a poor house in the county of Hyde, were read each the first time, and the question, shall the said bills pass? was determined in the affirmative.

Mr. Poor, with leave, presented a bill to amend an act, passed in the year 1825, entitled "An act to establish a poor house in the county of Burke." The said bill was read the first time and passed.

Mr. Burns, with leave, presented a bill further to increase the capital stock of the Clubfoot and Harlow's Creek Canal Company. The said bill was read, and, on motion of Mr. Burns, referred to the committee on Internal Improvement.

The bill to amend an act, passed at the last Session of the General Assembly, entitled "an act to appoint commissioners for the town of Bath, in the county of Beaufort, and for the better regulation of said town," was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate.

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

The bill presented yesterday by Mr. Smith, and laid on the table, was taken up and read for its first reading. The question, shall the said bill pass its first reading? was determined in the affirmative.

Mr. Giles, with leave, presented a bill to legitimate and alter the name of Nancy Caroline Thomas, of Onslow county. The said bill was read the first time and passed.

The bill to establish a poor house in the county of Anson, was read the second time and passed.

The bill to amend an act, passed in the year 1824, entitled "An act to allow pay to the jurors of the Superior and County Courts of the county of Surry;" also the bill to establish a poor house in the county of Hyde, were read the third time and passed. On motion, ordered that the said bills be read the third time, and the question, shall the said bills pass their third readings? was determined in the affirmative. On motion, ordered that the said bills be enrolled.

The bill to amend an act, passed in the year 1825, entitled "An act to
establish a poor house in the county of Burke," 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. On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Martin presented the petition of Willie M'Pherson and Samuel Proctor, on the subject of the canal and road through the Great Dismal Swamp, from the Dismal Swamp Canal, near the head of the woods in Camden county, to the White Oak Spring Marsh, in Gates county. Mr. Martin moved that the said petition be referred to the committee on Internal Improvement. Mr. Stedman moved to clothe the committee with power to send for persons and papers. The question thereon passed in the negative. The question then was taken on Mr. Martin's motion, and the question thereon passed in the affirmative. On motion, ordered that the Clerk of this House furnish Mr. Stedman with a certified copy of the petition.

A message from the Senate, informing of the dissent of that House to the report made by the joint committee raised for the purpose of superintending the balloting for Public Printer, on the ground that more votes were given than were members present; and proposing that another balloting for Public Printer take place immediately. On motion, the House reconsidered the report of the committee appointed to conduct the balloting, and concurred in the message from the Senate; and the Senate was informed that Messrs. Ferrand and Bain attend the Senate as a committee on the part of this House to conduct the balloting.

A message from the Senate, informing that Mr. Hill of Franklin and Mr. Croom attend this House as a committee on their part to conduct the balloting for a Public Printer for the ensuing year.

A message from the Senate, agreeing to refer the memorial of Archibald D. Murphey to a special joint committee, and informing that Messrs. Forney, Stokes, M'Kay, Sneed and Montgomery form the committee on the part of the Senate. On motion, ordered that a message be sent to the Senate, informing that Messrs. Scott, A. Moore, Potter, Alexander and Spruill form the said committee on the part of this House.

The bill to establish a poor house in the county of Anson, was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Settle, from the committee of Propositions and Grievances, to whom were referred the petitions of Joseph Oliver, of the county of Haywood, Charles Lewis and Benjamin Hyde, of Rutherford county, and the petition of sundry inhabitants of Lincoln county, reported respectively on said petitions, recommending their rejection. The question to concur with the said reports, respectively, passed in the affirmative.

Mr. Strange, from the committee on Internal Improvement, to whom was referred the petition of sundry citizens of Burke county, 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.

On motion of Mr. Martin,

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of passing a law directing the Clerks and Masters in Equity in each county of this State to enter upon and sell the personal estate, and collect the effects belonging to the same, of such persons as die intestate, or leaving last wills and testa-
ments, to which no executor or administrator with the will annexed qualifies after two terms of the Court of Pleas and Quarter Sessions of the county where the deceased last resided have elapsed; and of providing by law the mode to be pursued by creditors and others to recover the effects that were of such deceased person.

On motion of Mr. Shepperd, Resolved, That the Public Printer be, and he is hereby required to procure from the Secretary of State an authentic copy of an act, passed in the year 1824, entitled "An act regulating the fees of Clerks of the County and Superior Courts of this State," and that he print and incorporate said act with the acts of the present session; and that a message be sent to the Senate, asking the concurrence of that House.

The resignation of W. Dismukes, colonel commandant of the first regiment of the Anson county militia, was presented, read and accepted.

On motion of Mr. Bain, Resolved, That the committee of Internal Improvement be instructed to inquire into the expediency of altering and amending the several acts now in force relative to common highways, or roads leading to places of public worship and to public mills, so as to guard more effectually against persons shutting up such roads, and that they report by bill or otherwise.

The bill to amend an act, passed in the year 1822, entitled "An act to provide a revenue for the payment of the civil list and contingent charges of government," was read the third time. Mr. Wyche moved that the said bill be indefinitely postponed. The question thereon passed in the affirmative—yeas 66, nays 51. The yeas and nays called for by Mr. Cooper.


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

MONDAY, JANUARY 8, 1827.

Mr. Swain presented the petition of Felix Walker, stating, that, by running and extending the lines of the late purchase of lands from the Cherokee Indians, several tracts of land which he had previously entered and obtained grants for, were included in the Indian reservation, and praying to be remunerated for the purchase money. Ordered that the said petition be referred to the committee of Claims.

Mr. Iredell presented the petition of William Thornton, on behalf of himself and others, praying that a charter be granted to them for the purpose of working the gold mines on their lands in the county of Montgomery; Mr. Gordon presented the petition of sundry citizens of the counties of Burke and Wilkes, praying for an alteration in the lines of said counties; Mr. Barnett presented the petition William Porter, of Rockingham county, praying to be authorised to erect a gate on a public
road passing through his lands. Ordered that these petitions be referred to the committee of Propositions and Grievances.

A message from the Senate, informing that they had passed the engrossed bill to declare valid certain deeds registered in the county of Wayne, with several amendments, 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 an engrossed bill to amend an act to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; also an engrossed bill to authorise the justices of the Courts of Pleas and Quarter Sessions of Camden and Currituck counties to class their justices, and for other purposes; also an engrossed bill to establish Cambridge Academy, in the county of Lenoir, and incorporate the trustees thereof; also an engrossed bill concerning the records of the Superior Court of Columbus county; and an engrossed bill to make private acts, printed by the printer of the State, evidence in the Courts of this State; also an engrossed resolution in favor of Elizabeth Harris; in which they ask the concurrence of this House.

The engrossed bill to make private acts, printed by the printer of the State, evidence in the Courts of this State; also the engrossed bill to establish Cambridge Academy, in the county of Lenoir, and incorporate the trustees thereof; also the engrossed bill to authorise the justices of the Courts of Pleas and Quarter Sessions of Camden and Currituck counties to class their justices, and for other purposes; also the engrossed bill concerning the records of the Superior Court of Columbus county; and also the engrossed bill to amend an act, passed in the year 1825, entitled “An act to establish and regulate a turnpike road in the counties of Rutherford and Buncombe,” were respectively read for their first readings; and the questions, shall the said bills pass? were determined in the affirmative.

Henry Dockery, one of the members of Richmond county, appeared, produced his certificate, qualified and took his seat.

Mr. Bain, from the committee appointed to conduct the balloting for a 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 Lawrence & Lemay had a majority of the whole number, and were duly elected. The question to concur with the report, passed in the affirmative.

Mr. Blevins, with leave, presented a bill to repeal an act, passed in the year 1815, chapter 85, for the destruction of wolves in the county of Ashe. The said bill was read the first time and passed.

The resolution, received from the Senate, authorising the Public Treasurer to pay Arthur Hutchins, thirty-four dollars and 35 cents, for carrying a writ of election to the county of Perquimons, was read the first time and passed.

Mr. Strange, from the committee on Internal Improvement, to whom was referred the bill to empower Joseph Houston to erect gates across certain roads therein mentioned, reported that the committee, according to order, had had the said bill under consideration, and directed him to report that it is expedient to pass the same. The question to concur with the report passed in the affirmative. The bill thereupon was read
the second time, when Mr. Allison moved that it be postponed indefinitely. The question thereon passed in the negative. The said bill was then put on its passage, and the question, shall the said bill pass? was determined in the affirmative.

On motion of Mr. Allison,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of allowing Sheriffs, in all cases of indictments for assaults and batteries, to receive as a discharge from persons in indigent circumstances prayed into their custody, bond and security for the fine and costs, payable at the ensuing term.

The resignation of David Underwood, Colonel Commandant of the militia of Sampson county, was presented, read, and accepted.

On motion of Mr. Wyche, ordered, that a message be sent to the Senate, proposing to ballot to-morrow, at the meeting of the two Houses, for two Judges of the Superior Courts of law and Equity, to supply the vacancies on the bench occasioned by the resignation of Judge Nash and the death of Judge Paxton; and informing that Willie P. Mangum, James Martin, Robert Strange, Thomas P. Devereaux and Joseph Pickett are in nomination for the appointments.

Mr. Sharpe, with leave, presented a bill to legitimate certain persons therein named. The said bill was read the first time. Mr. A. Moore moved that it be postponed indefinitely. The question thereon passed in the negative. The question, shall the said bill pass its first reading? was determined in the affirmative.

Mr. Ellison presented a bill, with leave, concerning net-stakes in Pamlico river. Mr. Burns moved to amend the bill, by adding the words "and in Core Sound." The question thereon passed in the affirmative. The bill was then read as amended for the first reading, and the question, shall the said bill pass as amended? was determined in the affirmative.

Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of the county of Stokes, together with the counter petition, in relation to an alteration in the boundary lines of said county, reported that the committee had, according to order, considered the said petitions, and instructed him to report that it is inexpedient to alter the lines of said county, as prayed for, and to recommend its rejection. 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 authorise the Court of Pleas and Quarter Sessions of the county of Columbus to appoint an overseer and hands for the purpose of clearing out and rendering navigable Big Swamp from Lennon's Bridge to Lumber River, with several amendments, and asking the concurrence of this House. The question to concur with the amendments made in the Senate in the said bill was determined in the negative, and the Senate informed thereof by message.

Received from the Senate an engrossed resolution allowing Elizabeth Harris, of Warren county, a pension of ninety dollars for the present year. Ordered that the said resolution lie on the table.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed in the year 1820, entitled "An act for the better regulation of the County Courts of Rutherford, Burke and Lincoln," with an amendment, and asking the concurrence of this House.
The amendment being read, was concurred in, and the Senate informed thereof by message.

Mr. Swain presented the petition of John B. Ogg, a citizen of the Commonwealth of Virginia, stating that he is in possession of certain certificates for services rendered in the war of the revolution, and praying to receive payment therefor. On motion, ordered that the said petition be referred to the committee of Claims.

Mr. Bain, from the committee on Divorce and Alimony, to whom was referred the petition of Mary Caldwell, of the county of Iredell, praying to be divorced from her husband, reported that the committee had, according to order, considered the petition, and directed him to report that it is inexpedient to grant the prayer thereof, and to recommend its rejection. The question to concur with the report passed in the affirmative.

Mr. R. H. Jones, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of amending the act of 1809, chapter 773, providing how persons injured by the erection of public mills, shall proceed to recover damages, so as to extend the time for which damages are assessed from five to ten years, reported that the committee, according to order, had considered the said resolution, and instructed him to report that it is inexpedient to make any alteration in the existing laws on that subject. The question to concur with the report passed 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 a communication from the Executive of the State of Georgia, together with a number of resignations from Justices of the Peace and Militia Officers.

I have the honor to be, very respectfully, your ob't serv't,

H. G. Burton.

On motion, ordered that the said communication be sent to the Senate, with a message proposing that the resolution of the Legislature of the State of Georgia therein referred to, be referred to a select committee.

The resignations of James and of H. Ward, Justices of the Peace for the county of Randolph, were presented, read, and accepted.

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

Tuesday, January 9, 1827.

Mr. Edwards, with leave, presented a bill to alter the time of holding the elections for Members of Assembly and Members of Congress in the county of Greene. The said bill was read the first time and passed.

Mr. Stockard presented the memorial of the Peace Society in the county of Orange, stating the hardships and demoralizing tendencies of frequent militia musters, and praying for a revision of the laws in that respect. On motion, ordered that the said petition be referred to the committee on Military Affairs.

On motion of Mr. Foy,

Resolved, That the committee on the Judiciary, be instructed to inquire into the expediency of amendin' the law in relation to the levying of executions by Constables on insolvent debtors' lands, so as to include all the executions which may be in the hands of a Constable in one scire facias, and thereby incur thereon but one set of costs; and that they report by bill or otherwise.

Mr. Raiford presented the petition of sundry citizens of Duplin coun-
On the subject of the dividing line between the said county and the county of Wayne. On motion, ordered that the said petition be laid on the table.

Mr. Newland presented the following resolution:

Resolved, That the Public Treasurer be directed to pay to Samuel M'D. Tate, sheriff of Burke county, six dollars and forty-eight cents, which amount was overpaid by him in his settlement with the Treasurer for the year 1824, in consequence of an error committed by the clerk of Burke County Court, in making out the certificate; and that the Treasurer be allowed the same in the settlement of his accounts.

On motion, ordered that the said resolution be referred to the committee of Claims.

A message from the Senate, informing that they had passed the engrossed bill to repeal an act, passed in the year 1825, entitled "An act 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 relates to the county of Bertie; the engrossed bill, entitled "A bill to amend an act, passed in the year 1818, entitled 'An act to authorize the wardens of the poor to build a poor house in the county of Beaufort, to regulate the keeping of the same, and for other purposes;" and the engrossed bill to prohibit the justices of the Court of Pleas and Quarter Sessions for the county of Brunswick from allowing extra service money to the county officers; and asking the concurrence of this House.

A message from the Senate, informing of the assent of that House to ballot for two Judges, to supply the vacancies on the bench; of the addition of the name of Robert Burton to the nomination; and that Mr. Snead and Mr. Forney form the committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that Mr. Wyche and Mr. Shepperd form the committee to conduct the balloting for two Judges of the Superior Courts of Law and Equity on the part of this House.

The bill to empower Joseph Houston, of Iredell county, to erect gates across certain reads therein mentioned, was read the third time, and the question, shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

The engrossed bill to repeal an act, passed in the year 1825, entitled "An act 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 relates to the county of Bertie; also the engrossed bill to amend an act, passed in the year 1818, entitled "An act to authorize the wardens of the poor to build a poor house in the county of Beaufort, to regulate the keeping of the same, and for other purposes;" and also the engrossed bill to prohibit the justices of the Court of Pleas and Quarter Sessions for the county of Brunswick from allowing extra service money to the county officers, were severally read for their first readings, and the question, shall the said bills pass? was determined in the affirmative.

The bill to repeal an act, passed in the year 1825, entitled "An act 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 relates to the county of Bertie; also the bill to amend an act, passed in the year 1818, entitled "An act to authorise the warden of the poor to build a poor house in the county of Beaufort, to regulate the keeping the same, and for other purposes;" also the bill to legitimate certain persons therein named; also the bill to alter the time of holding the elections for members of Assembly and members of Congress in the county of Greene; also the bill concerning the records of the Superior Court of Columbus county; and, also the bill to repeal an act, passed in the year 1815, chapter 35th, for the destruction of wolves in the county of Ashe, were respectively read for their second readings, and the questions, shall the said bills pass? were determined in the affirmative.

Mr. Shepperd, from the committee appointed to superintend the balloting for two Judges of the Superior Courts of Law and Equity, reported that the committee, according to order, had performed the duty assigned to them, and instructed him to report, that, on examining the ballots, it appeared Robert Strange 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 that the two Houses, at their meeting to-morrow morning, ballot for a Major General of the 8th division of militia, and informing that Brigadier General J. O. K. Williams is nominated for the appointment. The message was concurred in, and the Senate informed thereof by message.

Mr. Swain moved that the bill to legitimate and alter the name of Nancy Caroline Thomas, of Onslow county, as well as all others on the subject, be referred to the committee on the Judiciary. The question thereon passed in the negative.

A message from the Senate, informing of the assent of that House to the reference of the message of his Excellency, together with the resolution of the Legislature of Georgia, to a select joint committee, and informing that Messrs. Seawell, Pickett, McKay, Spaight of Craven, and Stokes form the committee on their part.

On motion of Mr. O. B. Cox,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law concerning executors and administrators, as to prevent executions, under any circumstances, from being levied on the personal estate of a testator or intestate until the executor or administrator shall have had reasonable time to obtain an order of sale of said property, and to collect the money under said sale; and that they report by bill or otherwise.

The bill to legitimate and alter the name of Nancy Caroline Thomas, of Onslow county; also the bill to prohibit the justices of the Court of Pleas and Quarter Sessions for the county of Brunswick from allowing extra service money to the county officers, were read the second time, and the latter, on motion, amended. The question, shall the said bills pass? was determined in the affirmative.

The bill concerning the records of the Superior Court of Columbus county; also the bill to establish Cambridge Academy, in the county of Lenoir, and incorporate the trustees thereof; also the bill to authorise the justices of the Courts of Pleas and Quarter Sessions of Camden and Currituck counties to class their justices, and for other purposes; also the bill to amend an act, passed in the year 1825, entitled "An act to establish
and regulate a turnpike road in the counties of Rutherford and Buncombe;" and also the bill to repeal an act, passed in the year 1825, entitled "An act 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 relates to the county of Bertie, were respectively 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? were determined in the affirmative. Ordered that the said bills be enrolled.

The bill to repeal an act, passed in the year 1815, chapter 55, for the destruction of wolves in the county of Ashe; also the bill to alter the time of holding the elections for members of the General Assembly and members of Congress in the county of Greene, were read the third time, 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.

The resolution authorising the Public Treasurer to pay to Arthur Hutcheson the sum of thirty-four dollars and thirty-five cents, was read the second time and passed.

Mr. Bain, from the committee on Divorce and Alimony, to whom was referred the petition of Elijah Pope, of Northampton county, praying to be divorced from his wife Sally, reported that the committee, according to order, had had the petition under consideration, and instructed him to report, that, as his case is provided for by the existing laws, it be rejected. The question to concur with the report passed in the affirmative.

Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petition of William Watts and other citizens of the county of Burke, praying for an alteration of the lines between the said county and the county of Wilkes, reported that the committee, according to order, had had the said petition under consideration, and instructed him to report that it is inexpedient to grant the prayer thereof, and to recommend its rejection. The question thereon passed in the affirmative.

Mr. Swain presented the memorial of Humphrey Posey, of the county of Haywood, stating a grievance growing out of the purchase of the Cherokee lands, and praying for remuneration. On motion of Mr. Swain, ordered that the said memorial be referred to the committee of Finance.

A message from the Senate, agreeing to refer the message of his Excellency the Governor, together with the resolution of the Legislature of the State of Georgia therein referred to, to a select joint committee; and informing that they had appointed a committee to join the committee to be appointed by this House, consisting of Messrs. Seawell, Pickett, M'Kay, Spaight of Craven, and Stokes.

The resignation of Parker T. Stone, Justice of the Peace for the county of Granville, was presented, read, and accepted.

The bill to legitimate certain persons therein named, was read the third time and amended; and the question, shall the said bill pass, as amended? was determined in the affirmative—Yeas 60, nays 42. The yeas and nays moved for by Mr. Webb.


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

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

WEDNESDAY, JANUARY 10, 1827.

On motion, ordered that a message be sent to the Senate, informing that Mr. Bateman and Mr. Stockard form the committee on the part of this House to superintend the balloting for Major General of the 8th Division of the militia.

Mr. Carson presented the following resolution:

Whereas, in many parts of this State, much difficulty is experienced in procuring proper persons to accept the appointment of constable, owing, in part, to the smallness of the fees and the great responsibility under the bonds now required to be given by them:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the laws relative to constables, as to allow them a certain per centum on all executions collected and accounted for by them.

The said resolution was concurred in.

On motion, ordered that a message be sent to the Senate, informing that Messrs. A. Moore, Iredell, Settle, Alexander and Shepperd form the committee on the part of this House, to whom stand referred the message of his Excellency the Governor, and the resolution of the Legislature of the State of Georgia.

A message from the Senate, informing that Mr. Speight of Greene and Mr. Leak, attend this House as a committee on their part to conduct the balloting for Major General of the 8th division of the militia.

On motion, ordered that the bill to amend an act, passed in the year 1818, entitled "An act to authorise thewardens of the poor to build a poor house in the county of Beaufort, to regulate the keeping of the same, and for other purposes," lie on the table.

A message from the Senate, informing of the assent of that House to ballot this morning for a Judge of the Superior Courts of Law and Equity, and that Mr. Sneed and Mr. Forney form the committee of superintendence of the balloting on their part. On motion, ordered that the Senate be informed by message that Mr. Swain and Mr. Burns form the committee on the part of this House to conduct the said balloting.

On motion, ordered that the bill, laid on the table, to repeal the 6th section of an act, passed in the year 1803, entitled "An act to extend the jurisdiction of a single justice, and to amend the several laws in force in this State relative to the recovery of debts before a justice of the peace," be referred to the committee on the Judiciary.

The Speaker laid before the House the resignation of Robert Strange, of his seat in this House. The question, will the House accept the said resignation? was determined in the negative.

Mr. Saintclair, with leave, presented a bill to amend the fifth section
of the act of 1791, chapter 334, entitled "An act to amend the revenue laws of this State;" Mr. Stockard presented a bill to allow talismen jurors in the County and Superior Courts of Orange county to receive pay for their services. The said bills were read the first time and passed.

Mr. J. Cox presented the petition of sundry inhabitants of Jones and Lenoir counties, praying for an alteration of the boundary lines of said counties; and Mr. Foy presented a counter petition on the same subject. On motion, ordered that the said petitions be referred to the committee of Propositions and Grievances.

Mr. Swain, from the committee appointed to conduct the balloting for a Judge of the Superior Courts, reported that the committee had performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot again immediately for a Judge of the Superior Courts of Law and Equity; and informing that the name of Thomas P. Devereaux is withdrawn from the nomination.

A message from the Senate, consenting to ballot for a Judge of the Superior Courts of Law and Equity; and informing that the name of Robert Burton is withdrawn from the nomination; and that Mr. Sneed and Mr. Forney attend this House as a committee on their part to superintend the balloting. On motion, ordered that a message be sent to the Senate, informing that Mr. Jones of Warren and Mr. Blount form the committee on the part of this House to superintend the balloting.

On motion of Mr. Webb, ordered that a message be sent to the Senate, proposing to ballot, at the meeting of the two Houses to-morrow morning, for Brigadier General for the 16th brigade, and informing that Archimedes Donoho is nominated for the appointment.

Mr. Bateman, from the committee appointed to superintend the balloting for Major General for the 8th Division of the militia, 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 J. O. K. Williams, who was duly elected. The question to concur with the report passed in the affirmative.

Mr. Poor presented the petition of sundry citizens of Burke county, praying for the appropriation of the sum of fifteen hundred dollars, to complete the opening of a certain road across the mountains, as described in their petition. On motion, ordered that the said petition be referred to the committee on Internal Improvement.

The bill concerning net stakes in Pamlico river, below the bridge across the river, and Core Sound, in Carteret county; also the bill to allow talismen jurors in the County and Superior Courts of Orange county to receive pay for their services, were read the second time, and the questions, shall the said bills pass? were determined in the affirmative.

The bill to legitimate and alter the name of Nancy Caroline Thomas, of Onslow county; and the resolution in favour of Arthur Hutchins, allowing him thirty-four dollars and thirty-five cents, for carrying a writ of election to Perquimons county, were read the third time, and the question, shall the said bill and resolution pass? passed in the affirmative. Ordered
that the said bill and resolution be engrossed and sent to the Senate for concurrence.

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

The bill to make private acts, printed by the printer to the State, evidence in the Courts of this State, was read the second time and passed.

Mr. Jones, of Warren, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of allowing sheriffs in all cases of indictments for assaults and batteries, &c. to receive, as a discharge from persons in indigent circumstances, bond and security for the fine and costs, payable at the ensuing term, 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 existing laws in that respect, and to recommend the rejection of the said resolution.

Mr. Jones, from the same committee, to whom was referred the bill to amend an act, passed in the year 1819, entitled "An act to prevent the fraudulent trading with slaves," reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that it is inexpedient to make any alteration in the said law, as it is, in their opinion, sufficiently penal, and to recommend the rejection of the said bill.

Mr. Jones, from the said committee, to whom was referred a resolution instructing them to inquire into the expediency of amending the existing laws relative to petty and malicious indictments, so as to compel the prosecutor to give bond and security for the payment of costs of such indictments, and to oblige him in all cases to pay the costs which may accrue thereon, unless he sustain the same, reported that the committee had, according to order, considered the said resolution, and instructed him to report that the object of the resolution is inexpedient, and to recommend that it be rejected. The questions will the House concur with the said reports? passed in the affirmative.

The House, agreeably to the order of the day, resolved itself into a committee of the whole on the bill to alter the time of holding the meetings of the General Assembly, 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 they had made progress; but not having time to consider the whole bill, to ask leave to sit again. The question to concur with the report passed in the affirmative.

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

THURSDAY, JANUARY 11, 1827.

Mr. Edmonston presented the petition of John Stephenson, of Haywood
JOURNAL OF THE HOUSE OF COMMONS.

The county, stating a grievance he has sustained in the purchase of a tract of land, commonly called the Cherokee lands, of the commissioners appointed to sell the same, and praying for redress. Ordered that the said petition be referred to the committee on Cherokee Lands.

Mr. Edmonston, who voted in the majority on the question of rejection on the resignation of Robert Strange, as member of the town of Fayetteville, moved that the House do reconsider that vote. The motion was concurred in, and the question, will the House receive the said resignation? passed in the affirmative.

Mr. Alford, with leave, presented a bill to exempt subaltern officers in the militia from furnishing themselves with uniform; which was read the first time. The question, shall the said bill pass? was determined in the negative.

Mr. Séttle, from the committee of Propositions and Grievances, to whom was referred the petition of William Thornton, of the district of Columbia, 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.

On motion of Mr. Bateman, ordered that a message be sent to the Senate, proposing to ballot to day for Brigadier General for the 13th Brigade of the militia, and informing that Wilson B. Hodges and Thomas Marshall are nominated for the appointment.

A message from the Senate, informing of the assent of that House to ballot this morning for Brigadier General of the 16th brigade of militia; that the name of Thomas Bradshaw is added to the nomination; and that Mr. Vanhook and Mr. Blackwell form the committee of superintendence of the ballot ing on their part. On motion, ordered that a message be sent to the Senate, informing that Mr. J. E. Lewis and Mr. Allison form the committee to conduct the ballot ing on the part of this House.

Mr. R. H. Jones, from the committee on the Judiciary, to whom was referred the bill supplemental to an act, entitled "An act concerning the estates of persons dying intestate, reported that the committee, according to order, had considered the said bill, and instructed him to report the same without amendment, and to ask to be discharged from the further consideration thereof. The report was concurred in, and the bill read the second time and amended, and, on motion, ordered to be postponed until to-morrow, and be printed.

A message from the Senate, informing that they had passed the engrossed bill, entitled "A bill to repeal part of the first section of an act, passed in the year 1811, chapter 36, entitled "an act to divide the militia of Surry county into two separate and distinct regiments;" also the engrossed bill to explain an act of the General Assembly, passed in the year 1822, entitled "An act to authorise the County Courts to require administrators and others to give other and counter security, upon the petition of their securities;" also the engrossed bill to secure to Mourning Adams, of Randolph county, such property as she may hereafter acquire; also the engrossed bill to authorise Benjamin W. Williams, of Moore county, to erect a bridge across Deep River; also the engrossed bill to authorise the County Courts of Guilford and Davidson to appoint a committee of Finance; also the engrossed bill to secure to Martha Barbee, of Wake coun-
ty, such property as she may hereafter acquire; also the engrossed bill to incorporate the Nashville Male and Female Academies; and asking for the concurrence of this House.

On motion of Mr. Shepperd, ordered that a writ of election issue to the Sheriff of Cumberland county, commanding him to hold an election in the town of Fayetteville, on Tuesday next, the 16th instant, to elect some person to represent said town, to supply the vacancy occasioned by the resignation of Robert Strange.

The bill to secure to Mourning Adams, of Randolph county, such property as she may hereafter acquire; also the bill to authorise Benjamin W. Williams, of Moore county, to erect a bridge across Deep River; also the bill to authorise the County Courts of Guilford and Davidson to appoint a committee of Finance; also the bill to secure to Martha Barbee, of Wake county, such property as she may hereafter acquire; also the bill to incorporate the Nashville Male and Female Academies; also the bill to repeal part of the first section of an act, passed in the year 1811, chapter 36, entitled "An act to divide the militia of Surry county into two separate and distinct regiments;" and also the bill to explain an act of the General Assembly, passed in the year 1822, entitled "An act to authorise the County Courts to require administrators and others to give other or counter security, upon the petition of their securities," were severally read the first time, and the questions, shall the said bills pass their several readings? were determined in the affirmative.

Mr. Shipp presented a bill to compel the register and other officers therein named to keep their offices at the Court House in the county of Lincoln; Mr. Saintclair presented a bill to regulate the fees of Attorneys, Solicitors General and Solicitors. These bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to legitimate certain persons therein named; and the engrossed resolution directing the printer to obtain from the Secretary of State a certified copy of an act, and to print the same, with amendments, and asking the concurrence of this House. The amendments were concurred in, and the Senate informed thereof by message.

The resignation of Elijah Calloway, Justice of the Peace for the county of Ashe, was presented, read, and accepted.

A message from the Senate, informing of the assent of that House to the amendment made in the engrossed bill to prohibit the justices of the Court of Pleas and Quarter Sessions for the county of Brunswick from allowing extra service money to the county officers. On motion, ordered that the said bill, as amended, be enrolled.

Received from the Senate a certificate of the County Court of the county of Craven, allowing Captain John Rhem a pension of one hundred dollars for the present year, countersigned by the Speaker thereof; which, on motion, was ordered to be countersigned by the Speaker of this House.

The House resolved itself into a committee of the whole, agreeably to order, on the bill to alter the time of holding the General Assembly, 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 House, according to order, had had the said bill under consideration, and instructed him to report the said bill with an amendment, and to
recommend its adoption. The question to concur with the report passed in the affirmative—Yeas 65, nays 58. The yeas and nays called for by Mr. Gary.


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

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

FRIDAY, JANUARY 12, 1827.

Mr. J. E. Lewis, from the committee appointed to conduct the ballotting for Brigadier General for the 16th brigade of the militia, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared Archimedes Donoho had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

Mr. Spruill, from the committee of Claims, to whom was referred the certificate of three of the justices of the county of Mecklenburg, in favor of Patsey Thompson, widow of John Thompson, a pensioner of the State, reported that the committee had, according to order, had the said certificate under consideration, and instructed him to report that it is inexpedient to grant the said pension. The question to concur with the report passed in the affirmative.

On motion of Mr. Bain, ordered that he have leave to withdraw from the files the certificate of three of the justices of Mecklenburg county in favor of Patsey Thompson.

Mr. Linn presented a bill for the relief of Samuel Jones, of Rowan. On motion, ordered that the said bill be referred to the committee of Claims.

Mr. Fisher presented a bill for the further relief of honest debtors. The said bill was read and referred to the committee on the Judiciary.

Mr. Gordon presented a bill to repeal an act, passed in the year 1820, entitled "An act directing the County Court to pay fees to certain officers therein named in certain cases," so far as respects the county of Wilkes. The said bill was read the first time, passed, and ordered to lie on the table.

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 passed.

Mr. Bonner presented a bill extending the time in which guardians shall settle their accounts. The said bill was read the first time, and the question, shall the said bill pass? was determined in the negative.
On motion of Mr. Carson,
Resolved, That the committee of Finance be instructed to inquire into the expediency of amending the revenue laws, as to make the tax on stores more equal in its provisions; and report by bill or otherwise.

Mr. Saintclair presented the petition of sundry inhabitants of Wilkes, praying for an alteration in the times of holding two terms of their County Courts; Mr. Gordon presented a counter petition from sundry citizens of Wilkes; Mr. Barnett presented the petition of William Fewell, of Rockingham county, praying to be authorised to erect a gate on a road which passes through his land; Mr. Martin presented the petition of Thomas Small, of Chowan county, stating, that, in the year 1818, he was indicted and convicted of the crime of perjury, and praying to be restored to the privileges forfeited by said conviction. On motion, ordered that the said petitions be referred to the committee of Propositions and Grievances.

Mr. Martin presented the petition of William Smith, of Hertford county, a man of colour, praying to be divorced from his wife Betsey. Ordered that the said petition be referred to the committee on Divorce and Alimony.

Mr. Love presented the petition of several citizens of Haywood county, praying to be authorised to open a turnpike, and to receive tolls when completed. Ordered that the said petition be referred to the committee on Internal Improvement.

Mr. Patterson presented the petition of sundry inhabitants of Northampton county, praying that certain persons named in their petition be authorised to purchase a certain quantity of land from the owner of the lands, on which the public buildings of the said county stand, and to lay out a town. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Spruill, from the committee of Claims, to whom was referred the bill to authorise Thomas H. Daves, late sheriff of Craven, to collect arrears of taxes for the years therein mentioned, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report the said bill to the House, and to recommend its passage. The report was concurred in, and the bill read the first time and passed.

A message from the Senate, informing of their assent to ballot this morning for Brigadier General for the 15th brigade; and informing further, that Mr. Ward and Mr. Tyson 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. Bateman and Mr. Cox of Jones wait on the Senate as a committee on the part of this House to conduct the balloting; and further, that the name of Thomas Marshall is withdrawn from the nomination.

The bill to authorise the County Courts of Pleas and Quarter Sessions to permit gates to be erected across the public roads, and to impose a tax thereon, was read the second time and amended. The question, shall the said bill pass? was determined in the affirmative.

Mr. Montgomery presented a bill to authorise Alfred M. Gatlin, executor of Isaac Lamb, late sheriff of Camden county, and John Deans and Jer. D. Askew, administrators of Jesse Deans, late sheriff of Hertford county, to collect arrearages of public taxes. The said bill was read the first time, passed, and, on motion, referred to the committee of Claims.
Mr. Spruill, from the committee of Claims, to whom was referred the petition of Jesse Stancil, of Mecklenburg, for a pension, reported that the committee had, according to order, considered the said petition, and instructed him to report the question to the House, whether the petitioner is entitled to a pension? and to ask to be discharged from the further consideration of the said petition. The said report was read and ordered to be laid on the table.

Mr. Bateman, from the committee appointed to conduct the balloting for Brigadier General of the 13th brigade of the militia, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, a majority of the whole number was found to be in favor of Wilson B. Hodges, who was duly elected. The question to concur with the report passed in the affirmative.

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

Mr. Newland presented the following resolution:

Resolved, That the Treasurer pay Christian Bottles, of Burke county, the sum of seven dollars and seventy cents, being for an entry for one hundred and thirty acres of land, made by him in the entry-taker's office of Burke county, on the 23d day of August, 1809, and which appears, from the affidavit of the surveyor of said county, cannot be found; and that the treasurer be allowed the same in the settlement of his public accounts.

On motion, ordered that the said resolution be referred to the committee of Claims.

The bill to compel the Register and other officers therein named to keep their offices at the court-house in the counties of Lincoln and Wilkes, was read the second time, amended and ordered to lie on the table.

The resignation of Henry Warren, Justice of the Peace for Wake county, was read and accepted.

The House resumed the consideration of the report of the committee to whom was referred the petition of sundry citizens of Buncombe and Burke counties, praying for the erection of a new county, laid on the table, recommending the rejection of the petition. The question to concur with the report passed in the affirmative.

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

Saturday, January 13, 1827.

Mr. Richardson presented the certificate of the County Court of Craven in favor of Thomas Ewell and Christopher Bexley, allowing them each a pension of forty dollars for the present year. On motion, ordered that the said certificate be countersigned by the Speaker and sent to the Senate.

A message from the Senate, informing that they had passed the engrossed bill to allow further time for the payment of the purchase money on entries for vacant lands made in the year 1824, which lapsed on the 15th day of December, 1826; also the engrossed bill to repeal an act, passed in the year 1823, entitled "An act to annex part of Currituck county to Hyde county;" and the engrossed bill to alter the name of Charlotte Fell, of Lenoir county, and to legitimate her; and asking the concurrence of this House.

The bill to alter the name of Charlotte Fell, of Lenoir county, and to legitimate her; also the bill to allow further time for the payment of the
purchase money on entries for vacant lands made in the year 1824, which
lapsed on the 15th day of December, 1826; also the bill to repeal an act,
passed in the year 1823, entitled "An act to annex part of Currituck
county to Hyde county," were read for their first readings, the two former
passed, and the latter postponed indefinitely.

On motion of Mr. Richardson, ordered that he have leave to withdraw
from the files the petition of Charles Lewis, and the accompanying pa-
pers.

Mr. Swain presented a bill to prescribe the mode to legitimate bastard
children, and alter their names; Mr. Pour presented a bill to divide the
3rd regiment of the Burke county militia. These bills were read the
first time, the former passed, and the latter referred to the Military com-
mittee.

On motion, ordered that Mr. Giles be added to the committee on In-
ternal Improvement, and Mr. Morehead to the committee on the Judici-
ary.

On motion, ordered that a message be sent to the Senate, informing
that Mr. Lewis of Caswell, Mr. Alexander, Mr. Allison and Mr. White,
form, on the part of this House, the joint committee to examine the en-
rolled bills passed the present session.

The bill requiring the Clerks of the several counties and Registers with-
in this State to keep their offices at the court houses of their respective
counties, was read the second time and passed.

Mr. Fisher presented a bill to change the form of proceedings in actions
of ejectment. The said bill was read, and, on motion, ordered to be re-
ferred to the committee on the Judiciary.

Mr. Jones, of Warren, presented a bill concerning the Supreme Court.
The said bill was read the first time and passed.

The bill to alter the name of Henry Brown, of Robeson county, and to
legitimate him; also the bill to alter the names of the persons therein
named, and to legitimate them; also the bill to authorise Benjamin W.
Williams, of Moore county, to erect a bridge across Deep river; also the
bill to authorise the County Courts of Guilford and Davidson to appoint a
committee of Finance; also the bill to incorporate the Nashville Male and
Female Academies; also the bill to repeal part of the first section of an
act, passed in the year 1811, chapter 36, entitled "An act to divide the
militia of Surry county into two separate and distinct regiments; also the
bill to alter the name of Charlotte Fell, of Lenoir county, and to legiti-
mate her, were severally read the second time, and the question, shall the
said bills pass? was determined in the affirmative.

The bill to allow talismen jurors in the County and Superior Courts of
Orange county to receive pay for their services, was read the third time,
passed, and ordered to be engrossed and sent to the Senate for concur-
rence.

The bill concerning net stakes in Pamlico river, below the Bridge, and
Core Sound, in Carteret county, was read the third time and amended.
The question, shall the said bill pass, be engrossed and sent to the Senate
for concurrence? passed in the affirmative.

Mr. Sutton presented a bill to prohibit the commissioners of the town of
Fayetteville from laying and collecting a tax on live or dead stock and
poultry, carried to the market of said town. The said bill was read, and, on motion, ordered to be laid on the table.

The bill to authorise Benjamin W. Williams, of Moore county, to erect a bridge across Deep River, was read the third time and passed. On motion, ordered that the said bill be enrolled.

The bill to authorise the County Courts of Guilford and Davidson to appoint a committee of Finance, was read the third time and amended, and, on motion, ordered to lie on the table until Monday next.

The bill to repeal part of the first section of an act, passed in the year 1811, chapter 36, entitled "An act to divide the militia of Surry county into two separate and distinct regiments;" also the bill to incorporate the Nashville Male and Female Academies, were read the third time and passed. Ordered that the said bills be enrolled.

The bill to repeal an act, passed in the year 1820, chapter 14, entitled "An act directing the County Court to pay fees to certain officers therein named," was read, and, on motion, ordered to be laid on the table.

Mr. Bain presented the following resolution:

Whereas difficulties have arisen and strict justice restrained in consequence of existing laws regulating the distribution of real estate of deceased intestates:

Resolved, therefore, That the Judiciary committee be instructed to inquire into the expediency of so amending the existing laws relative to intestates' estates, that an equal distribution of lands shall take place between the heirs of the deceased intestates in proportion to advances made to them in his or her life time; and that they report by bill or otherwise.

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

Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of the county of Jones and other citizens of the county of Lenoir, on the subject of annexing part of said county to the county of Lenoir; also a counter petition from sundry citizens of Jones, together with the bill to annex part of the county of Jones to Lenoir, reported that the committee had, according to order, considered the several papers on the subject submitted to them, and instructed him to recommend the adoption of a resolution, accompanying the report, recommending a rejection of the prayer of the petition. The report being read, was, on motion of Mr. Cox, laid on the table.

On motion of Mr. Montgomery,

Resolved, That the Military committee be instructed to inquire into the propriety of distributing the military arms among the volunteer corps of this State.

The House, on motion, proceeded to consider the report of the committee of Claims on the petition of Jesse Stancel, of Mecklenburg county, laid on the table on the 3d instant; which being read, Mr. Alexander presented a resolution, the object of which is to place the said Stancel on the pension list, and directing the Treasurer to pay him annually the sum of seventy-five dollars. On motion, ordered that the said report and resolution lie on the table.

The bill to secure to Martha Barbee, of Wake county, such property as she may hereafter acquire, was read, and, on motion, with all others of the like nature, laid on the table, to be considered in committee of the whole.

The bill to alter the names of persons therein mentioned, and to legitimate them, was read and ordered to be laid on the table.

The bill to require conveyances of lands and negroes to be published; also the bill to authorise Thomas H. Davie, late Sheriff of Craven, to col-
lected arrears of taxes for the years therein mentioned, were read the second time, and, on motion, postponed indefinitely.

The resignations of Robert Penland, of Haywood county, and John Carmicheal, of Richmond county, Justices of the Peace, were presented, 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,—In compliance with the act of Assembly of 1821, requiring the President of the Board of Trustees of the University of North Carolina to communicate to the Legislature all vacancies which may from time to time occur, I have the honor to inform you that there are at present seven vacancies in this Board.

I am, gentlemen, with great respect, your obt. serv’t,

H. G. Burton.

On motion of Mr. Jones, of Warren, ordered that the said communication be sent to the Senate by message, proposing that the two Houses ballot on Thursday next for seven trustees of the University, to supply the vacancies which exist in said Board.

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

Monday, January 15, 1827.

Mr. Spruill, from the Committee of Claims, to whom was referred the resolution directing the Treasurer to pay Lemuel M'Dowell, late Sheriff of Burke county, six dollars and forty-eight cents, reported that the committee, according to order, had considered the said resolution, and instructed him to report favorably thereon, and to recommend the passage thereof. The said resolution was read the first time and passed.

Mr. Spruill, from the committee to whom was referred the bill for the relief of Samuel Jones, of Rowan, reported that the committee, according to order, had considered the said bill, and instructed him to recommend its passage. The said bill was read the first time and passed.

Mr. Dickinson presented the petition of Turner House, of Halifax county, praying to be divorced from his wife Patience. Ordered that the said petition be referred to the committee on Divorce and Alimony.

Mr. Saintclair, from the committee on Agriculture, to whom was referred the petition of George Phillips, of Buncombe county, reported that the committee, according to order, had had the petition under consideration, and instructed him to report that it is inexpedient to grant the prayer thereof, and to recommend its rejection. The question to concur with the report passed in the affirmative.

Mr. Shipp obtained leave, and presented a bill appointing commissioners to lay out a road from Salisbury to Lincolnton; which was read the first time and passed.

The bill supplemental to an act, entitled "An act concerning the estate of persons dying intestate," was read the second time and amended, and the question, shall the said bill pass? was determined in the negative.

A message from the Senate, informing that they had passed the engrossed bill to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee River Turnpike Road; the engrossed bill to establish a poor house in the county of Washington; and the engrossed bill to establish a poor house in the county of Wayne, and asking the concurrence of this House.
The bill to establish a poor house in the county of Wayne; also the bill to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee River Turnpike Road, were read the first time and passed.

A message from the Senate, informing that Mr. Croom and Mr. Gilchrist form the committee on their part to examine the enrolled bills passed the present session.

The certificate of the County Court of Craven county, allowing pensions to Thomas Ewell and Christopher Bexley, was returned from the Senate, countersigned by the Speaker.

The bill to establish a poor house in the county of Washington, was read the first time, amended, and passed.

A message from the Senate, informing that they had passed the engrossed bill to authorize the commissioners of the town of Fayetteville to select a special justice for said town, and to amend the fifth section of an act, entitled "An act for the better regulation of the town of Fayetteville," passed in the year 1821, with several amendments, and asking for the concurrence of this House. On motion, ordered that the said bill be laid on the table.

The bill to advance the administration of justice in Courts of Equity, and to establish Courts for that purpose, was read the first time and passed. On motion of Mr. Settle, ordered that the said bill be the order of the day for to-morrow, then to be considered in a committee of the whole House.

The resolution, received from the Senate, allowing Elizabeth Harriss, of the county of Warren, a pension for the present year of ninety dollars. The resolution was read the first time and passed.

A message from the Senate, informing of the assent of that House to amendments made in the bill to amend an act, passed in the year 1818, entitled "An act to authorise the wardens of the poor to build a poor house in the county of Beaufort, to regulate the keeping of the same, and for other purposes." On motion, ordered that the said bill be enrolled.

Mr. Bain, from the Military committee, to whom was referred the bill to divide the third regiment of the Burke militia, reported that the committee, according to order, had considered the said bill, and instructed him to report the bill without amendment, and to recommend its passage. The report was concurred in, and the bill reported read the first time and passed.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill to authorise the Court of Pleas and Quarter Sessions of the county of Columbus to appoint an overseer and hands, for the purpose of clearing out and rendering navigable Big Swamp from Lennon’s bridge to Lumber river.

The bill to authorise the County Courts of Pleas and Quarter Sessions to permit gates to be erected across the public roads, and to impose a tax thereon, was read the third time and passed. On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Alford obtained leave, and presented a bill to amend an act, passed in the year 1741, entitled "An act for building and maintaining of courthouses, prisons and stocks in every county within this province, and ap-
pointing rules to each county prison for debtors." The said bill was read the first time and passed.

The bill concerning the Supreme Court, was read the second time, and, on motion, rejected.

Mr. Wm. J. Alexander, who voted in the majority on the question of indefinite postponement of the bill to require conveyances of lands and negroes to be published, moved that the House do now reconsider that vote. The question thereon passed in the negative.

The bill to divide the third regiment of Burke county militia, was read the third time, passed, and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

The bill to allow further time for the payment of the purchase money on entries for vacant lands made in the year 1824, which lapsed on the 15th day of December, 1826, was read the second time and passed.

The bill requiring the Clerks of the several Courts and Registers within this State to keep their offices at the court-houses of their respective counties, was read and amended, and, on motion, ordered to be laid on the table.

The resolution in favor of Jesse Stancel, of Mecklenburg county, for the purpose of placing him on the pension list, was read the second time, and the question, shall the said resolution pass? was determined in the negative—yeas 17. nays 89. The yeas and nays moved for by Mr. Jones, of Warren.


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

TUESDAY, JANUARY 16, 1827.

Mr. Carson, with leave, presented a bill to appoint commissioners to lay off a road from Lincolnton to Rutherfordton; Mr. Alford, a bill to alter an act, passed in the year 1741, entitled "An act relating to the taking of excessive usury." These bills were read the first time and passed.

Mr. Bain, from the Military committee, to whom was referred the memorial of the Orange Peace Society, reported that the committee, according to order, had had the said memorial under consideration, and instructed him to report that it is inexpedient to grant the prayer thereof, and to ask to be discharged from the further consideration thereof. The report was concurred in.

On motion, ordered that the bill to alter an act, passed in the year 1741, entitled "An act to restrain the taking of excessive usury," be referred to the Judiciary committee.
Mr. Shipp obtained leave, and presented a bill appointing commissioners to lay out a road in Lincoln county; Mr. Shipp also presented a bill to appoint commissioners to erect a building in the town of Lincolnton, for the accommodation of jurors; Mr. Blount presented a bill to incorporate the Newbern Marine and Fire Insurance Company. These bills were respectively read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill allowing mileage to special justices of the county of Richmond; also the engrossed bill to divorce Samuel J. Edney, of Buncombe county, from his wife Olevia; and also the engrossed bill to legitimate Duncan Melvin and others, of the county of Bladen; and asking for the concurrence of this House.

The bill allowing mileage to special justices of the county of Richmond; also the bill to legitimate Duncan Melvin and others, of the county of Bladen; also the bill to divorce Samuel J. Edney from his wife Olevia, were respectively read the first time, and the two former passed—the latter ordered to lie on the table.

Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of the county of Wilkes, reported that the committee, according to order, had considered the said bill, and instructed him to report that it is inexpedient to grant the prayer thereof, and to recommend its rejection. The question to concur with the report passed in the affirmative.

Mr. A. Moore, from the committee on Internal Improvements, to whom was referred a resolution instructing them to inquire into the expediency of altering the laws in regard to public roads leading to public mills, reported that the committee, according to order, had considered the said resolution, and instructed him to report that it is impolitic to carry into effect its object, and to pray to be discharged from the further consideration thereof. The question to concur with the report passed in the affirmative.

The House, according to the order of the day, resolved itself into a committee of the whole on the bill to advance the administration of justice in Courts of Equity, and to establish Courts for that purpose, Mr. Donoho in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and, in consequence of his sudden indisposition, and before the Chairman had an opportunity of reporting, on motion, the House adjourned until to-morrow morning, 10 o'clock.

Wednesday, January 17, 1827.

In consequence of the continued indisposition of the Speaker, Mr. A. Moore moved that Mr. Iredell be appointed Speaker pro tempore. The question to concur with the motion passed unanimously in the affirmative. Mr. Iredell, thereupon, was conducted to the Chair, from whence he made his acknowledgments to the House.

Mr. Jones, of Warren, as a testimony of the high respect the House entertains for the Speaker, and the deep regret it feels in consequence of his indisposition, that forbids his attention to the duties of the Chair, moved that the House do adjourn until to-morrow morning, 10 o'clock. The question thereon passed, without a dissenting voice, in the affirmative; and the House adjourned until to-morrow morning, 10 o'clock.
A message from the Senate, informing that they had passed the engrossed bill to prevent frauds and perjuries in certain cases, and asking for the concurrence of this House.

The engrossed bill to prevent frauds and perjuries in certain cases, was read the first time and passed.

John D. Toomer, the member returned from the town of Fayetteville, to supply the vacancy occasioned by the resignation of Mr. Strange, appeared, produced his certificate, was qualified, and took his seat.

On motion of Mr. A. Moore, ordered that a message be sent to the Senate, informing that, in consequence of the indisposition of the Speaker, the House had appointed Mr. Iredell Speaker pro tempore.

Mr. Spruill, from the committee of Claims, to whom was referred the bill to authorise Alfred M. Gatlin, executor of Isaac Lamb, late sheriff of Camden county, and John Deans and Jeremiah D. Askew, administrators of Jesse Deans, late sheriff of Hertford county, to collect the arrearages of public taxes, reported that the committee, according to order, had considered the said bill, and instructed him to report the bill with several amendments, and to recommend the passage thereof. The amendments were concurred in, and the bill put on its passage; and the question, shall the said bill pass? was determined in the negative.

John Nixon, the member elected to represent the county of Perquimons, to supply the vacancy in the representation occasioned by the death of John Bogue, appeared, produced his certificate, was qualified, and took his seat.

Mr. Fisher presented the petition of the heirs of Joseph Cunningham, senior, &c. of the county of Rowan, on the subject of a piece of confiscated land, sold to their ancestor. On motion, ordered that the petition be referred to the committee of Claims.

Mr. J. A. Hill obtained leave, and presented a bill for the better regulation of the town of Wilmington; and Mr. Shipp presented a bill to incorporate the Franklin Library Society of Buffalo, in Lincoln county. These bills were read the first time and passed.

Mr. Green presented a bill for the more effectually securing debts due carpenters in certain cases. The said bill was read, and, on motion, ordered to be referred to the committee on the Judiciary.

Mr. Bain, from the committee on Divorce and Alimony, to whom was referred the petition of Mary Green, of Person county, praying for a divorce, reported that the committee, according to order, had considered the petition, and instructed him to recommend its rejection. The question thereon passed 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 herewith transmit you a communication from the Executive of Georgia, I have the honor to be your ob't serv't,

H. G. RURTON.

On motion, ordered that the said message, with the accompanying papers, lie on the table.

Mr. Saintclair, from the committee of Agriculture, to whom was referred the petition of Frances Moreau, and sundry other citizens of the county of Wilkes, reported that the committee, according to order, had
considered the said memorial, and instructed him, for the purpose of carrying the prayer thereof into effect, to recommend the passage of the resolution reported in favor of Francis Moreau, of Wilkes county. The report was concurred in, and the resolution recommended read and adopted.

Mr. Scott, from the committee to whom was referred the memorial of Archibald D. Murphey, praying that aid be given to enable him to complete the history of North Carolina, reported that the committee, according to order, had considered the memorial, and instructed him, for the purpose of carrying into effect the prayer thereof, to recommend the passage of a bill accompanying the report, entitled "A bill to authorize the President and Directors of the Literary Fund to raise money by way of Lottery, and for other purposes." The report was concurred in, and the bill recommended read the first time and passed.

Mr. Webb presented a bill to extend the time for the registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift. The said bill was read the first time and passed.

Mr. Shipp presented a bill to appoint commissioners to lay out a road from Charlotte to Morganton. The said bill was read the first time and passed.

Mr. Hill, of Wilmington, presented the petition of sundry merchants of Wilmington, stating certain grievances and inconveniences growing out of the present mode of appointing inspectors, and praying for a revision of the said law. On motion, ordered that the said petition be referred to the committee on the Judiciary.

The bill respecting the Court of Pleas and Quarter Sessions of Moore county, 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. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to allow further time for the payment of purchase money on entries for vacant lands, made in the year 1824, which lapsed on the 15th day of December, 1826, was read, and, on motion, ordered to lie on the table.

A message from the Senate, informing of the assent of that House to appoint a special joint committee, for the purpose of preparing a memorial to the Congress of the United States, asking that an appropriation be made for the extinguishment of the Indian title to such lands in this State as are yet occupied by the Indians; and further, that Messrs Croom, M'Kay, King, Love, and Beard of Rowan, form this committee on their part. On motion, ordered that the Senate be informed by message that Messrs. Toomer, Swain, White, Shipp and Donoho form the said committee on the part of this House.

The engrossed bill to make private acts, printed by the printer of the State, evidence in the Courts of this State, was read the third time and passed. On motion, ordered that the said bill be enrolled.

On motion of Mr. Wyche,

Resolved, That a committee of three be appointed by the Speaker, for the purpose of corresponding with the different capitalists, in order to know on what terms two millions of dollars in specie may be borrowed by the State, by her creating stock to that amount, the one half redeemable in the year 1840, and the other half in 1830; and that they report to the next General Assembly.
On motion, ordered that the said resolution be laid on the table.

The resignation of A. Oxley, Lieutenant Colonel of the Bertie regiment of militia, was read and accepted.

Mr. Jones, of Warren, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of providing by law for arranging, revising and digesting the whole body of the public statute laws of the State, reported that the committee had, according to order, had the said resolution under consideration, and instructed him to report a bill to carry into effect the object of said resolution, entitled "A bill for revising and digesting the public statute laws of the State." The report was concurred in, and the bill reported read the first time and passed. On motion, ordered that the said bill be printed and made the order of the day for Saturday next.

Mr. Jones, also from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of compelling executors to give security in certain cases, reported that the committee, according to order, had the said resolution under consideration, and instructed him to report a bill to carry into effect the object of said resolution, entitled "A bill to compel executors to give security in certain cases." The report was concurred in, and the bill reported read the first time and passed. On motion, ordered that the said bill be printed.

On motion, ordered that Mr. Toomer be added to the committee on the Judiciary.

Mr. Howze presented a bill to establish an Academy upon the lands of John D. Hawkins, in the county of Franklin, and for other purposes. The said bill was read the first time and passed.

The resolution in favor of Elizabeth Harris, 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? was determined in the affirmative. On motion, ordered that the said resolution be enrolled.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred the bill to repeal the 6th section of an act, passed in the year 1803, to extend the jurisdiction of a single justice, and to amend the several laws in force relative to the recovering of debts before a Justice of the Peace, reported that the committee, according to order, had the said bill under consideration, and instructed him to recommend that the said bill be rejected. The question to concur with the report passed in the affirmative.

Mr. Jones, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of so amending the law, as to compel sheriffs and constables to return warrants in the district in which the defendant lives, reported that the committee, according to order, had the said resolution under consideration, and instructed him to report that it is inexpedient to make any alteration in the law in this respect, and to recommend the rejection of the resolution. The report was concurred in.

Mr. Saintclair presented a bill concerning the Attorney and Solicitor General and Solicitors in this State. The said bill was read the first time and passed. On motion, ordered that the said bill be referred to the committee on the Judiciary.
The bill to explain an act of the General Assembly, passed in the year
1822, entitled "An act to authorize the County Courts to require admin-
istrators and others to give other or counter security, upon the petition
of their securities," was read the second time and passed.

The bill to amend the 5th section of the act of 1791, chapter 334, enti-
tled "An act to amend the revenue laws of this State;" also the bill to
regulate the fees of the Attorney and Solicitor General and Solicitors,
were read the second time and rejected.

Mr. Settle, from the committee of Propositions and Grievances, to whom
was referred the petition of Thomas Small, of the county of Chowan, re-
ported that the committee, according to order, had considered the said
petition, and instructed him to report that the prayer of the petition is
reasonable, and to recommend the passage of a bill reported, entitled "A
bill to restore to credit Thomas Small, of Chowan county." The report
was concurred in, and the bill reported read the first time and passed.

Mr. Settle, from the committee of Propositions and Grievances, to
whom was referred the petition of Amos Harmon, of the county of Wilkes,
praying to be restored to credit, reported that the committee, according to
order, had the said petition under consideration, and instructed him to re-
port favorably to the prayer of the petition, and to recommend the pass-
age of a bill reported to restore to credit Amos Harmon, of the county of
Wilkes. The report was concurred in, and the said bill read the first
time and passed.

Mr. Bain, from the committee on Divorce and Alimony, to whom was
referred the petition of Eliza Hope Cox, of Craven county; John Hugate,
of Wilkes county; Susanna Tindell, of Haywood county; James W. Miles,
of Mecklenburg county; and of Elizabeth Dare, of Guilford county,
praying for divorces, reported that the committee, according to order,
had the said petitions under consideration, and instructed him to report
that the respective petitions are reasonable, and to recommend the pass-
age of a bill, herewith reported, entitled "A bill to divorce certain per-
sons therein named." The report was read, and, on motion, ordered to lie
on the table.

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

FRIDAY, JANUARY 19, 1827.

On motion of Mr. Blount,
Resolved, That the Judiciary committee be instructed to inquire into the expedi-
cy of making a trespass upon lands, by pillaging the timber, an indictable offence;
and that they report by bill or otherwise.

On motion of Mr. Scott, ordered that a message be sent to the Senate,
proposing that on Monday next the two Houses ballot for a Council of
State for the ensuing year.

The resolution in favor of Samuel M'D. Tate, Sheriff of Burke county,
was read the second time and passed.

Mr. Carson presented the petition of sundry citizens of Rutherford
county, on behalf of Hiram Melton and Willis Bradley, of the same coun-
ty. Ordered that the several petitions be referred to the committee of Prop-
ositions and Grievances.

The bill appointing commissioners to lay out a road from Salisbury to
Lincolnton, was read the second time and passed. Ordered that the said
bill be read the third time. The question, shall the bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill for the relief of Samuel Jones, of Rowan, was read the second time, and, on motion, rejected.

Mr. Swain obtained leave, and presented a bill to permit Attorneys from other States to practice in the Courts of this State in certain cases. The said bill was read the first time and passed.

The bill to establish and regulate a Turnpike road in the county of Haywood, to be called Tennessee River Turnpike Road, was read the second time and passed.

The bill to alter the name of Charlotte Fell, of Lenoir county, and to legitimate her, was read the third time and passed. On motion, ordered that the said bill be enrolled.

The bill to alter the name of Henry Brown, of Robeson county, and to legitimate him, was read the third time and passed. On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to establish a poor house in the county of Wayne, was read the second time and passed. On motion, ordered that the said bill be read the third time. The question, shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

Mr. Blevens presented the petition of several citizens of Ashe, in favor of James Esteep, praying that he be restored to the privileges forfeited by a conviction of a certain crime. Ordered that the said petition be referred to the committee of Propositions and Grievances.

The resignation of Charles W. Skinner, a Justice of the Peace for the county of Perquimons, was presented, read, and accepted.

On motion, ordered that Joseph A. Hill be added to the committee on the resolutions of the Legislature of Georgia, and Mr. Scott to the Library committee.

The bill to incorporate the Newbern Marine and Fire Insurance Company, was read the second time and passed.

Mr. Fisher presented a bill to appoint road commissioners, and for other purposes. The said bill was read the first time and passed, and, on motion, ordered to be referred to the committee on Internal Improvements.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred the bill to prevent litigation, by regulating costs in certain actions, reported that the committee, according to order, had considered the said bill, and instructed him to recommend that it be rejected. On motion, ordered that the said report be laid on the table.

The bill to appoint commissioners to erect a building in the town of Lincolnton, for the accommodation of Jurors; also the bill appointing commissioners to lay out a road in Lincoln county; also the bill to appoint commissioners to lay off a road from Lincolnton to Rutherfordton, were respectively 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? were determined in the affirmative. On motion, ordered that they be engrossed and sent to the Senate for concurrence.

The engrossed bill allowing mileage to the special justices of the coun-
ty of Richmond, was read the third time and passed. On motion, or-der-
ed that the said bill be enrolled.

The bill to legitimate Duncan Melvin and others, of the county of Bla-
den, was read the second time and passed.

Mr. Saintclair presented a bill fixing the sum hereafter to be paid to the State for vacant lands. The said bill was read the first time, and, on mo-
tion, was rejected.

Mr. Donoho, chairman of the committee of the whole, to whom was re-
ferred the bill to advance the administration of justice in Courts of Equi-
ty, and to establish Courts for that purpose, reported that the committee, ac-
cording to order, had the said bill under consideration, and made pro-
gress; but not having time to consider the whole of the said bill, to ask
leave to sit again. The question thereon passed in the affirmative.

A message from the Senate, consenting to ballot for Counsellors of Stare for the ensuing year, on Monday next.

A message from the Senate, informing of the dissent of that House to
the proposition to ballot for seven Trustees of the University of North-
Carolina at the time proposed; and proposing to ballot to-morrow, at the
meeting of the two Houses, for the Trustees; and informing that Natha-
aniel Macon, Samuel King, James F. Taylor, Charles Manly, John R. Don-
nell, Charles Fisher, Gavin Hogg, Charles A. Hill, Isaac Croom, Cadwal-
lader Jones, David L. Swain, Stephen Miller, Thomas Settle and Wm.
Sneed are in nomination for the appointments. On motion, ordered that
the Senate be informed by message that this House consent to ballot at the
ime proposed for Trustees; and that Jesse Speight, Hugh D. Waddell and
William A. Blount are added to the nomination.

The bill to prescribe the mode to legitimate bastard children and alter
their names, was read and amended, and, on motion, laid on the table.

The House, on motion, resolved itself again into a committee of the whole, on the bill to advance the administration of justice in Courts of E-
ituality, and to establish Courts for that purpose, Mr. Donoho in the chair;
and, after some time spent therein, Mr. Speaker resumed the chair, and
the chairman reported that the committee of the whole had had again the
said bill under consideration, and instructed him to report that it is in-
expedient to pass the said bill. Mr. Potter moved that the further considera-
p tion of the said bill be postponed indefinitely. The question thereon
passed in the affirmative—yeas 86, nays 36. The yeas and nays moved for
by Mr. Shepperd.

Those who voted in the affirmative, are Messrs. Adams, Alexander, Alford, Allison, An-
drews, Armistead, Arnold, Bain, Baker, Ball, Barnhardt, Barnard, Bateman, Bell, Best, Blevins, Blount, Bonner, Bozeman, Brower, Burke, Clayton, Cooper, J. Cox, O. B. Cox, Davenport, Dickinson, Dozier, Edwards, Ellis, Ellison, Farrow, Fisher, Flowers, For-

Those who voted in the negative, are Messrs. Arrington, Barnett, Boon, Carson, Carter, Clement, Dargan, Donoho, EDMonston, Ferrand, Gordon, Green, Hampton, Hodges, Hol-
On motion of Mr Swain,

Resolved, That the Judiciary committee be instructed to inquire whether any, and, if any, what remedy is necessary to provide against unequal and insufficient administration of justice within this State; and that they report by bill or otherwise.

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

Saturday, January 20, 1827.

A message from the Senate, informing that they had passed the engrossed bill to alter the names of John Baptist William Cook and Mary Frances Cook, children of John B. Mansard and Penelope Cook, of Perquimons county, and to legitimate them; the engrossed bill to establish Bachelors' Academy, in the county of Martin, and to incorporate the Trustees thereof; the engrossed bill to prevent the falling of timber in, or obstructing the run of Abbot's creek, in Davidson county; the engrossed bill to divorce Mary Fields, of the county of Ashe, from her husband William Fields; the engrossed bill to divorce John Gibson, of Stokes county, from his wife Milly; the engrossed bill to alter the time of the annual meeting of the General Assembly; the engrossed bill to establish a poor house in the county of Pitt; and the engrossed 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 the engrossed resolution in favor of Elizabeth Reaves; and asking the concurrence of this House.

The bill to alter the names of John Baptist William Cook and Mary Frances Cook, children of John B. Mansard and Penelope Cook, of Perquimons county, and to legitimate them; also the bill to establish Bachelors' Academy, in the county of Martin, and to incorporate the Trustees thereof; also the bill to establish a poor house in the county of Pitt; also the bill to divorce John Gibson, of Stokes county, from his wife Milly; also the bill to prevent the falling of timber in, or obstructing the run of Abbot's creek, in Davidson county; also the bill to alter the time of the annual meeting of the General Assembly; also the bill to divorce Mary Fields, of the county of Ashe, from her husband William Fields; and also the resolution in favor of Elizabeth Reaves, were read respectively the first time and passed.

On motion, ordered that the Senate be informed by message that Mr. Ferrand and Mr. J. E. Lewis form the committee, on the part of this House, to conduct the balloting for the Trustees of the University. A message from the Senate, informing that the names of Mr. Swain and Mr. Fisher were withdrawn from the nomination for Trustees; and that of Jesse Speight added.

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, was read the first time and passed, and, on motion, ordered to be printed.

A message from the Senate, informing that they had passed the engrossed bill to authorise the commissioners of the town of Fayetteville to select a special justice for said town, and to amend the 5th section of an act, entitled "An act for the better regulation of the town of Fayetteville," passed in 1821, with several amendments, and asking for the concurrence of this House. The amendments were read and concurred in, and the Senate informed thereof by message.
A message from the Senate, informing that Mr. Wilson of Edgecombe and Mr. Hill of Stokes form the committee on their part to conduct the balloting for seven Trustees of the University.

A message from the Senate, informing that they had passed the engrossed bill to validate all grants issued by the Secretary of State from the 29th day of November, 1826, to the 29th day of December, 1826; also the engrossed bill to alter the times of holding the Courts of Pleas and Quarter Sessions for the county of Brunswick; also the engrossed bill to secure to Mildred M'Lilly, of Halifax county, such property as she may hereafter acquire; and the engrossed bill providing for free ferries in Montgomery county; and also the engrossed resolution in favor of Sherwood Fort; and asking for the concurrence of this House.

The bill to alter the times of holding the Courts of Pleas and Quarter Sessions for the county of Brunswick; also the bill to secure to Mildred M'Lilly, of Halifax county, such property as she may hereafter acquire; also the bill to validate all grants issued by the Secretary of State from the 29th day of November, 1826, to the 29th day of December, 1826; also the bill providing for free ferries in Montgomery county; and also the resolution in favor of Sherwood Fort, were severally read the first time and passed.

The House, on motion, proceeded to the consideration of the resolution, presented the day before yesterday by Mr. Wyche, and laid on the table; which, being read, on motion, was rejected.

Mr. Green, who voted in the majority on the question of rejection of the bill for the relief of Samuel Jones, of Rowan county, moved that the House do now reconsider that vote. The question thereon passed in the affirmative. The said bill thereupon was read the second time and passed.

Mr. M'Nair presented a bill authorising the Courts of Pleas and Quarter Sessions of the county of Richmond to pay certain officers therein mentioned, and to regulate the poll tax thereof. The said bill was read the first time and passed.

Mr. Lewis, of Caswell, from the committee appointed to conduct the balloting for seven Trustees of the University, reported that the committee had performed that duty; and that, on examining the ballots, it appeared Nathaniel Macon, Charles Manly, James F. Taylor, William A. Blount, John R. Donnell and Thomas Settle had each a majority of the whole number, and were duly elected. 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 immediately for one Trustee of the University.

Mr. Alexander presented the petition of sundry citizens of Mecklenburg, praying that fractional parts of a tract of land, No. 2, in said county, be sold. On motion, ordered that said petition be referred to the committee of Finance.

Mr. Martin presented the petition of Daniel Peck, of the city of Raleigh, praying to be divorced from his wife. Ordered that the said petition be referred to the committee on Divorce and Alimony.

A message from the Senate, informing of the assent of that House to ballot immediately for one Trustee of the University; that the names of Stephen Miller, Jesse Speight and William Sneed are withdrawn from
the nomination; and that Mr. Beard of Rowan and Mr. Gilchrist form the committee on their part to conduct the balloting.

On motion, ordered that the Senate be informed by message that Mr. Jones of Warren and Mr. Scott form the committee on the part of this House to conduct the balloting for one Trustee of the University.

Mr. Shipp presented a bill giving to the State the right of challenge; and Mr. Ellison presented a bill to legitimate Peggy Orrell, the child of Windsor White, of Beaufort county, and to alter the names of Lovey Hassell and Sidney Hassell, children of said White, and to legitimate them. The said bills were read the first time and passed.

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 herewith transmit you the report of the Adjutant General of the militia of North-Carolina:

I have the honor to be your ob't serv't,


On motion, ordered that the report of the Adjutant General, referred to in the foregoing message, be referred to the Military committee, and be sent to the Senate, with a proposition that it be printed.

On motion of Mr. Hill, of Wilmington, Resolved, That the Treasurer of the State be directed to purchase carpeting to cover the steps and platform of the Speaker's seat of the House of Commons; and that he be allowed the costs thereof in the settlement of his accounts.

Mr. Best presented the following resolution:

Resolved, That the House proceed to hold evening sessions from and after Wednesday next.

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

Mr. Foy presented the following resolution:

Resolved, That no business of a private nature shall be received in this House after Saturday next.

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

Mr. R. H. Jones, from the Judiciary committee, to whom was referred the bill concerning executors, administrators and guardians, 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 and bill were read and ordered to lie on the table, and the bill be printed.

The resignations of John Wood, Colonel Commandant, and Abraham Brower, Lieutenant Colonel, of the second regiment of militia in Randolph county, and of Hugh Walker, Major of the said regiment, were presented, read and accepted.

Received from the Senate, a resolution proposing to set apart Saturday evening next for the purpose of recommending Field Officers and Justices of the Peace. The said resolution was concurred in, and the Senate informed thereof by message.

The Speaker laid before the House a letter from Chief Justice Taylor, accompanied by a revival of the public acts for five years back. On motion, ordered that a message be sent to the Senate, proposing to refer the said letter and revival to a select joint committee.

The bill for the relief of Samuel Jones, of Rowan county, was read the third time and passed—yeas 74, nays 50. The yeas and nays moved for by Mr. Wyche.


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

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

Monday, January 22, 1827.

The House proceeded to consider the report of the committee on the petitions from the counties of Jones and Lenoir, on the subject of annexing part of the county of Jones to Lenoir county. The report being again read, the question to concur therewith passed in the affirmative.

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

A message from the Senate, proposing to ballot immediately for one trustee of the University. The message was concurred in, and the Senate informed by message that Messrs. Spruill and White attend the Senate as a committee on the part of this House to conduct the balloting.

A message from the Senate, informing that they had passed the engrossed bill supplemental and explanatory to an act, entitled "An act to authorize the Courts of Pleas and Quarter Sessions of Beaufort county to appoint a committee of Finance," passed in the year 1825; the engrossed bill to secure to Elizabeth Robertson, of Wake county, such property as she may hereafter acquire; the engrossed bill limiting the time within which certain offences shall be prosecuted, and prescribing the duties of grand jurors relative thereto; the engrossed bill to unite the office of Clerk and Master in Equity to the office of Clerk of the Superior Courts of Law; the engrossed bill to establish Cedar Grove Academy, in the county of Chatham, and to incorporate the trustees thereof; the engrossed bill to establish an Academy upon the lands of Joseph W. Hawkins, in the county of Warren, and for other purposes; the engrossed bill to secure to Mary Walker, wife of Amos J. Walker, of Duplin county, such property as she may hereafter acquire; and the engrossed bill to limit the Court of Pleas and Quarter Sessions of Surry county in making allowances to their county officers; also the engrossed resolution relative to the adjournment of the two Houses; and asking for the concurrence of this House.
A message from the Senate, informing of the assent of that House to the amendment made in the engrossed bill to establish a poor house in the county of Washington. On motion, ordered that the said bill be enrolled.

Mr. Potter obtained leave, and presented a bill to establish a Political College for the State of North Carolina. The said bill was read the first time and passed, and, on motion, ordered to be printed.

Mr. R. H. Jones, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of so amending the existing laws relative to intestates, that an equal distribution of lands shall take place between the heirs of the deceased intestate, in proportion to advances made to them in his or her life time, reported that the committee had, according to order, considered the same, and instructed him to recommend the rejection of the said resolution. On motion, ordered that the said report be laid on the table.

A message from the Senate, informing that Mr. Speight of Greene and Mr. Gilchrist attend this House as a committee on their part to conduct the balloting for one trustee of the University.

Mr. R. H. Jones, from the committee on the Judiciary, to whom was referred a bill, entitled "A bill to change the form of proceedings in actions of ejectment," reported that the committee, according to order, had considered the said bill, and instructed him to recommend that the said bill be rejected. On motion, ordered that the said bill and report lie on the table.

On motion, ordered that Mr. Scott and Mr. Green attend the Senate as a committee on the part of this House to conduct the balloting for Counsellors of State for the ensuing year, and informing that William B. Lockhart, George W. Jeffreys, John M'Dowell, James Morgan, William Blackledge, Meshack Franklin, Gideon Alston, Sen'r, John Owen and Peter Browne are in nomination for the appointment.

Mr. Hardy presented a bill to amend the Militia Laws of this State. The said bill was read the first time and passed.

Mr. Dockery presented a bill to divide the Richmond Militia into two separate regiments. The said bill was read the first time and passed. On motion of Mr. Dockery, ordered that the said bill be read the second and third times, and the questions, shall the said bill pass its second and third readings? were determined in the affirmative. On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Adams presented a bill to amend an act, passed in the year 1741, entitled "An act for the better observation and keeping of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality." The said bill was read the first time, and, on motion, ordered to be referred to the Judiciary committee.

A message from the Senate, informing that Mr. Hill of Stokes and Mr. Davenport form the committee, on the part of that House, to conduct the balloting for Counsellors of State for the ensuing year.

Mr. Spruill, from the committee appointed to conduct the balloting for one trustee of the University, 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, consenting to refer the letter of Chief Justice Taylor, and a copy of his revival of the public acts for five years back, to a joint select committee; and informing that Messrs. Forney, Sneed, Hill of Franklin, Hawkins and Gilchrist form this committee on their part.

On motion, ordered that the Senate be informed by message that Messrs. Swain, Settle, Fisher, Carson and Gary form, on the part of this House, the select joint committee to whom stand referred the letter of Chief Justice Taylor, and a copy of his revised acts of the General Assembly.

Mr. Swain presented the petition of Thomas Welsh, sen'r, of the county of Haywood, stating certain grievances, growing out of the purchase of the lands lying in the Cherokee purchase, and praying for redress. On motion, ordered that the said petition be referred to the committee of Finance.

Mr. Richardson presented the petition of sundry citizens of Rutherford county, on behalf of John Logan and wife, of said county, praying that they be placed on the pension list. On motion, ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Bain, from the committee on Divorce and Alimony, to whom was referred the petition of Wm. Smith, of Hertford county, a man of color, praying to be divorced from his wife Betsy, reported that the committee, according to order, had had the said petition under consideration, and instructed him to report a resolution, and to recommend its passage, that the petitioner, William Smith, have leave to withdraw his petition. The question to concur with the report passed in the affirmative.

Mr. Swain, from the committee on the Cherokee lands, to whom was referred the memorial of John Stephenson, of Haywood county, reported that the committee, according to order, had considered the said memorial, and instructed him to ask to be discharged from the further consideration thereof, and to recommend that it be referred to the committee of Finance, with instructions to inquire into the propriety of providing by law for the purchase of the lands belonging to such Cherokees, residing in the county of Haywood, as can convey a valid title to the State. The report was read and concurred in.

Mr. Jones of Warren, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of amending the laws respecting runaway slaves, reported that the committee, according to order, had considered the said resolution, and instructed him to recommend the rejection thereof. The question to concur with the report passed in the affirmative.

Mr. Jones, from the same committee, to whom was referred so much of his excellency the Governor's message as relates to a well regulated and efficient patrol, increase of privileges, higher penalties for neglect of duty, and a proper remuneration, reported that the committee, according to order, had had the same under consideration, and instructed him to report that it is inexpedient to make any alteration in the laws in this regard. The question to concur with the report passed in the affirmative.

Mr. Jones, from the same committee, to whom was referred the resolution instructing them to inquire into the propriety of appointing, in each county of this State, a regular and standing board of auditors, with power to pass upon and settle all accounts exhibited by executors and administra-
tors, &c. reported that the committee had, according to order, considered the said resolution, and instructed him to recommend its rejection. — The question thereon passed in the affirmative.

Mr. A. Moore, from the committee on Internal Improvement, to whom was referred the petition of Green B. Palmer, reported that the committee had considered the said petition, and deemed it reasonable, and instructed him to report a resolution, and to recommend its passage, directing the Public Treasurer to pay him the sum of one thousand dollars. The report was concurred in, and the resolution recommended read the first time and passed.

Mr. Moore, from the same committee, to whom was referred the bill further to increase the capital stock of the Clubfoot and Harlows Creek Canal Company, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report the same without amendment, and to recommend its passage. The report and bill were read and ordered to be laid on the table.

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

Tuesday, January 23, 1827.

Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petition of John Logan and wife, of Rutherford county, reported that the committee had considered the petition, and instructed him to recommend its rejection. Mr. Settle, from the same committee, to whom was referred the petition of James Estep, of the county of Ashe, reported that the committee had considered the said petition, and instructed him to recommend its rejection. The question to concur with the said reports passed in the affirmative.

Mr. Love, from the select joint committee to whom was referred the petition of John Galloway, of Haywood county, reported unfavorably to the prayer of the petition, recommending its rejection. The question to concur with the report passed in the affirmative.

Mr. J. A. Hill, with leave, presented a bill for the support of sick and disabled seamen of the United States; Mr. Hardy presented the bill limiting the time within which actions shall be brought against guardians, executors and administrators. These bills were read the first time and passed, and the latter, on motion, referred to the Judiciary committee.

Received from his excellency the Governor, by his private secretary, the following communication:

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

Gentlemen,—I herewith transmit you the annual report of the Board of Internal Improvements.

I have the honor to be your obedient servant, H. G. BURTON.

On motion, ordered that the foregoing communication, with its references, be referred to the committee of Internal Improvements, and be sent to the Senate, with a proposition that the accompanying documents be printed.

Mr. Scott, from the committee appointed to superintend the balloting for Counsellors of State for the ensuing year, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, John Owen, George W. Jeffreys, William Blackledge, William B. Lockhart, Meshack Franklin, John McDowell and Gideon Alston, sen?, had each a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.
Received from his excellency the Governor, by his private secretary, the following communication:

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

Gentlemen,—I have the honor herewith to transmit the Report of the President and Directors of the Literary Fund, in compliance with an act of the General Assembly, passed in the year 1825.

I have the honor to be, with great respect, your obedient servant.

H. G. Burton.

On motion, ordered that the said communication be referred to the committee on Education, and be sent to the Senate, proposing that the report of the Board be printed.

A message from the Senate, proposing to ballot this morning for a trustee of the University, and informing that the name of Samuel King is withdrawn from the nomination. The message was concurred in, and the Senate informed thereof by message; and further informing that the name of Gavin Hogg is withdrawn from the nomination, and that Mr. Swain and Mr. Gary attend the Senate as a committee, on the part of this House, to conduct the balloting.

Mr. Fisher presented a bill directing how strays shall be advertised in future. The said bill was read the first time and passed.

A message from the Senate, informing that Mr. Blackwell and Mr. Davenport attend this House as a committee on their part to conduct the balloting for a trustee of the University.

The bill to allow further time for the payment of the purchase money on entries for vacant land, made in the year 1824, which lapsed on the 15th day of December, 1826, was read the third time and passed. On motion, ordered that the said bill be enrolled.

Mr. Clayton, with leave, presented a bill to regulate the Courts of Pleas and Quarter Sessions of the county of Buncombe. Mr. Cooper presented a bill prescribing the time and places of electing the Members of the General Assembly for the county of Martin, Members of Congress, and electors to vote for President of the United States. These bills were read the first time and passed.

Mr. Martin presented the petition of the commissioners for clearing out Perquimons River, stating their failure to procure a sufficient sum of subscription to clean out said river, and praying to be authorised by law to raise a sufficient sum by lottery to effect the clearing out of said river. On motion, ordered that the said petition be referred to the committee on Internal Improvement.

Mr. Swain, from the committee appointed to superintend the balloting for a trustee of the University, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared Isaac Groom had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

The engrossed bill supplemental and explanatory of an act to authorise the Courts of Pleas and Quarter Sessions of Beaufort county to appoint a committee of Finance, passed in the year 1825, was read the first time, and, on motion, postponed indefinitely. Ordered that the Senate be informed thereof by message.

The bill to unite the office of Clerk and Master in Equity to the office of Clerk of the Superior Court of Law; also the bill to establish Cedar Grove Academy, in the county of Chatham, and to incorporate the trust-
The bill to limit the Court of Pleas and Quarter Sessions of Surry county in making allowances to their county officers, was read, and, on motion, ordered to be laid on the table.

Mr. R. H. Jones, in pursuance to the petition of Polydore Johnston, a free man of colour, presented a bill to emancipate Sally and Edward, formerly-slaves of Joseph B. Littlejohn, of the county of Granville; which was read the first time. Mr. Stedman moved that the said bill be postponed indefinitely. The question thereon passed in the negative. The bill was then put on its passage, and the question shall the said bill pass? was determined in the negative—yeas 41, nays 79. The yeas and nays moved for by Mr. Potter.


The resolution in favor of Sherwood Fort, was read the second time and passed—yeas 109, nays 11. The yeas and nays called for by Mr. Jones, of Warren.


Those who voted in the negative, are Messrs. Donoho, Ellison, Farrow, R. H. Jones, Latham, Shipp, Simmons, Spruill, Swain, Underwood, Wadsworth.—11 Nays.

The said resolution, on motion of Mr. Toomer, was read the third time, and the question, shall the said resolution pass its third reading? was determined in the affirmative. On motion, ordered that the said resolution be enrolled.

The House resolved itself into a committee of the Whole, on the report of the committee on Divorce and Alimony on the petition of Nancy
Chadwick, praying to be divorced from her husband Jacob Chadwick, of the county of Buncombe, Mr. J. E. 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 had, according to order, considered the said report under consideration, and instructed him to report that the committee had made progress therein; but, not having time to consider the whole, to ask leave to sit again on the said report. The question to concur with the report passed in the affirmative.

The bill to secure to Elizabeth Robertson, wife of Willis Robertson, of Wake county, such property as she may hereafter acquire; also the bill to divorce Turner House, of the county of Pitt, from his wife Patience; also the bill to secure to Mary Walker, wife of Amos J. Walker, of Duplin county, such property as she may hereafter acquire, were severally read, and, on motion, ordered to lie on the table.

Mr. R. H. Jones, from the committee on the Judiciary, to whom was referred the bill to amend an act, passed in the year 1741, entitled "An act for the better observation and keeping of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality, reported that the committee, according to order, had had the said bill under consideration, and instructed him to recommend that the said bill be rejected. The question to concur with the report passed in the affirmative.

The resolution relative to the adjournment of the two Houses, and the report of the committee of Divorce and Alimony on the petition of Polly Buckner, of Buncombe county, received from the Senate, were read, and, on motion, ordered to lie on the table.

The resignation of William Welch, Justice of the Peace of Haywood county, was presented, read and accepted.

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

Wednesday, January 24, 1827.

Mr. Poor, with leave, presented a bill to appoint commissioners to run and establish the dividing line between the counties of Burke and Lincoln. The said bill was read the first time and passed.

Mr. Shipp presented the petition of John Hoke and others, of Lincoln county, owners of a cotton manufactory, praying that the hands employed therein be exempt from working on roads and doing militia duty. On motion, ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Swain presented a bill to alter the boundary line between the first and second regiments of the Buncombe militia; Mr. Hardy presented a bill to regulate the hire of slaves. These bills were read the first time and passed.

On motion of Mr. Allison,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of making some provision more effectually to suppress fraud in the execution of deeds of trust, and to secure to creditors an equitable proportion of the estate of such debtors as may make deeds of trust.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, to wit: A bill to alter the names and to legitimate Margaret Kennedy, John Shearman Kennedy and Person
Kennedy, of Granville county; a bill further to amend an act, making the protest of a Notary Public evidence in certain cases; a bill to secure to Rebecca Ruflin, of Halifax county, such property as she may hereafter acquire; a bill to repeal part of the 5th section of an act to extend the jurisdiction of a justice of the peace, passed in 1820; and also a resolution permitting A. D. Murphey to have the use of books in the Public Library; and asking the concurrence of this House.

A message from the Senate, informing that they had rejected the engrossed bill appointing commissioners to lay off a road in Lincoln county.

A message from the Senate, informing that they had passed the engrossed bill appointing commissioners to erect a building in the town of Lincolnton, for the accommodation of jurors, 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.

The bill to secure to Rebecca Ruflin, of Halifax county, such property as she may hereafter acquire; also the bill further to amend an act, entitled "an act making the protest of a Notary Public evidence in certain cases," passed in the year 1812; also the bill to alter the names and legitimate Margaret Kennedy, Washington Kennedy, Persons Kennedy and John Shearman Kennedy, of Granville county, were severally read the first time and passed.

The bill to repeal part of the third section of an act, entitled "an act to extend the jurisdiction of a Justice of the Peace," passed in the year 1830, was read the first time and passed, and, on motion, referred to the committee on the Judiciary.

The resolution permitting A. D. Murphey to have the use of books in the Public Library, was read and concurred with, and ordered to be enrolled.

Mr. Howell presented a bill to repeal an act, entitled "An act for the better regulation of the town of Lumberton, in Robeson county," passed in the year 1824. The said bill was read the first and second times, and the question, shall the said bill pass its several readings? was determined in the affirmative.

Mr. Burns presented a resolution, directing the Treasurer to pay Wm. Welch, a member of the county of Haywood at the last session, who was arrested by sickness on his return home, and detained 19 days, the sum of 57 dollars. The said resolution was read, and, on motion, referred to the committee of Claims.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution instructing the Treasurer to pay Christian Bottles, of Burke county, the sum of seven dollars and seventy cents, reported that the committee, according to order, had considered the resolution, and instructed him to recommend its rejection. The question thereon passed in the affirmative.

Mr. Spruill, from the same committee, to whom the memorial of Felix Walker was referred, reported that the committee, according to order, had considered the said memorial, and instructed him to recommend its rejection. The question to concur with the report passed in the affirmative. On motion of Mr. Swain, ordered that the memorialist, Felix Walker, have leave to withdraw from the files the documents accompanying his memorial.
JOURNAL OF THE HOUSE OF COMMONS.

The resignation of Robert Walker, of Randolph county, and Thomas H. Weathersbee, of Martin county, Justices of the Peace, were presented, read and accepted.

The resignation of William L. Hill, Brigadier General of the third brigade in the sixth division, was presented, read and accepted.

On motion of Mr. Burns, ordered that a message be sent to the Senate, proposing to ballot immediately for a Brigadier General for the third brigade of the sixth division of the militia, to supply the vacancy occasioned by the resignation of W. L. Hill; and informing that Stephen Miller and Montesque W. Campbell are in nomination for the appointment.

Mr. Poor presented a bill to amend an act, passed in the year 1784, fixing the time for paying the purchase money into the Treasury on entries of land. Mr. Cooper presented a bill for the better regulation of the Courts of Pleas and Quarter Sessions of Martin county. These bills were read the first time and passed.

Mr. Alexander presented the petition of Hugh Forbes, of Mecklenburg, praying to be placed on the pension list. On motion, ordered that the said petition be referred to the committee of Claims.

A message from the Senate, informing of the dissent of that House to ballot immediately for a Brigadier General for the third brigade, and proposing to ballot for that officer to-morrow morning, at the meeting of the two Houses. The message was concurred in, and the Senate informed thereof by message; and that Mr. Blount and Mr. J. A. Hill attend the Senate as a committee, on the part of this House, to conduct the balloting.

On motion, ordered that the bill to amend an act, passed in the year 1741, entitled "An act for building and maintaining of court houses, prisons and stocks in every county within this province, and appointing rules to each county prison for debtors," be referred to the Judiciary committee.

The bill to authorise the President and Directors of the Literary Fund to raise money by way of lottery, and for other purposes, was read the second time and passed.

The bill to extend the time for the registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift, was read, and, on motion, ordered to be laid on the table.

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,—By a resolution of the last General Assembly, seven hundred and fifty dollars, to be vested in stock, was appropriated for the benefit of James N. Forseeth. Before this sum was vested, I received information that he was dismissed from the Military Academy at West Point. Believing that his dismissal was not produced by any dishonorable action, but was rather the result of that carelessness and thoughtlessness common to youth; and that I should not pursue the views of the Legislature to leave him destitute of support among strangers, I advanced him a sum sufficient to cover his necessary expenditures, and to procure him the articles required in the accompanying list, rendered by Commodore Bainbridge, he having received a midshipman's warrant. The balance remaining in my hands will await the disposal which your honorable body may give it.

I have the honor to be your olf't serv't,

H. G. Burton.

Executive office, January 22d, 1827.

The foregoing communication was read, and, on motion, ordered to be laid on the table.

The House, on motion of Mr. Swain, resolved itself into a committee
of the whole, on the bill for revising and digesting the public statute laws of this State, 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 had had the said bill under consideration, and instructed him to report the said bill with an amendment, and to recommend its rejection. Mr. Fisher moved that the House do not concur with the report; and debate arising, Mr. Alexander moved that the bill lie on the table. The question thereon passed in the affirmative.

The bill to alter the time of the annual meeting of the General Assembly, was read the second time. Mr. Flowers moved to amend the bill, by striking out the second Monday of December, and inserting the first Monday of November. Mr. Sheppard called for a division of the question, and the question, will the House strike out? passed in the affirmative. The question on Mr. Flowers' motion passed in the negative. Mr. Bain moved to fill the blank with the words the first Monday of December. The question thereon passed in the negative. Mr. Green moved that the said bill be postponed indefinitely. The question thereon passed in the negative—yeas 27, nays 96. The yeas and nays called for by Mr. Simpson.

Those who voted in the affirmative, are Messrs. Ball, Barnard, Blount, Bozman, J. Cox, Dozier, Farrow, Gary, Gilmour, Green, Hardy, Hodges, Howze, S. Jones, King, Latham, W. Lewis, J. E. Lewis, Mhoon, Montgomery, McGehee, Patterson, Potter, Raiford, A. Richardson, Spruill, White—27 Yea.


Mr. Ramsay moved to fill the blank with the third Monday of November, and called for the yeas and nays. The question thereon passed in affirmative—yeas 73, nays 51.


The said bill was thereupon 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.
THURSDAY, January 25, 1827.

On motion of Mr. Newland, ordered that Christian Bottles have leave to withdraw from the files the documents and papers accompanying the resolution in his favor, and which was rejected.

The resolution in favor of Samuel M'Dowell, late sheriff of Burke county, was read the third time and passed. On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

Mr. Alexander presented the petitions of Robert Roberson, Jesse Clark, Benjamin Lindsay, Henry Houston and John Connolly, citizens of Mecklenburg county, respectively praying to be placed on the pension list. On motion, ordered that the said petitions be referred to the committee of Claims.

On motion, the House proceeded to consider the petition of sundry citizens of Duplin, presented the 9th instant and laid on the table. The said petition was again read, and, on motion, ordered to be referred to the committee of Propositions and Grievances.

Mr. J. Cox obtained leave, and presented a bill to appoint commissioners for the town of Kinston, in the county of Lenoir. The said bill was read the first time and passed.

A message from the Senate, informing that Mr. Wilson of Edgecombe and Mr. Beard of Rowan attend this House as a committee, on their part, to conduct the balloting for Brigadier General in the third brigade and sixth division of the militia.

On motion of Mr. Bain, the House proceeded to consider the report of the committee on the Judiciary, laid on the table on Monday last, on a resolution referred to them to inquire into the expediency of so amending the existing laws relative to intestate estates, that an equal distribution of lands shall take place between the heirs of the deceased intestate, and recommending the rejection of said resolution. The report being again read, was concurred with.

Mr. Blount, from the committee appointed to conduct the balloting for Brigadier General of the 3d brigade of the 6th division of the militia, reported that the committee had performed that duty; and that, on examining the ballots, it appeared that Stephen Miller had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

Mr. Bain presented a bill for the better distribution of the estate of intestates; Mr. Donoho presented a bill directing a continuance of the geological and mineralogical survey of the state of North-Carolina. The said bills were read the first time and passed, and the former referred to the committee on the Judiciary.

The bill to authorize the President and Directors of the Literary Fund to raise money by way of lottery, and for other purposes, was read the third time and passed. Ordered that the said bill be engrossed, and sent to the Senate for concurrence.

Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of the county of Rutherford, praying that Willis Bradley, of said county, be restored to credit, have, according to order, considered the said petition, and deem it reasonable, and instructed him to report a bill to restore to credit Willis Bradley, of
the county of Rutherford, and to recommend its passage. The report was concurred in, and the bill reported read the first, second and third times, and the questions, shall the said bill pass its several readings? were determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Settle, from the same committee, to whom was referred the petition of Hiram Melton, of the county of Rutherford, praying to be restored to credit, reported that the committee had considered the said petition, and instructed him to report that the prayer of the petition is unreasonable, and to recommend its rejection. The question to concur with the report passed in the affirmative.

Mr. R. H. Jones, from the Judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of compelling testamentary guardians to give security, when it shall appear to the County Court that they are insolvent and are likely to waste and squander the property of their wards, reported that the committee had, according to order, had the said resolution under consideration, and instructed him to report that in their opinion it is expedient to vary the existing laws as regards testamentary guardians in the manner proposed by the resolution; and the committee recommend that the bill accompanying this report, entitled “a bill concerning testamentary guardians,” be passed into a law. The question to concur with the report passed in the affirmative, and the bill reported was read the first time and passed.

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

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

Gentlemen,—I herewith transmit you a claim made by Mr. Jonas R. Clark, for the value of a horse lost in the service of the State during the reception of General Lafayette.—Having no funds in my hands to meet such a demand, and all the accounts concerning the said reception having been passed upon, I submit to you to make such disposition of the same as your honorable body may deem just and proper.

I have the honor to be your obedient servant,

H. G. RUTTON.

Executive office, January 24, 1827.

On motion, ordered that the said communication and the accompanying claim be referred to the committee of Claims.

The resignations of James Lowry, Colonel Commandant; George Robertson, Lieutenant Colonel; and Robert Williamson, Major of the second regiment of the Buncombe county militia; and Benjamin Posey, Justice of the Peace of said county, were read and accepted.

The House proceeded to consider the bill, laid on the table, further to increase the capital stock of the Clubfoot and Harlows creek Canal Company. The said bill was read the first time, and, on motion of Mr. Fisher, amended, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Edmonston obtained leave, and presented a bill to render valid certain official acts of Elihu Chambers, of Haywood county. The said bill was read the first time and passed.

Mr. J. A. Hill obtained leave, and presented a bill to amend an act, passed in the year 1806, entitled “An act for the more uniform and convenient administration of justice within this State.” The said bill was read the first time and passed, and, on motion, referred to the committee on the Judiciary.
The bill to explain an act of the General Assembly, passed in the year 1823, entitled "An act to authorize the County Courts to require administrators and others to give other or counter security, upon the petition of their securities," was read the third time and passed. On motion, ordered that said bill be enrolled.

The resolution in favor of Green B. Palmer, was read the second time and passed.

Mr. Keer presented a bill to repeal an act, passed in 1824, entitled "An act to regulate the patrol of the counties of Ashe and New-Hanover," so far as respects the county of New-Hanover. The said bill was read the first time and passed.

The bill to incorporate the Franklin Library Society of Buffalo, in Lincoln county, was read the second and third times and passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resolution in favor of Elizabeth Reaves, placing her on the pension list, and allowing her a pension of forty dollars per year during her life, was read the second and third times, passed, and ordered to be enrolled.

Mr. Whitaker obtained leave, and presented a bill to authorize William Boylan, of Wake county, to erect a bridge across Deep river. The said bill was read the first time and passed.

The bill to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee river Turnpike Road, was read the third time, passed, and ordered to be enrolled.

The bill to incorporate the Newbern Marine and Fire Insurance Company, was read the third time, passed, ordered to be engrossed, and sent to the Senate for concurrence.

The bill to establish Bachelors' Academy, in the county of Martin, and incorporate the trustees thereof, was read the second and third times, passed, and ordered to be enrolled.

Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of the county of Northampton, reported that the committee had, according to order, considered the said petition, and deem it reasonable, and instructed him to report a bill to carry into effect the prayer thereof, entitled "a bill to appoint commissioners to lay off a town on the land of Joseph H. Bryan, in the county of Northampton, at the place now called the Court House." The report was concurred in, and the bill read for its first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill prescribing the time and place of electing the members of the General Assembly for the county of Martin, and members of Congress, was read the second time and passed.

The bill to alter the time of the annual meeting of the General Assembly, was read the third time. Mr. Alexander moved to amend the bill, by substituting the words second Monday of December for the third Monday of November. The question thereon passed in the negative—Yeas 51, nays 70. The yeas and nays called for by Mr. Rand.

Resolved, That this House is impressed with feelings of unexpressed grief for the death of our late fellow member, Leonard Martin, Esquire, one of the representatives for the county of Hertford; and they will this day, at 3 o'clock, attend his funeral obsequies.

Resolved, That the Speaker of this House communicate the affecting intelligence of the death of our fellow member to the Senate, and respectfully invite the joining of that body in the funeral procession.

Resolved, That this House, in token of respect for the deceased, abstain from business during this day; and that the members thereof wear crape on the left arm for thirty days.

Resolved, That a committee of six members be appointed, to superintend and make arrangements for the funeral.

Resolved, That the funeral of our deceased brother member be at the public charge; and that the Chairman of the committee draw on the Public Treasurer for the expenses thereof, which shall be allowed him in the settlement of his accounts.

Mr. Jones, from the committee appointed to superintend and make arrangements for the funeral, reported the following resolutions, which were concurred in, to wit:

Resolved, That the procession shall form in front of the Masonic Hall; and that the following shall be the order:

1st. Door-keepers of the two Houses.
2d. The reverend Clergy.
3d. The Physicians who attended the deceased. 
4th. The Corpse, attended on each side by the pall-bearers.
5th. The Masonic body.
6th. His Excellency the Governor, the Judges of the Supreme Court, and the Heads of Departments.
7th. Counsellors at Law, not being members of the Legislature.
8th. The Speakers of the Senate and House of Commons.
9th. The Members of the House of Commons and Clerks.
10th. The Members of the Senate and Clerks.
11th. Citizens.

Resolved, That Mr. Carson, Mr. Flowers, Mr. Montgomery, Mr. Sharpe, Mr. W. Lewis and Mr. Bell be requested to act as pall-bearers.

Resolved, That the members of the Hiram Lodge, and brethren generally, be requested to attend the funeral at 3 o'clock from the Masonic Hall in this city.

Resolved, That the Reverend Mr. Charlton be requested to attend and perform the funeral obsequies at 3 o'clock; and that Mr. J. Birdsall be requested to act as Marshal of the day.
Resolved, That Mr. Thompson be requested to provide for the funeral of Mr. Martin in the manner which is customary upon the death of a Member during the sitting of the Legislature.

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

Saturday, January 27, 1827.

Mr. Spruill, from the committee of Claims, to whom was referred the petition of John Bogg, reported that the committee had considered the petition, and instructed him to recommend its rejection.

Mr. Spruill, from the same committee, reported favorably on the resolution in favor of William Welch, recommending its passage.

The reports were concurred in, and the resolution read the first time and passed.

Mr. Jones, of Warren, presented the following resolution:

Resolved, That the following be added to the Rules for the government of the House:

The order and arrangement of the business before the House shall be directed by the Speaker, unless otherwise ordered by the House.

The question on the said resolution passed in the negative.

On motion, ordered that the bill to prevent litigation, by regulating costs on certain suits, be made the order of the day for Monday next; and that 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, be of the order of the day for Tuesday next.

The bill further to increase the capital stock of the Clubfoot and Harlow's Creek Canal Company, was read the second time, amended, and passed.

On motion, ordered that the bill to prevent perjuries in certain cases, be referred to the committee on the Judiciary.

Mr. W. W. Jones obtained leave, and presented a bill to make an appropriation to improve the navigation of Cape Fear River below Wilmington. The said bill was read the first time and passed.

Mr. Jones, of Warren, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of so amending the laws relative to constables, as to allow them a certain per centum on all executions collected and accounted for by them, reported that, in the opinion of the committee, no alteration of the law in that respect is necessary. 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 memorial of sundry citizens of Mattamuskeet lake, reported that the committee, according to order, had considered the memorial, and instructed him to report a bill in pursuance to the prayer thereof, entitled "A bill for the purpose of draining the low lands in the neighborhood of Mattamuskeet lake." The report was concurred in, and the bill reported read the first time and passed.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of so amending the law concerning executors and administrators, as to prevent executions, under any circumstances, from being levied on the personal estate of a testator or intestate until an executor or administrator shall have had reasonable time to obtain an order of sale of said property
and to collect the money under said sale, reported that the committee had, according to order, considered the resolution, and instructed him to report that it is not expedient to make any alteration in the law in that respect, and to recommend the rejection thereof. The question to concur with the report passed in the affirmative.

The bill to compel executors to give security in certain cases; also the bill to permit attorneys from other States to practice in the Courts of this State in certain cases, were read the second time and passed.

On motion, ordered that the bill giving to the State the right of challenge, be of the order of the day for Wednesday next.

The bill to validate all grants issued by the Secretary of State from the 29th of November, 1826, to the 29th day of December, 1826, was read the second time and passed.

The resignations of Thomas Swain, Major of the Washington county militia; James Adams, of Johnson county; and William Warren, of Caswell county, Justices of the Peace, were presented, read, and accepted.

The bill to aid the Clubfoot and Harlow's Creek Canal Company in the completion of their canal, was read the third time and passed—yeas 84, nays 33. The yeas and nays called for by Mr. Smith.


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

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

The resignation of Thomas Payner, Justice of the Peace for Currituck county, was presented, read and accepted.

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

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

Monday, January 29, 1827.

On motion of Mr. Saintclair, ordered that a message be sent to the Senate, proposing that the two Houses ballot this morning for Colonel, Lieutenant Colonel and Major of Cavalry in the 9th brigade and 5th division of the militia; and informing that Nathaniel Gordon, as Colonel, Samuel F. Patterson, as Lieutenant Colonel, and Anderson Mitchell, as Major, are nominated for the appointments.

A message from the Senate, informing that they had passed the en-
grossed bill prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians; also the engrossed bill reserving certain lands for the benefit of Roswell King, of Montgomery county, and for other purposes; also the engrossed bill concerning the Court of Pleas and Quarter Sessions for the county of Hyde; also the engrossed bill to establish two separate elections in the county of Hyde; also the engrossed bill, entitled "A bill to amend an act, passed in the year 1825, entitled 'an act granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury may be necessary;" also the engrossed bill to restore John Rose, of Ashe county, to the privileges of a citizen; also the engrossed bill to repeal an act, passed in the year 1820, entitled "An act directing the County Courts to pay fees to certain officers therein named, in certain cases;" also the engrossed bill to amend the laws respecting the sale of land and negroes by sheriffs and other officers; also the engrossed bill to secure to Lydia Smith, of Wake county, such estate as she may hereafter acquire; also the engrossed bill to divorce Rachael Dickey from her husband Moses Dickey; and also the engrossed bill making compensation to Coroners in certain cases; and asking the concurrence of this House.

The bill to amend an act, passed in the year 1825, entitled "An act granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury may be necessary; also the bill concerning the Courts of Pleas and Quarter Sessions for the county of Hyde; also the bill to establish two separate elections in the county of Hyde; also the bill reserving certain lands for the benefit of Roswell King, of Montgomery county, and for other purposes; also the bill making compensation to Coroners in certain cases; also the bill to amend the laws respecting the sale of lands and negroes by sheriffs and other officers; also the bill prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians, were respectively read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, and asking for the concurrence of this House, to wit: The bill supplemental to an act, passed at the last session of the General Assembly, entitled "An act to cede to the United States a certain tract of land, called Bogue Banks;" also the bill to amend the several acts of the General Assembly now in force relative to the public roads in the county of Wilkes; and also a resolution requiring the Secretary of State to purchase Stationary.

On motion of Mr. Hill, of Wilmington, Resolved, That when this House adjourn, that it adjourn to half after 3 o'clock, in the evening.

The resolution in favor of Green B. Palmer, was read the third time and passed. Ordered that the said resolution be engrossed, and sent to the Senate for concurrence.

The resolution directing the Secretary of State to purchase stationery for the several departments, was read, concurred in, and ordered to be enrolled.

The bill to amend the several acts of the General Assembly now in force relative to the public roads in the county of Wilkes; also the bill supplemental to an act, passed at the last Session of the General Assem-
bly, entitled "An act to close to the United States a certain tract of land, called Bogue Banks," were read the first time and passed.

The bill to secure to Lydia Smith, of Wake county, such estate as she may hereafter acquire; also the bill to divorce Rachael Dickey from her husband Moses Dickey, were read, and, on motion, ordered to lie on the table.

The bill for the support of sick and disabled seamen of the United States; also the bill limiting the time in which certain offences shall be prosecuted, and prescribing the duties of grand juries relative thereto, were read the second time and passed.

The bill further to amend an act, entitled "An act making the protest of a Notary Public evidence in certain cases," passed in the year 1812; also the bill directing a continuance of the geological and mineralogical survey of the State of North Carolina; and, also the bill to amend an act, passed in the year 1784, fixing the time for paying the purchase money into the Treasury on entries of land, were severally read the second time. The two former passed, and the latter ordered to lie on the table.

A message from the Senate, informing of the assent of that House to ballot for cavalry officers attached to the 9th brigade of the militia; and further, that Mr. Burney and Mr. Shuford attend this House as a committee on their part to conduct the balloting.

On motion, ordered that the Senate be informed by message, that Mr. Green and Mr. Stedman form the committee to conduct the balloting for cavalry officers attached to the 9th brigade of the militia, on the part of this House.

On motion of Mr. Barnett, ordered that Mr. Alexander be added to the committee on Internal Improvements, in place of Mr. Fisher, absent on leave.

The bill concerning testamentary guardians, was read the second time, amended, and passed.

Mr. Burns presented the following resolution:

Resolved, That ________ be appointed to take charge of the State House during the recess of the Legislature, whose duty it shall be to take into possession the keys; to keep the doors locked, except when he may think proper to open them for the accommodation of visitors, or for the purpose of airing the apartments, and to take all necessary measures for the preservation of the furniture and fixtures belonging to the State House; and that it shall be the duty of the Comptroller, before the said ________ shall enter upon the duties of his appointment, to take bond and security of the said ________ in the sum of ________ dollars, conditioned for the faithful performance of the duties as aforesaid.

Resolved further, That the said ________ shall receive, as a compensation for his services in the performance of said duties, a salary of ________ dollars per annum.

Resolved further, That the Comptroller procure suitable coverings for the chandeliers and curtains in the Chambers of the Senate and House of Commons, and cause such other and proper measures to be taken for the preservation of the furniture in the State House as he may deem necessary; and that the Treasurer advance the sum necessary to carry into effect the objects of this resolution; for which he shall be allowed in the settlement of his public accounts.

The resolution was read the first time and passed.

The bill to validate all grants issued by the Secretary of State from the 29th day of November, 1826, to the 29th day of December, 1826; also the bill to compel executors to give security in certain cases, were read the third time and passed. Ordered that the former be enrolled; the latter engrossed and sent to the Senate for concurrence.
Mr. Green, from the committee appointed to conduct the balloting for Cavalry officers attached to the 9th brigade of the militia, reported that, on examining the ballots, it appeared Nathaniel Gordon, as Colonel, Samuel F. Patterson, as Lieutenant Colonel, and Anderson Mitchell, 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 bill to permit Attorneys from other States to practice in the Courts of this State in certain cases, was read the third time, amended, and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing that they had passed the engrossed bill to appoint commissioners for the town of Nixonton, in Pasquotank county; also the engrossed resolution in favor of Peter Dowell, late sheriff of Wilkes county; and also the engrossed resolution in favor of Humphrey Posey; also the engrossed bill to repeal an act, passed in the year 1825, entitled "An act to change the time of laying the county taxes of Craven county, and appointing receivers of lists of taxables in said county;" also the engrossed bill to amend an act, passed in the year 1825, entitled "An act directing the manner in which constables shall be hereafter appointed in the county of Sampson;" and the engrossed resolution in favor of John MacRae, of Fayetteville; and asking the concurrence of this House.

The bill to repeal an act, passed in the year 1825, entitled "An act to change the time of laying the county taxes of Craven county, and appointing receivers of lists of taxables," was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Newbern Marine and Fire Insurance Company, with several amendments, and asking the concurrence of this House. The amendments were read and concurred in, and the Senate informed thereof by message. And also that they had passed the engrossed bill to divide the Richmond militia into two separate regiments, with amendments, and asking the concurrence of this House. The amendments were read and disagreed to, and the Senate informed thereof by message. And also that they had passed the engrossed bill for the relief of Samuel Jones, late sheriff of Rowan, with an amendment. The amendment was read and concurred in, and the Senate informed thereof by message.

The bill to legitimate Duncan Melvin and others, of the county of Bladen, was read the third time, and, on motion, postponed indefinitely.

The bill to appoint commissioners for the town of Nixonton, in Pasquotank county; also the bill to amend an act, passed in the year 1825, entitled "An act directing the manner in which constables shall be hereafter appointed in the county of Sampson;" also the resolution in favor of Peter Dowell, late sheriff of Wilkes county, were read the first time and passed.

The bill to prescribe the mode to legitimate bastard children and alter their names, was read the second time, amended, and passed.

The resolution in favor of John MacRae, of Fayetteville; also the resolution in favor of Humphrey Posey, were read the first time and passed.
The resignation of Robert Strange, Lieutenant Colonel of the first Cumberland regiment of the militia, was read and accepted.

The bill requiring the Clerks of the several Courts and Registers within this State to keep their offices at the court-houses of their respective counties; also the bill to regulate the hire of slaves; also the bill directing how strays shall be advertised in future; and also the bill to amend the militia laws of this State, were respectively read, and, on motion, postponed indefinitely.

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

The bill to establish an Academy upon the lands of John D. Hawkins, in the county of Franklin, and for other purposes, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to appoint commissioners to lay out a road from Charlotte to Morganton, was read the second time and passed.

The bill to restore to credit Thomas Small, of Chowan county, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to restore to credit Amos Harmon, of the county of Wilkes, was read the second time, and, on motion, postponed indefinitely.

The engrossed bill to establish a poor house in the county of Pitt, was read the third time, amended, and passed. Ordered that the said bill be sent to the Senate, asking the concurrence of that House in the amendment.

The bill to alter the times of holding the Courts of Pleas and Quarter Sessions for the county of Brunswick; also the bill providing for free ferries in Montgomery county, were read the third time, passed, and ordered to be enrolled.

The bill to divorce Mary Fields, of the county of Ashe, from her husband William Fields, was read, and, on motion, laid on the table.

The bill to legitimate Peggy Orrell, the child of Windsor White, of Beaufort county, and to alter the names of Lovey Hassell and Sidney Hassell, children of the said White, and to legitimate them; also the bill authorising the Courts of Pleas and Quarter Sessions of the county of Richmond to pay certain officers therein mentioned, and to regulate the poll tax thereof; also the bill to regulate the Courts of Pleas and Quarter Sessions of the county of Buncombe; also the bill to establish Cedar Grove Academy, in the county of Chatham, and to incorporate the trustees thereof, were read respectively the second and third times and passed.—The three former ordered to be engrossed and sent to the Senate for concurrence—the latter to be enrolled.

The bill to prevent the falling of timber in, or obstructing the run of Abbot's Creek, in Davidson county, was read the second time and passed.

The bill to establish an academy upon the lands of Joseph W. Hawkins, in the county of Warren, and for other purposes; also the bill to alter the boundary line between the first and second regiments of Buncombe militia; also the bill to appoint commissioners to establish the dividing line between the counties of Burke and Lincoln, were respectively read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.
The bill to secure to Rebecca Ruffin, of Halifax county, such property as she may hereafter acquire; also the bill to alter the names and legitimate Margaret Kennedy, Washington Kennedy, Person Kennedy and John Shearman Kennedy, of Granville county, were severally read the second and third times, passed, and ordered to be enrolled.

The bill for the better regulation of the Courts of Pleas and Quarter Sessions of Martin county, was read the second and third times and passed. On motion of Mr. Jones, of Warren, the House reconsidered the said bill; and, on motion, the said bill was laid on the table.

The bill to repeal an act, entitled "An act for the better regulation of the town of Lumberton, in the county of Robeson," passed in the year 1824, was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to appoint commissioners for the town of Kinston, in the county of Lenoir, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to alter the names of John Baptist William Cook and Mary Frances Cook, children of John B. Mansard and Penelope Cook, of Pasquotank county, and to legitimate them, was read the second time and passed. On motion, the said bill was read the third time, and the question, shall the said bill pass its third reading? was determined in the negative.

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

TUESDAY, JANUARY 30, 1827.

The resignation of W. P. Williams, Justice of the Peace for the county of Franklin, was read and accepted.

Mr. Linn, who voted in the majority on the question of rejection of the bill to alter the names of John Baptist William Cook and Mary F. Cook, children of John B. Mansard and Penelope Cook, of the county of Pasquotank, and to legitimate them, moved that the House do now reconsider that vote. The question thereon passed in the affirmative. The bill thereupon was read the second and third times, passed, and ordered to be enrolled.

Mr. Bain obtained leave, and presented a bill to require defendants, before they are put upon their trials, to except to such matters in the indictment as might, after conviction, be assigned as reasons in arrest of judgment. The said bill was read the first time and passed.

On motion of Mr. A Moore,

Resolved, That C. Baker, John Julius Gauze, Samuel Potter, Sterling B. Everett, and John Brown, jr be, and they are hereby appointed commissioners for the purpose of ascertaining the practicability of connecting Lockwoods Folly river with Elizabeth river, by means of a navigable canal; and, if it be deemed practicable, to mark out the line of said canal, and report to the next General Assembly their proceedings and opinion relative thereto.

Resolved, That the sum of one hundred dollars be, and the same is hereby appropriated, out of the funds set apart for Internal Improvements, for defraying the expenses of said survey.

Ordered that the said resolution be referred to the committee of Internal Improvements.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution in favor of the heirs at law of William Hulme, deceased, reported that the committee, according to order, had considered the said resolu-
tion, and instructed him to recommend its passage. The report was concurred in, and the resolution read and passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Spruill, ordered that Mr. Wyche have leave of absence from the service of this House, after this day, until the end of the Session.

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, was read the second time. On motion of Mr. W. W. Jones, the House resolved itself into a committee of the whole House, Mr. J. E. 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 it to the House with several amendments, and to recommend its passage. The question to concur with the report passed in the affirmative. Mr. Edmonston moved to amend the bill, by striking out the word five, and inserting, in lieu, the word twenty, in the first section. The question thereon passed in the affirmative. Mr. Toomer moved to amend the said bill, by striking out the 5th section. The question thereon passed in the negative—yeas 52, nays 60. The yeas and nays called for by Mr. Green.


The bill being further amended, was put on its passage; and the question, shall the said bill pass its second reading? was determined in the affirmative—yeas 75, nays 39.


The House then adjourned until 4 o'clock, P. M.

Mr. Whitehurst announced to the House the death of John J. Bonner, a member of this House from the county of Hyde; whereupon, on the motion of Mr. Blount.
Resolved, That this House has heard with the deepest concern of the death of another of its Members, John J. Bonner, from Hyde; that they feel the most sincere regret for his loss; and that they will to-morrow, at 12 o'clock, attend his funeral.

Resolved, That the Speaker of this House inform the Senate of this misfortune which has befallen us, and invite that body to join in the funeral procession.

Resolved, That this House, in token of respect for the deceased, abstain from business during to-morrow; and that the members wear crapes on the left arm for thirty days.

Resolved, That a committee of six members of this House be appointed to superintend and make arrangements for the funeral.

Resolved, That the funeral of our deceased brother member be at the public expense; and that the Chairman of the committee of Arrangements draw on the Public Treasurer for the amount.

Resolved, That Messrs. Blount, Farrow, Ellison, Burns, Bozman and Armistead form the committee of Arrangements.

On motion of Mr. Scott, ordered that all the bills on the table in regard to feme covert, be of the order of the day for Thursday next.

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

WEDNESDAY, JANUARY 31, 1827.

Mr. Blount, from the committee of Arrangements, made the following report, which was read and concurred in, to wit:

That the procession shall form in front of the Methodist Meeting House, in the following order:
1st. The Door-keepers of the two Houses.
2d. The reverend Clergy.
3d. The Physicians who attended the deceased.
4th. The Corpse, attended on each side by three pall-bearers.
5th. His Excellency the Governor and the Heads of Departments.
6th. The Speakers of the Senate and House of Commons.
7th. The Members of the House of Commons and Clerks.
8th. The Members of the Senate and Clerks.
9th. Citizens and Strangers.

Resolved, That Messrs. Tilman Farrow, Whitehurst, Latham, Simmons, Stephens and Best be requested to act as pall-bearers.

Resolved, That the Reverend Mr. Howard be requested to attend at the Methodist Meeting House, and deliver a funeral sermon at 12 o'clock.

Resolved, That the Adjutant General be requested to act as Marshal.

Resolved, That Mr. Thompson be requested to provide for the funeral of Mr. Bonner as is customary on the death of a Member of Assembly during the sitting of the Legislature.

Resolved, That the rule directing all resolutions, the object of which is to draw money from the Treasury, to be read three times in each House, be dispensed with, so far as regards the resolution authorising the funeral expenses attendant on the burial of John J. Bonner, a deceased Member of this House, to be paid out of the Public Treasury.

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

THURSDAY, FEBRUARY 1, 1827.

Mr. Bain, from the committee on Divorce and Alimony, to whom was referred the petition of Daniel Peck, reported that the committee had, according to order, considered the said petition, and instructed him to recommend its rejection The question to concur with the report passed in the affirmative.

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

A message from the Senate, informing that they had passed the engrossed bill to allow talismen jurors in the county and Superior Courts of Or-
ange county to receive pay for their services; also the engrossed bill to ap-
point commissioners to lay off a town on the land of Joseph H. Bryan, in
the county of Northampton, at the place now called the Court House, with
amendments, and asking the concurrence of this House. The amend-
ments were read and concurred in, and the Senate informed thereof by
message.

A message from the Senate, informing that they had passed the engross-
ed bill to incorporate Joseph Warren Lodge, No. 93, Stantonburg, in
Edgecombe county, and asking the concurrence of this House.

The bill to incorporate Joseph Warren Lodge, No. 93, Stantonburg, in
Edgecombe county, was read the first time and passed.

The Speaker laid before the House the report from the Public Treasur-
er, in regard to the worn and defaced Treasury notes in his office. On
motion, ordered that the said report be referred to the committee of Fi-
nance.

Mr. Frederick presented the petition of sundry citizens of Duplin
county, on the subject of the dividing line between the county of Duplin
and Lenoir county; Mr. Ramsay presented the petition of Holliday R.
Oldham, of Chatham county, praying, for reasons stated in his petition,
for permission to peddle goods free from tax; Mr. Hodges presented the
petition of sundry citizens of Cumberland county, praying that a certain
William Jones, of their county, be restored to the privileges of a citizen,
forfeited by a conviction of petit larceny. Ordered that these petitions
be referred to the committee of Propositions and Grievances.

Mr. Poor presented the petition of Thomas L. M’Intire, praying to be
divorced from his wife Rebecca. Ordered that the said petition be refer-
red to the committee on Divorce and Alimony.

A message from the Senate, informing that they had passed the en-
grossed bill to revive and continue in force an act, passed in the year 1824,
to alter and amend an act for the relief of such persons as became purcha-
sers of the Cherokee lands, sold under the authority of this State; also
the engrossed bill limiting the time within which deeds of trust and mort-
gages shall be registered, and to provide for giving publicity to the
same; also the engrossed bill to empower the commissioners of the town of
Tarborough, to sell a part of the town commons; also the engrossed bill
to prohibit the trading with slaves, except in the manner therein specified;
also the engrossed bill concerning the town of Oxford; also the engrossed
bill to amend the road laws; and also the engrossed bill for the protection
of securities; and asking for the concurrence of this House.

Mr. Dozier presented the petition of sundry citizens of Camden coun-
ty, on behalf of Dempsey Kenneday, of said county, praying, for rea-
sons stated in the petition, that he be permitted to sell spirituous liquors
free from tax. Ordered that the said petition be referred to the commit-
tee of Propositions and Grievances.

The bill limiting the time within which deeds of trust and mortgages
shall be registered, and to provide for giving publicity to the same; also
the bill to empower the commissioners of the town of Tarborough to sell
a part of the town commons; also the bill to revive and continue in force
an act, passed in the year 1824, to alter and amend an act for the relief
of such persons as became purchasers of the Cherokee lands, sold under
the authority of this State; also the bill for the protection of securities;
also the bill to amend the road laws; and also the bill concerning the town of Oxford, were respectively read the first time and passed.

Mr. Newland presented a bill further to prescribe the duties of the Public Printer; and Mr. Ramsay presented a bill to amend an act, passed in the year 1822, entitled "An act to provide a revenue for the payment of the civil list and contingent charges of government." The said bills were read the first time and passed.

The bill to prohibit the trading with slaves, except in the manner therein prescribed, was read the first time and passed, and ordered to be printed.

The bill directing a continuance of the geological and mineralogical survey of the State of North Carolina; also the bill for the support of sick seamen of the United States, were each read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to extend the time for the registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift, was read the second time and passed.

Mr. Potter, from the committee to whom was referred the bill to establish a Political College for the State of North Carolina, reported that the committee had, according to order, considered the said bill, and instructed him to report the same to the House without amendment. Ordered that the report and bill be laid on the table.

Mr. Latham presented the following resolution, to wit:

Resolved That all bills and resolutions shall take their regular course, and not be subject to the call of any member.

The question thereon passed in the negative.

The bill concerning executors, administrators and guardians, was read the second time, and, on motion, rejected.

On motion of Mr. Donoho,

Resolved, That the Treasurer pay to George Williamson, Sheriff of Caswell county, the sum of one hundred and nineteen dollars and twenty cents, it being the amount paid by him into the public Treasury for insolvents in the county of Caswell for the years 1820, '21, '22, '23, '24, and '25; and that the Public Treasurer be allowed that sum in the settlement of his accounts.

The said resolution was read the first time and passed, and ordered to be referred to the committee of Claims.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred the bill to repeal part of the third section of an act, entitled "An act to extend the jurisdiction of a Justice of the Peace," passed in the year 1820, reported that the committee had, according to order, considered the said bill, and instructed him to report it to the House without amendment or remark, and to ask to be discharged from the further consideration thereof. The bill thereupon was read the second time and passed.

Mr. Jones, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of amending the law in relation to levying executions by constables on insolvent debtors' lands, so as to include all the executions which may be in the hands of a constable in one seque facias, and thereby incur thereon but one set of costs, reported that the committee had considered the said resolution, and instructed him to report that it is inexpedient to pass the said resolution. The question to concur with the report passed in the affirmative.
Mr. Jones, from the same committee, to whom was referred the bill to prevent frauds and perjuries in certain cases, reported that the committee, according to order, had considered the said bill, and instructed him to report it to the House with an amendment, and recommend its passage. The report was concurred in, and the bill, as amended, was read the second time and passed.

On motion of Mr. Bateman, ordered that a message be sent to the Senate, proposing to ballot on Monday next for a Solicitor of the State for the first judicial circuit, to supply the vacancy occasioned by the death of Leonard Martin, and informing that George W. Barney, of the town of Edenton, is nominated for the appointment.

Mr. J. E. Lewis, with leave, presented a bill to incorporate Raleigh Chapter of Royal Arch Masons; and Mr. Morehead presented a bill to alter an act, entitled "An act to establish and incorporate an Academy in the town of Greensborough, in the county of Guilford," passed in the year 1816. These bills were read the first time and passed.

The bill relating to giving to the State the right of challenge, was read the second time, amended and passed. On motion, the said bill was read the third time, and the title amended to read "A bill relating to the exercise of the right of challenge in certain cases;" and the question, shall the said bill pass its third reading, as amended? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill making compensation to coroners in certain cases, was read the second time and passed.

The bill to make an appropriation to improve the navigation of Cape Fear river below Wilmington, was read the second time, amended, and passed—yeas 82, nays 56. The yeas and nays called for by Mr. Latham.


The House then adjourned until 4 o'clock, P. M.

The bill prescribing the time and place of electing the members of the General Assembly for the county of Martin, and members of Congress, was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to render valid certain official acts of Elisha Chambers, of Haywood county, was read the second time and passed.

The bill to authorise William Boylan, of Wake county, to erect a bridge
across Deep river, was read the second and third times, amended, and passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to prevent the falling of timber in, or obstructing the run of Abbot's Creek, in Davidson county, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, asking for the concurrence of that House with the amendment.

The bill to repeal an act, passed in 1824, entitled "An act to regulate the patrol of the counties of Ashe and New Hanover," so far as respects the county of New Hanover; also the bill to incorporate Raleigh Chapter of Royal Arch Masons, were read each the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to establish two separate elections in the county of Hyde; also the bill to amend the several acts of the General Assembly now in force relative to the public roads in the county of Wilkes; also the bill to amend an act, passed in the year 1825, entitled "An act directing the manner in which constables shall hereafter be appointed in the county of Sampson; also the bill to appoint commissioners for the town of Nixonton, in Pasquotank county; also the bill to amend an act, passed in the year 1825, entitled "An act granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury may be necessary;" also the bill to empower the commissioners of the town of Tarborough to sell a part of the town commons; also the bill supplemental to an act, passed at the last Session of the General Assembly, entitled "An act to cede to the United States a certain tract of land, called Bogue Banks," were severally read the second and third times, passed, and ordered to be enrolled.

The resolution in favor of Peter Dowell, late Sheriff of Wilkes county, was read the second and third times, passed, and ordered to be enrolled.

The bill concerning the town of Oxford, was read and ordered to lie on the table.

The resolution in favor of William Welch, was read, and, on motion, recommitted to the committee on the Judiciary, with instructions to inquire into the legality of the claim.

The bill concerning the Courts of Pleas and Quarter Sessions for the county of Hyde, was read the second and third times, amended and passed. Ordered that the said bill be sent the Senate, asking their concurrence in the amendment.

The bill reserving certain lands for the benefit of Roswell King, of Montgomery county, and for other purposes, was read the second time, and, on motion, postponed indefinitely.

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

FRIDAY, FEBRUARY 2, 1827.

On motion of Mr. J. Cox, ordered that he have leave to withdraw from the files the petitions and accompanying papers from the county of Jones, in relation to the annexation of part of said county to the county of Lenoir; and, on motion of Mr. Saintclair, ordered that he have leave to withdraw from the files three petitions, praying for the alteration of two of the Courts of the county of Wilkes.
Mr. King, with leave, presented a bill to repeal so much of an act, passed in 1762, as requires the master or mistress to teach, or cause to be taught coloured apprentices to read and write; and Mr. Ellison presented a bill to repeal the acts of the General Assembly, passed in the years 1821 and 1822, respecting seine fishing in Tranter's Creek. The said bills were read the first time and passed.

On motion of Mr. W. W. Jones, ordered that a message be sent to the Senate, proposing that the two Houses ballot to-morrow for a Board of Internal Improvements.

The bill to render valid certain official acts of Elihu Chambers, of Haywood county, was read the third time, amended and passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to alter an act, entitled "An act to establish and incorporate an academy in the town of Greensborough, in the county of Guilford," was read the second time and passed.

Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petitions of Jonathan Cooper, of the county of Bertie, Nimrod Lunsford, of the county of Burke, William Porter and William Fewell, of Rockingham county, reported that the committee had considered the said petitions, and deem the prayers thereof reasonable, and instructed him to report a bill on their behalf; entitled "A bill authorising Jonathan Cooper, of the county of Bertie, to erect a gate on the public road leading from Salmon Creek to Spruill's Ferry; William Fewell, of the county of Rockingham, to erect a gate on the public road crossing Dan River at his plantation, called Lacy's Ford; William Porter, of the county of Rockingham, to erect a gate on the public road crossing Dan River at his plantation, leading to the town of Madison; and Nimrod Lunsford, of the county of Burke, to erect a gate on the public road leading from Oxford's Ford, on the Catawba River, to Wilkes Court House," and to recommend the passage thereof. The report was concurred in, and the bill reported read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Spruill, who voted in the majority on the question of rejection of the bill concerning executors, administrators and guardians, moved that the House do now reconsider that vote. The question thereon passed in the affirmative. The bill thereupon was read the second time, amended, and passed.

Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petitions of John Hoke and others, of the county of Lincoln, and William Dowling, of the county of Surry, reported that the committee had considered the said petitions, and instructed him to recommend their rejection. The question to concur with the report passed in the affirmative.

Mr. Smith, with leave, presented a bill to regulate the time of appointing overseers of roads in the county of Anson. The said bill was read the first time and passed.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred a bill, entitled "A bill to alter an act, passed in the year 1741, entitled 'An act for restraining the taking of excessive usury," reported that the committee, according to order, had the said bill under consideration, and instructed him to recommend its rejection. The re-
port was concurred in, and the bill read the second time and postponed indefinitely.

The bill for the purpose of draining the low lands in the neighborhood of Mattamuskeet lake, was read the second time, and, on the motion of Mr. Morehead, postponed indefinitely.

A message from the Senate, informing that they insist on their amendment in the bill to divide the militia of Richmond into two regiments. On motion, ordered that the Senate be informed by message that this House recede from their non-concurrence.

Mr. Scott, with leave, presented a bill to appoint a commissioner to collect statistical information relative to this State, and to prescribe the duties of said commissioner. The said bill was read the first time and passed.

A message from the Senate, informing of their assent to ballot on Monday next for a Solicitor of the State for the first judicial circuit, to supply the vacancy occasioned by the death of Leonard Martin; and informing that James S. Jones, David L. Swain and Isaac N. Lamb are added to the nomination.

Mr. Morehead presented the memorial of the Female Benevolent Associations of Jamestown, Springfield and Kennet, on the subject of slavery. On motion, ordered that the said memorial lie on the table.

Mr. Saintclair, with leave, presented a bill to prevent the prosecuting officers in behalf of the State from marking the Governor as prosecutor in certain cases. The said bill was read the first time and passed.

The bill to extend the time for the registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing of the assent of that House to the amendment made in the bill to establish a poor house in the county of Pitt. Ordered that the said bill be enrolled.

Mr. Bain presented the certificate of the County Court of Mecklenburg county, in favor of Patsey Thompson, widow of John Thompson, a deceased pensioner of the State, allowing her a pension of forty dollars for the present year. Ordered that the certificate be countersigned by the Speaker and sent to the Senate.

The resignation of James Hutcherson, Justice of the Peace, for the county of Orange, was presented, read, and accepted.

The certificate of the County Court of Chowan county, in favor of Eleanor Truelove, allowing her a pension of ninety dollars, was received from the Senate, countersigned by the Speaker. On motion, ordered that the said certificate be countersigned by the Speaker of this House.

A message from the Senate, informing of the assent of that House to the amendment made in the engrossed bill to alter the time of the annual meeting of the General Assembly. Ordered that the said bill be enrolled.

A message from the Senate, informing of their assent to ballot to-morrow for a Board of Internal Improvements for the present year. The bill to require defendants, before they are put upon their trial, to except to such matters in the indictment as might, after conviction, be assigned as reasons in arrest of judgment, was read the second time, and, on motion, postponed indefinitely.
A message from the Senate, informing that they had indefinitely postponed the engrossed bill to authorise the County Courts of Pleas and Quarter Sessions to permit gates to be erected across the public roads, and to impose a tax thereon; also the engrossed resolution in favor of Green B. Palmer; and that they assent to the amendments made in the following engrossed bills, to wit: The bill concerning the Courts of Pleas and Quarter Sessions for the county of Hyde; also the bill to authorise the County Courts of Guilford and Davidson to appoint a committee of Finance; also the bill to incorporate Joseph Warren Lodge, No. 93, Stan- tonsburg, in Edgecombe county; and also the bill to prevent the falling of timber in, or obstructing the run of Abbot's Creek, in Davidson county. On motion, ordered that the said bills be enrolled.

The bill to prescribe the mode to legitimate Bastard children, and alter their names, was read the third time and rejected—yeas 33, nays 78. The yeas and nays called for by Mr. Jones, of Warren.


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

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, and asking for the concurrence of this House, to wit: The bill to compel the Clerks of the Superior and County Courts, the Clerk and Master in Equity, and the Register, in the county of Pasquotank, to keep their offices at the court house of said county, or within half a mile thereof; also the bill to amend an act, passed in the year 1825, entitled "An act to prevent persons who have been, or may be appointed commissioners on the part of the State for any purposes, from becoming contractors;" also the bill to secure to Mary Turner, wife of Henry A. Turner, such property as she may hereafter acquire; also the bill to appoint commissioners to build a new court house in the county of Surry, and for other purposes; also the bill making compensation to the owners of outlawed and executed slaves for the county of Northampton; also the bill to incorporate Oak Forest Academy, in the county of Robeson; also the bill to incorporate the Ebenezer Library Society, in the county of Randolph; also the resolution relative to the Secretary of State; and also the resolution concerning the reversion of the State, in the Tuscarora lands.

The bill to alter an act, entitled "An act to establish and incorporate an academy in the town of Greensborough, in the county of Guilford," passed in the year 1816; also the bill for the better regulation of the Courts
of Pleas and Quarter Sessions of Martin county, were read the third time and passed. Ordered that the said bills be engrossed and sent to the Senate for concurrence.

The bill to incorporate Oak Forest Academy, in the county of Robeson; also the bill to appoint commissioners to build a new court house in the county of Surry, and for other purposes; also the bill to incorporate the Ebenezer Library Society, in the county of Randolphe; also the bill to compel the Clerks of the Superior and County Courts, the Clerk and Master in Equity, and the Register, in the county of Pasquotank, to keep their offices at the court house of said county, or within half a mile thereof, were severally read the first, second and third times, passed, and ordered to be enrolled.

Mr. Potter obtained leave, and presented a bill to authorise the commissioners of the town of Halifax to sell the academy lots in said town. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to regulate the time of appointing overseers of roads in the county of Anson, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resolution relative to the Secretary of State, was read and concurred in, and ordered to be enrolled.

The bill to compel the register and other officers therein named to keep their offices at the court house in the counties of Lincoln and Wilkes, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to amend an act, passed in the year 1823, entitled "An act to prevent persons, who have been, or may be appointed commissioners on the part of the State for any purposes, from becoming contractors, was read the first time and passed.

On motion, ordered that Mr. Ellison have leave of absence from the service of this House, after to-morrow, until the end of the session.

The bill to alter the names of the persons therein mentioned, and to legitimate them, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to secure to Mary Turner, wife of Henry A. Turner, of Washington county, such property as she may hereafter acquire; also the bill making compensation to the owners of outlawed and executed slaves for the county of Northampton, were read the first time, passed, and ordered to lie on the table.

The House proceeded to consider the communication of his Excellency the Governor of the 23d of last month, in relation to James N. Forsythe; which, being read, was ordered to be sent to the Senate, with a message, proposing that it be referred to a select joint committee.

The resolution concerning the reversion of the State in the Tuscarora lands, was read and ordered to lie on the table.

The bill to appoint commissioners to lay out a road from Charlotte to Morganton; also the bill to prohibit the commissioners of the town of Fayetteville from laying and collecting a tax on live or dead stock and poultry, carried to the market of said town; and also the bill to repeal the acts of the General Assembly, passed in the years 1821 and 1823, re-
speecting seine fishing in Tranter's creek, were respectively read, and, on
motion, postponed indefinitely.

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

SATURDAY, FEBRUARY 3, 1827.

Mr. Hardy presented the petition of Joseph Banks, of Pasquotank
county, praying for remuneration for services rendered in the war of the
revolution. Ordered that the said petition be referred to the committee of
Claims.

On motion, ordered that the Senate be informed by message that Mr.
Scott and Mr. Burns form the committee, on the part of this House, to
conduct the balloting for a board of Internal Improvements; and that
Marsden Campbell, James M'Kay, Cadwallader Jones, David Clark and
Thomas Steele are nominated for the appointments.

Mr. Settle, from the committee of Propositions and Grievances, to
whom were referred the petitions of sundry citizens of the counties of
Duplin and Wayne; Dempsey Kennedy, of the county of Camden; Wil-
liam Jones, of the county of Cumberland; Holliday R. Oldham, of Chat-
ham county; and David Stanback, of the county of Richmond, reported
that the committee had considered the said petitions, and instructed him
to recommend that they be rejected. The question to concur with the
report passed in the affirmative.

On motion, ordered that the Senate be informed by message, that the
name of Joseph D. White is added to the nomination for Solicitor in the
first Judicial Circuit.

A message from the Senate, informing that they had passed the follow-
ing engrossed bills and resolutions, to wit: a bill to repeal an act of the
General Assembly, passed in the year 1820, entitled "An act directing
the County Courts to pay fees to certain officers therein named in certain
cases," so far as relates to the counties mentioned in this act; also a bill
to authorise the building of a steam boat, to be used on the river Roan-
oke and the waters of Albemarle and Pamlico Sounds, and the waters of
James river and the Chesapeake Bay, and to incorporate a company for
that purpose; also a bill to amend the several acts passed in the year
1823, incorporating Morganton Academy; also a bill to alter the times of
holding the Courts of Pleas and Quarter Sessions in Duplin county; also
a bill to alter the times of holding the elections in the county of Bruns-
wick; also a bill to amend an act, passed in the year 1818, entitled "An
act concerning the Supreme Court; and a resolution in favor of the se-
curities of James A. Means, late sheriff of Cabarrus county; and asking
the concurrence of this House.

A message from the Senate, informing that Mr. Sneed and Mr. Daven-
port form the committee, on their part, to conduct the balloting for a
Board of Internal Improvements.

The bill to alter the time for holding the elections in the county of
Brunswick; also the bill to amend an act, passed in the year 1816, enti-
tled "An act concerning the Supreme Court;" also the bill to amend the
several acts, passed in the year 1823, incorporating Morganton Academy;
also the bill to authorise the building of a steam boat, to be used on the ri-
ver Roanoke and the waters of the Albemarle and Pamlico Sounds, and
the waters of James River and the Chesapeake Bay, and to incorporate a
company for that purpose; also the bill to repeal an act of the General Assembly, passed in the year 1820, entitled "An act directing the County Court to pay fees to certain officers therein named in certain cases," so far as relates to the counties mentioned in this act; also the bill to alter the times of holding the Courts of Pleas and Quarter Sessions in Duplin county; and also the resolution in favor of James A. Means, late Sheriff of Cabarrus county, were severally read the first time and passed.

The resignation of West Gregory, Justice of the Peace for Caswell county, was presented, read, and accepted.

The bill concerning executors, administrators and guardians, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion, ordered that Mr. Best have leave of absence from the service of this House after this day until the end of the Session.

On motion of Mr. Settle, ordered that the bill to prevent persons of colour from migrating into this State, &c, be made the order of the day for Monday next.

The bill to make an appropriation to improve the navigation of Cape Fear River below Wilmington, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill limiting the time within which certain offences shall be prosecuted, and prescribing the duties of grand jurors relative thereto, was read the third time, passed, and ordered to be enrolled.

The bill concerning testamentary guardians, was read, and, on motion, ordered to be laid on the table.

Mr. Scott, from the committee appointed to conduct the balloting for a Board of Internal Improvements, reported that the committee had performed the duty assigned to them, and that, on examining the ballots, it appeared Cadwallader Jones, David Clark and James McKay had each a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

The bill to repeal part of the third section of an act, entitled "An act to extend the jurisdiction of a Justice of the Peace," passed in the year 1820; also the bill making compensation to coroners in certain cases; and also the bill further to amend an act, entitled "An act making the protest of a notary public evidence in certain cases," passed in the year 1812, were each read the third time, passed, and ordered to be enrolled.

The resolution to appoint a superintendent of the State House in the recess of the Legislature, and for other purposes, was read the second time, amended, and passed.

The bill further to prescribe the duties of the Public Printer; also the bill to repeal so much of an act, passed in 1763, as requires the master or mistress to teach, or cause to be taught colored apprentices to read and write, were read, and, on motion, postponed indefinitely.

The bill to prevent frauds and perjuries, was read the third time and passed, with an amendment. Ordered that the said bill be sent to the Senate, asking the concurrence of that House in the amendment.

The bill to prevent the prosecuting officers on behalf of the State from marking the Governor as prosecutor in certain cases, was read the second time and amended. On motion, the said bill was ordered to be referred to the committee on the Judiciary.
The resolution in favor of John M' Rae, of Fayetteville, was read the third time. Mr. Farrow moved to amend the resolution, by striking out the words without interest, and inserting in lieu, the words with interest.

Mr. A. Moore called for a division of the question; and the question, will the House strike out? was determined in the negative. The resolution was then put on its passage, and the question, shall the said resolution pass its third reading? was determined in the affirmative—yeas 61, nays 54. The yeas and nays called for by Mr. Dargan.


On motion, ordered that the said resolution be enrolled.

A message from the Senate, consenting to refer the communication of his Excellency the Governor relative to James N. Forsythe to a select joint committee; and informing that Messrs. M'Kay, King, Hill of Stokes, Hill of Franklin, and Wilson of Edgecombe, form the committee on their part.

On motion, ordered that the Senate be informed by message, that Messrs. Swain. Potter, Barnett, Armistead and Marshall form the special joint committee, on the part of this House, to consider the communication of his Excellency the Governor in relation to James N. Forsythe.

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

On motion of Mr. Nixon,
Resolved, That the committee on the Judiciary be instructed to inquire whether any, and, if any, what amendments are necessary in the laws regulating intestates' estates, so as to provide for the settlement of claims against them without the great accumulation of costs consequent on the present mode of proceeding.

The bill to repeal an act of the General Assembly, passed in the year 1820, entitled "An act directing the County Court to pay fees to certain officers therein named, in certain cases," so far as relates to the counties mentioned therein, was read the third time, amended, and passed. Ordered that the said bill be sent to the Senate, with a message, asking for the concurrence of that House in said amendment.

The bill to amend the several acts, passed in the year 1823, incorporating Morganton Academy, was read the second and third times, passed, and ordered to be enrolled.

The resolution in favor of the securities of James A. Means, late sheriff of Cabarrus county, was read the second time and passed.

The bill for altering the time for holding the elections in the county of Brunswick; and the bill to alter the times of holding the Courts of Pleas
and Quarter Sessions in Duplin county, were read and ordered to lie on the table.

The bill to repeal an act, passed in the year 1820, entitled "An act directing the County Court to pay fees to certain officers therein named, in certain cases," so far as respects the county of Wilkes, was read, and, on motion, postponed indefinitely.

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

MONDAY, FEBRUARY 5, 1827.

On motion of Mr. A. Moore, ordered that the committee on Internal Improvements, to whom was referred the resolution on the subject of connecting Lockwood's Folly River with Elizabeth River by a canal, and making an appropriation therefor, be discharged from the consideration of the said resolution.

The House proceeded to consider the report of the committee on the Judiciary on the bill to change the form of proceedings in actions of ejectment, laid on the table. The report recommending the rejection of the said bill, was read and concurred in, and the bill read the first time and rejected.

The resolution to appoint a superintendent of the State House in the recess of the Legislature, was read the third time and passed. Ordered that the said resolution be engrossed and sent to the Senate for concurrence.

Mr. Spruill, from the committee of Claims, to whom was referred the petition of the heirs of Joseph Cunningham, made a report, and asked that the committee be discharged from the further consideration thereof. The report was read and concurred in. On motion of Mr. Bain, ordered that the petitioners have leave to withdraw from the files the papers and documents accompanying the petition.

The bill to appoint a commissioner to collect statistical information relative to this State, and to prescribe the duties of said commissioner, was read the second time, and, on the motion of Mr. Boon, postponed indefinitely.

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

On motion, ordered that the Senate be informed by message that Mr. Alexander and Mr. Montgomery attend that House as a committee to superintend the balloting for a Solicitor of the State in the first judicial circuit, on the part of this House.

The bill to authorise the building of a steam boat, to be used on the river Roanoke and the waters of the Albemarle and Pamlico sounds, and the waters of James river and the Chesapeake bay, and to incorporate a company for that purpose, was read the second time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, and asking the concurrence of this House, to wit: A bill to appoint commissioners to run and mark the dividing line between Duplin and Wayne counties; also a bill to compel children, who are of sufficient ability, to maintain their poor parents; also a resolution prescribing the duty of the Secretary of State in relation to certain old plats and certificates of survey; and also a resolution relative to the purchase of Indian reservations of lands in the county of Haywood.
On motion, ordered that the bill to emancipate slaves, and also the bill regulating costs in certain cases, be made the order of the day for to-morrow.

The resignation of Bryant Adams, Justice of the Peace for the county of Johnston, was presented, read, and accepted.

A message from the Senate, informing that Mr. Sharpe and Mr. M'Millan form the committee on their part to conduct the balloting for Solicitor in the first judicial circuit.

The bill to compel children, who are of sufficient ability, to maintain their poor parents, was read the first time and rejected.

The bill to appoint commissioners to run and mark the dividing line between Duplin and Wayne counties, was read and ordered to lie on the table.

The resolution prescribing the duty of the Secretary of State in relation to certain old plats and certificates of survey, was read the first time and passed.

Mr. Jones, of Warren, reported, on the petition of sundry citizens of the town of Wilmington in regard to the mode of appointing inspectors of said town, that it is inexpedient to take any order on the petition, and asking that the committee be discharged from the further consideration thereof. The report was read and ordered to be laid on the table.

The resolution relative to the purchase of Indian reservations to lands in the county of Haywood, was read and concurred in. Ordered that the said resolution be enrolled.

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, was read the third time. Mr. Morehead moved to amend the bill, by striking out the 5th section. The question thereon passed in the affirmative—yeas 67, nays 50. The yeas and nays called for by Mr. Green.


Mr. J. A. Hill moved to amend the bill, by striking out the 6th, 7th and 9th sections. The question thereon passed in the affirmative. The bill, thereupon, was put on its passage, and the question, shall the said bill pass its third reading as amended? was determined in the affirmative. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendments.

The House then adjourned until to-morrow morning, 10 o'clock.
Tuesday, February 6, 1827.

On motion, ordered that Mr. Patterson and Mr. Brower have leave of absence from the service of this House after to-morrow until the end of the session.

Mr. Alexander, from the committee appointed to conduct the balloting for Solicitor of the first Judicial Circuit, 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.

On motion, ordered that the Senate be informed by message that the name of John L. Bailey is withdrawn from the nomination for Solicitor for the first Judicial Circuit.

Mr. Morehead presented a bill supplemental to an act, passed in 1824, entitled "An act for the better regulation of the town of Greensborough, in Guilford county;" and Mr. W. Richardson presented a bill to amend the sale law in Rutherford county. These bills were read each the first, second and third times and passed, ordered to be engrossed, and sent to the Senate for concurrence.

On motion, ordered that Mr. Simmons have leave of absence from the service of this House after to-morrow until the end of the session.

Mr. Donoho presented a bill, giving further time for the establishment of Agricultural Societies in this State, and for those already established to avail themselves of the provisions of the act, entitled "An act for the promotion of agriculture and family domestic manufactures," passed in the year 1822. Mr. Armistead presented a bill to alter an act, passed in 1823, entitled "An act to amend an act, passed at the last session of the General Assembly, entitled 'an act to provide a revenue for the payment of the civil list and contingent charges of government.'" These bills were read each the first time and passed.

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

On motion, ordered that a message be sent to the Senate, proposing to ballot this morning for Solicitor for the first Judicial Circuit.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution in favor of George Williamson, sheriff of Caswell county, made a report favorable to the object of said resolution, and recommending its passage. The report was concurred in, and the resolution read the first time and passed.

Mr. Cooper presented the petition of Edward Griffin, sheriff of Martin county, praying that a fine which he had paid into the Treasury for failing to account for the taxes within the time prescribed by law, be, for reasons stated in his petition, refunded to him. Ordered that the petition be referred to the committee of Propositions and Grievances.

A message from the Senate, informing of the assent of that House to ballot this morning for Solicitor for the first Judicial Circuit; and further, that Mr. Davenport and Mr. Beasly form the committee to conduct the balloting on their part.

On motion, ordered that the Senate be informed by message that Mr. Donoho and Mr. Bozman form the committee on the part of this House to conduct the balloting.
Mr. Alexander presented the following resolution: Whereas, Matthew Bain, a member of this House, at the last session of the General Assembly, was prevented from taking his seat on the first day of the session, being detained by sickness on the way, and a mistake of the Clerk in making up the estimate, he was not allowed for his attendance on the second day of the session; and the Public Treasurer having paid him for said two days, which was not allowed by the Comptroller in the settlement of the Treasurer's account: 

Resolved, therefore, That John Haywood, Public Treasurer, be allowed the sum of six dollars in the settlement of his public accounts; and that the rule of the House which requires a resolution, to draw money, to be read three times in both Houses of the General Assembly, be dispensed with in this case.

The bill to prevent litigation, by regulating costs in certain suits, was read the second time, amended and passed.

Mr. Donoho, from the committee appointed to conduct the balloting for Solicitor in the first Judicial Circuit, reported that the committee had performed that duty; and, on examining the ballots, it appeared that neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

Mr. Spruill, from the committee on Claims, to whom was referred the petition of Jesse Clark, praying to be placed on the pension list, reported that the committee had, according to order, considered the said petition, and deem it reasonable, and instructed him to report a resolution, placing the petitioner on the pension list, and allowing him a pension of fifty dollars annually. The report was concurred in, and the resolution reported read the first time and passed.

On motion, ordered that Mr. Kilpatrick have leave of absence after tomorrow, and Mr. Arrington after this day, until the end of the session.

The bill to amend the laws respecting the sale of lands and negroes by sheriffs and other officers, was read the second time, and, on motion, postponed indefinitely.

The resignation of Nathaniel Blackburn, Justice of the Peace for the county of Haywood, was presented, read and accepted.

The House, on the motion of Mr. Hill, of Wilmington, resolved itself into a committee of the whole, Mr. Settle in the Chair, on the bill to emancipate slaves in certain cases; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Settle reported that the committee of the whole, according to order, had had the said bill under consideration, and had made several amendments, and instructed him to recommend the passage of the bill with the amendments. The report was concurred in, and the bill, as proposed to be amended, read the first time and passed.

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

Wednesday, February 7, 1827.

A message from the Senate, informing that the names of David L. Swain and Isaac N. Lamb are withdrawn from the nomination for Solicitor in the first Judicial Circuit, and proposing to ballot this morning for Colonel Commandant of the regiment of Cavalry attached to the 11th brigade; and informing that William N. Parks is nominated for the appointment. On motion, ordered that the message be laid on the table.

A message from the Senate proposing to ballot this morning for Solicitor in the first Judicial Circuit. The message was concurred in, and the
The committee, and reading the ballot for Solicitor in the first Judicial Circuit; and that the name of Samuel T. Sawyer is added to the nomination.

The resolution in favor of Thomas Welch, of Waywood county, was read and concurred in. On motion, ordered that the said resolution be enrolled.

Mr. Bain, from the committee on Divorce and Alimony, to whom was referred the petition of Thomas L. M'Intire, praying to be divorced from his wife Rebecca, reported that the committee, according to order, had the petition before them, and instructed him to ask to be discharged from the consideration thereof. The question thereon passed in the affirmative, and the petition was rejected.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred the bill for the better distribution of the estates of intestates; also the bill limiting the time within which actions shall be brought against guardians, executors and administrators; also the bill to prevent prosecuting officers in behalf of the State from marking the Governor as prosecutor in certain cases; also the bill concerning the Attorney and Solicitor General and Solicitors; also the bill for the further relief of honest debtors; and also the bill to amend an act, passed in the year 1741, entitled "An act for building and maintaining of Court Houses, prisons and stocks," reported that the committee had, according to order, considered the said bills, and instructed him to recommend that they be rejected. The report was concurred in, and the said bills read and rejected.

Mr. Scott, from the committee appointed to conduct the ballot for a Solicitor for the first Judicial Circuit, reported that the committee had performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

Mr. Scott obtained leave, and presented a bill to amend an act, passed in the year 1824, entitled "An act to appoint commissioners for the village of Chapel Hill, in Orange county, and for other purposes." The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was recommitted the resolution in favor of William Welch, reported that the committee, according to order, had considered the resolution, and instructed him to report that if the facts stated therein be true, it ought to be passed. The resolution thereupon was read the second time and passed.

Mr. Jones, from the same committee, to whom was referred the resolution instructing them to inquire whether any, and, if any, what amend-
ments are necessary in the laws regulating intestates' estates, so as to provide for the settlement of claims against them without the great accumulation of costs, reported that the committee, according to order, had considered the resolution, and instructed him to recommend that it be rejected. The question thereon passed in the affirmative.

The Speaker laid before the House the representation of the Public Treasurer on the subject of a voucher applicable to the funds set apart for Internal Improvements and the promotion of Agriculture, which was rejected by the Board of Internal Improvement in his settlement with the Board. The representation being read, Mr. Toomer introduced a resolution requiring the Board to admit the said voucher. The question thereon passed in the affirmative.

Mr. A. Moore, from the select joint committee to whom was referred certain resolutions of the State of Georgia, relative to amending the Constitution of the United States in relation to the mode of electing the President and Vice President of the United States, reported that the committee, according to order, had considered the said resolutions, and instructed him to report a system in relation thereto; which was read and agreed to, and ordered to be sent to the Senate, with a proposition that it be printed, one copy for each Member of the Assembly.

The House resolved itself into a committee of the whole, Mr. Donoho in the Chair, on the several bills in relation to Divorce and Alimony before the House; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Donoho reported that the committee, according to order, had had the said bills before them, and instructed him to ask to be discharged from the further consideration thereof. The question to concur with the report passed in the affirmative.

On motion, ordered that Mr. Owen B. Cox have leave of absence from the service of this House after to-morrow until the end of the session.

Mr. Toomer, from the select committee appointed to memorialize the Congress of the United States upon the subject of the Cherokee lands, reported that the committee, according to order, had prepared a memorial on the subject, and instructed him to recommend that it be passed. The report and memorial being read, were concurred in. On motion, resolved that a copy of the memorial be forwarded by the Speakers of the Senate and House of Commons to the Senators and Representatives in Congress from this State, with instructions to present the same to the Senate and House of Representatives of the United States, and that they be requested to urge the claims of the memorialists; and that it be printed.

On motion, ordered that Mr. Burns, after to-morrow, and Joseph Edwards, after the next day, have leave of absence until the end of the session.

The Speaker laid before the House a representation of the Speaker of the Senate, stating that, at the last Session of the Legislature, Mr. Stanley and himself were appointed commissioners to collect information and prepare a plan to carry into effect the establishment of a Lunatic Asylum in this State, with instructions to report such a plan for the same as they might deem advisable, with an estimate of the expenditure necessary to its erection, &c. &c. On motion, ordered that the said representation be laid on the table.

The report of the committee on Divorce and Alimony on the petitions
of Polly Buckner and Nancy Chadwick, were read, and, on motion, post-poned indefinitely.

The bill to divorce certain persons therein named, was read the first time and passed.

The bill to divorce Samuel I. Edney, of Buncombe county, from his wife Olivia; also the bill to divorce John Gibson, of Stokes county, from his wife Milley; also the bill to divorce Mary Fields, of the county of Ashe, from her husband William Fields; also the bill to divorce Rachael Dickey from her husband Moses Dickey; and also the bill to divorce Turner House, of the county of Pitt, from his wife Patience, were respectively read, and, on motion, postponed indefinitely.

The bill to prevent litigation, by regulating costs in actions of assault and battery, was read the third time and passed—yeas 55, nays 51. The yeas and nays called for by Mr. Edwards.


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

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

THURSDAY, February 8, 1827.

Mr. Spruill, from the committee of Claims, to whom was referred the petition of Jonas R. Clark, reported unfavorably to the prayer of the petition, and recommended its rejection. The question thereon passed in the affirmative.

Mr. Spruill, from the same committee, reported unfavorably on the petitions of Benjamin Lindsay, John Connolly, Henry Houston and Robert Robinson, recommending their rejection. Mr. Spruill, also, from the same committee, reported unfavorably on the petitions of Joseph Banks and Hugh Forbes, recommending their rejection. The question to concur with the reports passed in the affirmative.

The engrossed resolution concerning the reversion of the State in the Tuscarora lands, was read the first time, amended, and passed. Ordered that the said resolution be sent to the Senate by message, asking their concurrence in the amendment.

Mr. Settle, from the committee of Propositions and Grievances, to whom was referred the petition of Edward Griffin, Sheriff of the county of Martin, reported a resolution to carry into effect the prayer of the petition; which was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. A. Moore, from the committee on Internal Improvements, to whom
was referred the petition of sundry citizens of Haywood county on the
subject of a road, reported a bill in pursuance to the prayer of the petition,
etitled "A bill authorising the County Court of Haywood to contract
with Joseph Kilpatrick to open a pack-way from his house, on Fin's Creek,
to the top of the Rich Mountain." The said bill was read the first,
second and third times, passed, and ordered to be engrossed and sent to
the Senate for concurrence.

Mr. A. Moore presented a resolution requesting the Secretary of State
to procure two cast iron backs, and have them, in the recess of the Legis-
lature, fixed in the fire places in the Commons Hall; and authorising the
Secretary of State to call on the Treasurer for the sum necessary to carry
into effect the resolution. The said resolution was read the first time
and passed.

The resolution in favor of Jesse Clark, of Mecklenburg county, placing
him on the pension list, was read the second and third times and passed,
and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Smith, with leave, presented a bill to amend the laws regulating
the sale of lands and slaves, so far as it respects the county of Anson.
The said bill was read the first time and passed.

A message from the Senate, informing that they had passed the engross-
ed bill to aid the Clubfoot and Harlow's Creek Canal Company in the
completion of the Canal, with sundry amendments, and asking the concur-
rence of this House. The amendments were severally read and concur-
red in, and the Senate informed thereof by message.

On motion, ordered that Mr. Foy, after this day, and Mr. Mhoon, after
tomorrow, have leave of absence until the end of the Session.

On motion of Mr. J. E. Lewis, ordered that a message be sent to the
Senate proposing to ballot immediately for Solicitor for the first Judicial
Circuit.

On motion, ordered that the bill to alter an act, passed in the year 1813,
etitled "An act to amend an act, passed at the last Session of the General
Assembly, entitled "an act to provide a revenue for the payment of the
civil list and contingent charges of government," be committed to Messrs.
Bozman, Armistead, Alexander, White and Davenport.

A message from the Senate, agreeing to ballot immediately for Solicitor
for the first Judicial Circuit, and informing that Mr. Bell and Mr. Bul-
lock form the committee on their part to conduct the balloting. On mo-
tion, ordered that the Senate be informed by message, that Mr. J. E. Lew-
is and Mr. Barnard wait on the Senate as a committee on the part of this
House to conduct the balloting.

Mr. Swain presented the following resolution:
Resolved, That the rule requiring public bills to be read on three different days,
be dispensed with for the remainder of this Session.

Ordered that the said resolution be laid on the table.

Mr. R. H. Jones, from the Judiciary committee, to whom was referred
the resolution instructing them to inquire into the expediency of so a-
mending the law with regard to constables, as to ensure the more speedy
collection and payment of debts placed in their hands for collection; and
also the resolution instructing them to inquire into the expediency of pass-
ing a law directing the clerk and master in equity in each county of this
State to enter upon, and sell the personal estate, and collect the effects
belonging to the same, of such persons as die intestate, &c. reported that the committee, according to order, had considered the said resolutions, and instructed him to recommend their rejection. The question to concur with the report passed in the affirmative.

The engrossed bill to amend an act, passed in the year 1818, entitled "An act concerning the Supreme Court;" also the bill to amend an act, passed in the year 1822, entitled "An act to provide a revenue for the payment of the civil list and contingent charges of government;" and also the bill for revising and digesting the public statute laws of this State, were severally read, and, on motion, ordered to be postponed indefinitely.

Mr. Lewis, from the committee appointed to conduct the balloting for Solicitor for the first judicial circuit, 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 Solicitor in the first judicial circuit. The message was concurred in, and the Senate informed thereof by message; and further, that Mr. Newland and Mr. M'Keil form the committee on the part of this House to conduct the balloting.

The bill to allow further time for the establishment of agricultural societies in this State, and for those already established to avail themselves of the provisions of an act, entitled "An act for the promotion of agriculture and family domestic manufactures," passed in the year 1822, was read the second time and passed.

A message from the Senate, informing that Mr. Bell and Mr. Beasley wait on this House as a committee on their part to conduct the balloting for Solicitor for the first judicial circuit.

The bill to limit the Court of Pleas and Quarter Sessions of Surry county in making allowances to their county officers, was read the first time, and, on motion, postponed indefinitely.

The bill to emancipate slaves in certain cases, was read the second time and postponed indefinitely—yeas 59, nays 53. The yeas and nays called for by Mr. Jones, of Warren.


The House then adjourned until 5 o'clock, P. M.

A message from the Senate, informing of the concurrence of that House with the amendment made in the engrossed bill to prevent frauds and
perjuries in certain cases. On motion, ordered that the said bill be enrolled.

Mr. Newland, from the committee appointed to conduct the balloting for Solicitor in the first judicial circuit, reported that the committee had performed that duty; and that it appeared, on examining the ballots, 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, informing of the concurrence of that House with the amendments made in the engrossed bill to prevent free persons of colour from migrating into this State, for the good government of such persons resident in this State, and for other purposes. On motion, ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: A bill to authorise Maurice Smith, of Granville county, to erect and keep up on his own lands two gates across the public road leading from Spring Grove Meeting House to Grant's old mill, on Grassy creek; a bill to amend an act, passed in 1822, entitled "An act declaring what hogshead and barrel staves shall be merchantable;" a bill to provide for the improvement of the public road leading from Wilkesborough, in North-Carolina, to Grayson Court House, in Virginia; a bill to secure to Mary Eliza Rowland, of Robeson, such property as she may hereafter acquire; a bill for the better protection of the city of Raleigh from losses from fire; and a resolution in favor of the door-keepers; and asking for the concurrence of this House.

A message from the Senate, informing of the concurrence of that House with the amendment made in the resolution concerning the reversion of the State in the Tuscarora lands. On motion, ordered that the said resolution be enrolled.

A message from the Senate, informing of the concurrence of that House with the amendment made in the bill to repeal an act of the General Assembly, passed in the year 1820, entitled "An act directing the County Court to pay fees to certain officers therein named in certain cases," so far as relates to the counties mentioned in this act. On motion, ordered that the said bill be enrolled.

The bill to amend an act, passed in the year 1822, entitled "An act declaring what hogshead and barrel staves shall be merchantable; also the bill to secure to Mary Eliza Rowland, of Robeson county, such property as she may hereafter acquire; and also the bill to authorise Maurice Smith, of Granville county, to erect and keep up on his own land two gates across the public road leading from Spring Grove meeting house to Grant's old mill, on Grassy creek, were respectively read the first time and passed.

The resolution in favor of the Doorkeepers, was read, passed, and ordered to be enrolled.

The resolution in favor of George Williamson, sheriff of Caswell county, was read the third time and passed. Ordered that the said resolution be engrossed and sent to the Senate for concurrence.

Mr. Donoho presented a resolution directing the Public Treasurer to pay to Lemuel Dowdy and William Johnson, fifty cents per day, each, during the present session, for cutting fire wood for the State House and public offices; and that the rule, requiring all resolutions, the object of
which is draw money from the Treasury, to be read three times in each House, be dispensed with, so far as regards this resolution. On motion, ordered that the said resolution lie on the table.

The bill for the better protection of the city of Raleigh from losses by fire, was read the first, second and third times, passed, and ordered to be enrolled.

The bill to provide for the improvement of the public road leading from Wilkesborough, in North-Carolina, to Grayson court house, in Virginia, was read the first time; and the bill to alter the time of holding the elections in the county of Brunswick, was read the second time. On motion, the said bills were rejected.

The bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Anson, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to appoint commissioners to run and mark the dividing line between Duplin and Wayne counties, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills and a resolution, to wit: A bill to authorise Isaac Lane, late sheriff of Randolph county, and Thomas V. Hathaway, administrator of James R. Bent, late sheriff of Chowan county, and Jeremiah D. Askew and John Deans, administrators of John Deans deceased, late sheriff of Hertford county, to collect the arrearages of taxes due them in said counties; a bill concerning the entry of land in this State; a bill concerning the marsh and swamp lands in this State, and for other purposes; and a resolution in favor of Thomas Welch, of Haywood county; and asking for the concurrence of this House.

The bill to authorise the persons therein named to collect arrears of taxes, was read the first time, amended, and passed.

The bill concerning the entry of land in this State was read the first time and passed.

A message from the Senate, informing that they had indefinitely postponed the following engrossed bills, to wit: The bill to extend the time for the registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift; also the bill directing the continuance of the Geological and Minerological survey of the State; also the bill to permit Attorneys from other States to practice in the Courts of this State in certain cases; also the bill to compel executors to give security in certain cases; and also the bill to amend an act, passed in the year 1824, 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, and for the laying out a town."

The bill concerning the swamp and marsh lands in this State, and for other purposes, was read the first time and passed.

Mr. Webb obtained leave, and presented a bill to explain and amend the first section of an act, passed in 1820, entitled "An act allowing compensation to the members of the Senate and House of Commons of this State, and the officers of both Houses. The said bill was read the first time, and, on motion, postponed indefinitely.

A message from the Senate, informing that they had passed the engross-
ed bill to regulate the time of appointing overseers of roads in the county of Anson; and also the engrossed bill to compel the Register and other officers therein named to keep their offices at the court house in the counties of Lincoln and Wilkes, with amendments, and asking for the concurrence of this House. The amendments were read, concurred in, and the Senate informed thereof by message.

The engrossed bill to prohibit the trading with slaves, except in the manner therein prescribed, was read the second time and amended. Mr. N. Jones moved that the said bill be postponed indefinitely, and called for the yeas and nays. The question thereon passed in the negative—yeas 42, nays 65.


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

The bill to divorce certain persons therein named, was read the second time and passed. Ordered that the bill be read the third time, and the question, shall the said bill pass? was determined in the affirmative—yeas 58, nays 36. The yeas and nays called for by Mr. Webb.


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

The resolution appointing commissioners for the purpose of ascertaining the practicability of connecting Lockwood's Folly river with Elizabeth river, by means of a navigable canal, &c. was read the first and second times and passed. 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—yeas 53, nays 25. The yeas and nays called for by Mr. Adams.

JOURNAL OF THE HOUSE OF COMMONS.


On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

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

FRIDAY, FEBRUARY 9, 1827.

On motion, ordered that Mr. Boon and Mr. White have leave of absence from the service of this House after this day, and Mr. J. A. Hill and Mr. Walker, after to-morrow, until the end of the Session.

On motion, ordered that a message be sent to the Senate, informing that the name of Marcus Kennedy is withdrawn from the nomination for Colonel of Cavalry attached to the 11th brigade, and the name of William Means added; and that the name of William Jones is withdrawn from the nomination for Solicitor, and proposing to ballot for Solicitor for the first Judicial Circuit.

The bill to allow further time for the establishment of Agricultural Societies in this State, and for those already established to avail themselves of the provisions of the act for the promotion of agriculture and domestic manufactures, passed in the year 1822, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resolution requesting the Secretary of State to procure cast iron backs for the chimneys in the Commons Hall, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing of the assent of that House to ballot this morning for Solicitor; and that Mr. Davenport and Mr. M'Millan attend this House as a committee to conduct the balloting on their part.

On motion, ordered that the Senate be informed by Message that Mr. Arrington and Mr. Poor form the committee on the part of this House to superintend the balloting for Solicitor.

The House proceeded to consider the resolution presented by Mr. Swain yesterday, and laid on the table; which being read, was concurred in.

A message from the Senate, informing that they had passed the following engrossed bills and a resolution, with amendments, to wit: The bill concerning executors, administrators and guardians; also the bill to authorize the President and Directors of the Literary Fund to raise money by way of lottery, and for other purposes; also the resolution on the subject of extinguishing the right of the Cherokee Indians to certain lands; and asking the concurrence of this House. The amendments made in the several bills and the resolution were read, concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the following engrossed bills and a resolution, to wit: A bill to perpetuate the evidence of the claim of the State of North Carolina to such shares or stock in the several banks and other corporations, as have been, or hereafter
shall be purchased for the use of the State; also a bill to aid the opening and completing the State road from Huntsville, in Surry county, to the Virginia line, by way of Bowers' store, in Ashe county, and for other purposes; also the bill to amend an act, entitled "An act to authorize the County Courts in this State to direct the Sheriff to sell any slave that may be taken up and confined in any jail as a runaway, after certain length of imprisonment and public notice," passed in the year 1818; also the bill directing the time within which suits shall be brought upon constables' bonds;" also a bill to amend the patrol laws; also a bill to authorise the setting of guns in the night time in the Great Dismal Swamp, in Pasquotank; and also the report of the committee of Finance, relative to Treasury notes; and asking the concurrence of this House.

Mr. Armistead, from the committee appointed to conduct the balloting for Solicitor in the first Judicial Circuit, reported that the committee had 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.

On motion, ordered that a message be sent to the Senate, proposing to ballot again for Solicitor in the first judicial Circuit, and informing that Jesse Wilson and Robert Potter are added to the nomination.

A message from the Senate, consenting to ballot for Solicitor in the first Judicial Circuit, and informing that Messrs. Bullock and Bell form the committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that Mr. Allison and Mr. Burke form the committee on the part of this House to conduct the balloting.

The engrossed bill to amend an act to authorise the County Courts in this State to direct the Sheriff to sell any slave that may be taken up and confined in any jail as a runaway, after a certain length of imprisonment and public notice, passed in 1818; also the bill to aid the opening and completing the State road from Huntsville, in Surry county, to the Virginia line, by way of Bowers' Store, in Ashe county, and for other purposes; also the bill to authorise the setting of guns in the night time in the Great Dismal Swamp, in the county of Pasquotank, were respectively read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: The bill prescribing the time in which presumption of payment or abandonment of claims shall arise; the bill to appoint commissioners to lay out a road from Lincolntown to Statesville, by John Thomas's Ferry, in Iredell county, on the Catawba river; the bill relative to advancements; the resolution relative to carpeting the floors of the two Houses; the resolution directing the Board of Internal Improvements to report to the next General Assembly on the subjects therein mentioned, and asking for the concurrence of this House.

The bill relative to advancements; also the bill directing the time within which suits shall be brought upon constables' bonds; also the bill to perpetuate the evidence of the claim of the State of North-Carolina to such shares or stock in the several banks and other corporations as have been, or as hereafter shall be purchased for the use of said State, were respectively read the first time and passed.

On motion of Mr. Scott,

Resolved, That the Public Treasurer pay to Pleasant Henderson thirty-two dollars
and thirty-five cents, for articles purchased for the use of this House the present Session, as per accounts rendered; for which the Treasurer shall be allowed in the settlement of his public accounts.

Resolved, That the rule requiring all resolutions to be read three times in each House, the object of which is to draw money out of the Treasury, be dispensed with as regards this resolution.

On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

On motion of Mr. Scott,

Resolved by the Senate and the House of Commons of the General Assembly of the State of North-Carolina, That his Excellency the Governor of the State be requested to make a respectful application to the British Government for liberty to procure, for the use of the State, from the office of the Board of Trade and Plantations, in London, copies of such papers and documents as relate to the Colonial History of North-Carolina.

Resolved further, That the application aforesaid be made through the American minister in London; and that he be requested to lend his aid to carry the foregoing resolution into effect, and to obtain for the agent who may be employed in this service the necessary facilities for procuring such copies.

On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

The resolution directing the Board of Internal Improvements to report to the next General Assembly on the subjects therein mentioned, was read and agreed to, and, on motion, ordered to be enrolled.

The resolution in favor of Humphrey Posey, was read the second and third times, passed, and ordered to be enrolled.

On motion of Mr. Swain,

Resolved, That the Secretary of State be directed to procure the same number of copies of the revival of the laws for the last five years, just published, that were formerly furnished to the State of the revival to which this is a supplement; and that they be distributed amongst the clerks and public officers in the same manner as that was distributed: provided that he does not pay more than one dollar and fifty cents per copy for them; and that the rule requiring resolutions to be read three times, be dispensed with as regards this resolution.

On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

Mr. Armistead, from the select committee to whom was referred the bill to alter an act, passed in 1823, entitled "An act to amend an act, passed at the last session of the General Assembly, entitled 'An act to provide a revenue for the payment of the civil list and contingent charges of government,'" reported that the committee, according to order, had the said bill under consideration, and instructed him to recommend its passage. The report was concurred in, and the bill recommended read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to appoint commissioners to lay out a road from Lincolnton to Statesville, by John Thomas's Ferry, in Iredell county, on the Catawba river; also the bill prescribing the time in which presumption of payment, satisfaction or abandonment of claims shall arise, were read the first time and passed.

The report of the committee of Finance relative to treasury notes, stating that they had examined and burnt fifteen thousand five hundred and twenty-three dollars, (15,523 98-100.) The report was read, concurred in, and ordered to be enrolled.
Mr. Allison, from the committee appointed to conduct the balloting for Solicitor in the first judicial circuit, 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.

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 account of John Rogers, made out against the guardian of James Forsythe. I have been applied to for a settlement; but, as the transaction took place during Governor Holmes's administration, and no funds are deposited in my hands to meet such a demand, I have thought it a subject which would properly claim your attention.

I have the honor to be your ob't serv't,

H. G. BURTON.

Executive Office, 9th February, 1827.

On motion of Mr. Scott, ordered that the said communication be referred to the committee to whom was referred the communication of the Executive on the affairs of James Forsythe.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill for the relief of sick and disabled seamen of the United States.

A message from the Senate, informing that they had passed the engrossed resolution to appoint a superintendent of the State House in the recess of the Legislature, and for other purposes, with several amendments, and asking for the concurrence of this House. The amendments were read and disagreed to, and the Senate informed thereof by message.

The engrossed resolution in favor of Henry Hargett, of Mecklenburg county, placing him on the pension list, and allowing him annually a pension of 40 dollars, was read the first time and rejected.

The engrossed bill to amend the patrol laws, was read the first time and rejected.

The engrossed resolution relative to carpeting the floors of the two Houses, was read, and, on motion, rejected.

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

A message from the Senate, informing that Mr. Roberts and Mr. Alexander attend this House as a committee on their part to conduct the balloting for a Colonel Commandant of the Cavalry attached to the 11th brigade, and informing that the Senate agree to have printed the memorial and resolution on extinguishing Cherokee lands.

On motion, ordered that the Senate be informed by message that Mr. Pickens and Mr. Bain form the committee on the part of this House to conduct the balloting for Colonel of Cavalry attached to the 11th brigade.

On motion, ordered that a message be sent to the Senate, proposing to ballot again immediately for Solicitor for the first Judicial Circuit, and informing that the names of John K. Campbell and Joseph A. Hill are added to the nomination for Solicitor.

On motion of Mr. Jones, of Warren,

Resolved, That the Public Treasurer pay William Thompson, of the city of Raleigh, the sum of seventy-three dollars and eighty cents, the amount of the expenses incurred in the funeral of the late Leonard Martin, a member of this House from the county of Hertford; and that he be allowed the same in the settlement of his public accounts; and that the rule, which requires resolutions of the character of the pre-
sent to be read three times in each House, be dispensed with so far as it regards this resolution.

On motion of Mr. Blount,
Resolved, That the Public Treasurer pay William Thompson, of the city of Raleigh, the sum of 41 dollars and fifteen cents, the amount of expenses incurred in the burial of the late J. J. Bonner, a member of this House from the county of Hyde; and that he be allowed the same in the settlement of his public accounts; and that the rule, which requires resolutions of the character of the present to be read three times, be dispensed with so far as it regards this resolution.

On motion, ordered that these resolutions be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing of the assent of that House to ballot for a Solicitor, and informing that Mr. M'Millan and Mr. Burney attend this House as a committee on their part to superintend the ballotting:

On motion, ordered that the Senate be informed by message that Mr. Blount and Mr. M'Meil attend the Senate as a committee on the part of this House to superintend the ballotting for a Solicitor.

A message from the Senate, informing that they had passed the engrossed bill to authorise the commissioners of the town of Halifax to sell the Academy lots and their appurtenances in said borough, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill to render valid certain official acts of Elihu Chambers, of Haywood county; and the resolution in favor of Edwin Griffin, with amendments; and asking the concurrence of this House. The amendments in said bill and resolution were read and concurred in, and the Senate informed thereof by message.

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 herewith transmit you a communication from the Executive of the State of Alabama.

I have the honor to be your ob't servant;

H. G. BURTON.

Executive office, 9th February, 1827.

On motion, ordered that the said communication lie on the table.

Mr. Jones, of Warren, from the committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of making some provision more effectually to suppress fraud in the execution of deeds of trust, and to secure to creditors an equitable proportion of the estate of such debtors as may make deeds of trust, reported that the committee had instructed him to recommend that the said resolution be rejected. The question thereon passed in the affirmative.

Mr. Blount, from the committee appointed to conduct the ballotting for Solicitor in the first Judicial Circuit, reported that the committee had performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot again immediately for a Solicitor in the first Judicial Circuit, and informing that Mr. Sillers and Mr. Sharpe form the committee to conduct the ballotting on their part. The message was concurred in, and the Senate informed by message that
Mr. Montgomery and Mr. Donoho wait on the Senate as a committee on
the part of this House to superintend the balloting; and that the names of
Samuel Sawyer and Joseph D. White are withdrawn from the nomination.

On motion, ordered that Mr. Ball have leave of absence after to-mor-
row until the end of the session.

Mr. Jones, of Warren, from the Judiciary committee, to whom was
referred the representation of Mr. Yancey, Speaker of the Senate, made
the following report, to wit:

Whereas the last General Assembly of this State appointed the Honorable John
Stanly and the Honorable Bartlett Yancey, commissioners to collect information and
prepare a plan to carry into effect the establishment of a Lunatic Asylum in this
State, with instructions to report such a plan for the same to the present General
Assembly, as they might deem advisable, with an estimate of the expenditures ne-
cessary to its erection:

And whereas, owing to the lamented illness and afflictions of the first named gen-
tleman, a report upon the important objects entrusted to the said commissioners can-
not be made pursuant to the tenor of the above recited resolution:

Be it therefore resolved, That the Honorable James Iredell and the Honorable
Bartlett Yancey be, and they are hereby appointed commissioners, with instructions
to report upon the said before recited resolution to the next General Assembly of
this State.

The question to concur with the report and resolution passed in the af-
firmative.

Mr. Donoho, from the committee appointed to superintend the ballot-
ing for a Solicitor for the first judicial circuit, reported that the committee
had performed that duty; and that, on examining the ballots, it appeared
neither of the candidates had a majority of the whole number. The ques-
tion to concur with the report passed in the affirmative.

The bill to authorise the building of a steam boat, to be used in the river
Roanoke and the waters of the Albemarle and Pamlico sounds, and the
waters of James river and the Chesapeake bay, and to incorporate a com-
pany for that purpose, was read the third time, passed, and ordered to be
enrolled.

The resolution in favor of the securities of James A. Means, late she-
riff of Cabarrus county, was read the third time, passed, and ordered to
be enrolled.

The bill to amend an act, passed in 1832, entitled "An act declaring
what hogshead and barrel staves shall be merchantable," was read the se-
ccond and third times, amended, and passed. Ordered that the said bill
be sent to the Senate, asking the concurrence of that House with the a-
endment.

The bill concerning the entry of land in this State, was read the second
and third times, passed, and ordered to be enrolled.

The resolution in favor of William Welch, was read the third time,
and, on motion, postponed indefinitely.

The bill concerning the town of Oxford, was read the second and third
times, amended, and passed. Ordered that the said bill be sent to the
Senate, asking the concurrence of that House with the amendment.

The bill to authorise Maurice Smith, of Granville county, to erect and
keep up on his own land two gates across the public road leading from
Spring Grove meeting house to Grant's old mill, on Grassy creek; also
the bill to authorise the setting of guns in the Great Dismal Swamp, in
the county of Pasquotank, were each read the second and third times,
passed, and ordered to be enrolled.
The bill to authorise the persons therein named to collect arrears of taxes, was read the second and third times, amended, and passed. Ordered that the said bill be sent to the Senate, asking their concurrence with the amendment.

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

The engrossed bill to prohibit the trading with slaves, except in the manner therein prescribed, was amended, read the third time, and Mr. Morehead moved that the said bill be indefinitely postponed. The question thereon passed in the negative—yeas 42, nays 64. The yeas and nays called for by Mr. Green.


The bill was read as amended, put on its passage, and the question, shall the said bill pass? was determined in the affirmative—yeas 58, nays 49. The yeas and nays called for by Mr. Stedman.


On motion, ordered, that the said bill be sent to the Senate for concurrence.

Mr. Morehead presented the following resolution:

Whereas it is desirable that the materials and information necessary to be procured for writing a correct history of this State should be procured immediately; and whereas the Legislature have at this Session, by an act for that purpose, authorised the raising of a sum by lottery to defray the expenses of collecting said materials and information; and whereas it may require some time to raise the necessary sum for the purposes aforesaid;

Therefore be it resolved, That the President and Directors of the Literary Fund be, and they are hereby authorised and empowered to draw out of the Treasury of this State a sum not exceeding ——— dollars, to be applied in procuring the materials and information aforesaid, and in aiding Archibald D. Morphy, of Orange county, in writing and publishing the History of this State, which money is to be applied to that purpose according to the provisions of the act, passed at this Session of
the General Assembly, entitled "An act to authorize the President and Directors of the Literary Fund to raise money by way of lottery, and for other purposes," for which sum, so drawn by the President and Directors of the Literary Fund, the Public Treasurer shall have credit in the settlement of his public accounts.

Resolved, That the President and Directors of the Literary Fund shall pay into the Treasury of this State whatever sum they may have drawn out of the Public Treasury under the authority of this resolution, as soon as they may raise the money on the lottery mentioned in the before recited bill.

On motion, ordered that the said resolution be laid on the table.

The engrossed bill—prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians, was read the second and third times and amended. Mr. Pickens moved that the said bill be postponed indefinitely. The question thereon passed in the negative—yea 8, nays 81. The yeas and nays called for by Mr. Love.

Those who voted in the affirmative, are Messrs. Dargan, R. H. Jones, N. Jones, Linn, Love, Pickens, A. H. Richardson, Whitehurst—8 Yeas.


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 he sent to the Senate, with a message requesting their concurrence.

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

SATURDAY, FEBRUARY 10, 1827.

Mr. Pickins, from the committee appointed to superintend the balloting for a Colonel of cavalry attached to the 11th brigade of the militia, reported that the committee had performed that duty; and that, on examining the ballots, William N. Parks 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. Marshall be added to the committee of Enrolment.

The resignation of Isaac Roberson, Justice of the Peace for the county of Haywood, was read and accepted.

A message from the Senate, informing of the assent of that House to the amendments made in the engrossed bill to prohibit the trading with slaves, except in the manner therein prescribed. On motion, ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill authorising the County Court of Haywood to contract with Joseph Kilpatrick to open a pack-way from his house, on Fin's Creek, to the top of the Rich Mountain, with an amendment, and asking for the concurrence of this House. The amendment was read and concurred with, and the Senate informed thereof by message.

A message from the Senate, informing that they insist on their amendment made in the engrossed resolution to appoint a superintendent of the State House in the recess of the Legislature, and for other purposes. The
amendment being read, on motion, resolved that this House insist on their amendment made in said resolution, and that the Senate be informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill to amend the laws regulating the sale of lands and slaves, so far as it respects the county of Anson, with several amendments, and asking for the concurrence of this House. The amendments were read and concurred with, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed resolution, requesting the Secretary of State to provide iron backs for the chimneys in the Commons Hall, and asking for the concurrence of this House. The amendments were read—the first concurred with, and the others disagreed to, and the Senate informed thereof by message.

A message from the Senate, informing that they had made amendments in the engrossed resolution appointing commissioners to ascertain the practicability of connecting Lockwood's Folly River with Elizabeth River, &c. and asking for the concurrence of this House. The amendments were read and concurred in, and the Senate informed thereof by message.

On motion of Mr. Settle,

Resolved, That in consequence of the great importance of the subject itself, and in order to enable the people of this State fully to consider the same, this Legislature will not act definitely upon the report of the committee relative to the resolution received from the State of Georgia, recommending the expediency of so amending the Constitution of the United States, as to prevent the election of President and Vice President from devolving on the House of Representatives of the United States; but that they will delay the same until the meeting of the next General Assembly.

Resolved, That, believing the report of the committee contains matter well deserving the serious consideration of the nation, his excellency the Governor be requested to forward a copy thereof to each of the Governors of the several States, with a request that the same be laid before the Legislature of the State over which he presides; and also, that a copy be forwarded to each of our Senators and Representatives in Congress.

On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

A message from the Senate, proposing to ballot immediately for Lieutenant Colonel of Cavalry attached to the 11th brigade, and informing that Robert Kilpatrick and William Means are nominated for the appointment. The message was concurred in, and the Senate informed by message that Mr. Armistead and Mr. Whitaker form the committee of superintendence of the balloting on the part of this House.

On motion, ordered that Mr. Armistead, Mr. Morehead, Mr. Daventport and Mr. W. W. Jones, have leave of absence after this day until the end of the session.

A message from the Senate, informing that Mr. Hill of Stokes and Mr. Beasly attend this House as superintendents on their part of the balloting for Lieutenant Colonel of Cavalry attached to the 11th brigade.

Mr. Montgomery, with leave, presented a bill to authorise the building of a toll bridge over Chowan river, at the town of Winton, and to incorporate a company for that purpose. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill limiting the time within which deeds of trust and mortgages
shall be registered, and to provide for giving publicity to the same, was read the second time, and, on motion, ordered to be postponed indefinitely.

The engrossed bill to revive and continue in force an act, passed in the year 1824, to alter and amend 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 second and third times, passed, and ordered to be enrolled.

A message from the Senate, proposing to ballot immediately for Solicitor in the first Judicial Circuit. The message was concurred in, and the Senate informed by message that Mr. Blount and Mr. Marshall wait on the Senate as a committee on the part of this House to conduct the balloting.

The engrossed bill for the protection of securities, was read the second time, and, on motion, ordered to lie on the table.

A message from the Senate, praying a conference on the disagreeing votes of the two Houses on the resolution to appoint a superintendent of the State House in the recess of the Legislature, and for other purposes. The message was concurred with, and the Senate informed by message that Mr. Settle and Mr. Shepperd form this committee of conference on the part of this House.

The engrossed bill to amend the road laws, was read the second and third times, passed, and ordered to be enrolled.

Mr. Armistead, from the committee appointed to superintend the balloting for a 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 examining the ballots, it appeared the whole number was in favor of William Means, who was duly elected. The question to concur with the report passed in the affirmative.

The engrossed bill to amend an act, passed in the year 1825, entitled "An act to prevent persons, who have been, or may be appointed commissioners on the part of the State for any purposes, from becoming contractors;" also the engrossed bill to perpetuate the evidence of the claim of the State of North Carolina to such shares or stock in the several banks and other corporations as have been, or hereafter shall be purchased for the use of the State; also the engrossed bill directing the time within which suits shall be brought upon constables' bonds, were respectively read the second and third times, passed, and ordered to be enrolled.

Mr. Blount, from the committee appointed to conduct the balloting for Solicitor for the first Judicial Circuit, reported that the committee had performed that duty; and that, 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.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately again for Solicitor for the first Judicial Circuit, and informing that the name of J. A. Hill is withdrawn from the nomination.

The engrossed resolution prescribing the duty of the Secretary of State in relation to certain old plats and certificates of survey, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, agreeing to ballot again immediately for Solicitor for the first Judicial Circuit, and informing that Mr. Davenport and Mr. Blackwell attend this House as a committee on their part to
JOURNAL OF THE HOUSE OF COMMONS.

251

conduct the balloting; and further, that the name of David L. Swain is added to the nomination. On motion, ordered that the Senate be informed by message that Mr. Scott and Mr. Montgomery form the committee on the part of this House to conduct the balloting.

On motion of Mr. Hill, of Wilmington,

Resolved, That James Iredell, the Speaker of this House pro tempore, is entitled to receive pay as Speaker from the time of his appointment to the Chair.

Resolved further, That John Stanly is entitled to his full per diem allowance as Speaker of this House for the entire period of the Session.

The bill for the protection of securities, was read the third time. Mr. Shepperd moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the negative—yeas 21, nays 76. The yeas and nays called for by Mr. ———.


On motion, ordered that the said bill lie on the table.

The engrossed bill prescribing the time in which presumption of payment, satisfaction or abandonment of claims shall arise, 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—yeas 50, nays 31. The yeas and nays called for by Mr. Clement.


On motion, ordered that the said bill be enrolled.

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

Mr. Scott, from the committee appointed to conduct the balloting for Solicitor in the first Judicial Circuit, reported that the committee had performed that duty; and that, on examining the ballots, a majority of the whole number was found in favor of David L. Swain, who was duly elected.

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

A message from the Senate, informing that they agree to the several amendments proposed by the House of Commons to the following engrossed bills, to wit: The bill to amend an act, passed in the year 1822, enti-
An act directing what hogshead and barrel staves shall be merchantable; the bill to appoint commissioners to lay out a road from Lincoln to Statesville, by John Thomas's Ferry, in Iredell county, on the Catawba river; the bill to authorise the persons therein named to collect arrears of taxes; the bill concerning the town of Oxford; and the bill concerning the entry of land in this State. On motion, ordered that the said bills be enrolled.

A message from the Senate, informing that they had indefinitely postponed the engrossed resolution directing the Secretary to purchase a number of copies of the revised laws for the last five years; also the engrossed bill to allow further time for the establishment of Agricultural Societies in this State, and for those already established to avail themselves of the provisions of the act, entitled "An act for the promotion of agriculture and family domestic manufactures," passed in the year 1822.

The engrossed bill for the protection of securities, laid on the table, was taken up and read the third time, amended, and passed—yeas 48, nays 45. The yeas and nays called for by Mr. Underwood.


Ordered that the said bill be sent to the Senate, asking the concurrence of that House in the amendment.

On motion of Mr. Bain, Resolved, That the Public Treasurer pay to Bell & Lawrence the sum of seventy-three dollars, for extra printing, and the sum of one hundred and eleven dollars and sixty-five cents to Lawrence & Lemay, for extra printing; and that the rule requiring resolutions, the object of which is to draw money out of the Treasury, to be read three times in each House, be dispensed with as regards this resolution.

On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

The engrossed resolution in favor of Abraham Forrest, was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to amend an act to incorporate a company to build a bridge across Tar river, near the town of Washington, in Beaufort county, and to make a road through a swamp adjacent thereto; and the engrossed bill concerning the county of Bladen, and asking the concurrence of this House. The said bills were respectively read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing of the assent of that House to the amendments of the engrossed bill prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians, in the 4th section, 3d and 4th lines; and disagreeing with the proposed amendment in the 13th line of the same section.
On motion, ordered that the Senate be informed by message that this House recede from their second amendment made in the engrossed bill prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians.

The resignation of John Finch, Justice of the Peace for Mecklenburg county, was read and accepted.

The engrossed resolution in favor of Richard Bullock, was read, concurred with, and ordered to be enrolled.

On motion of Mr. A. Moore, ordered that the committee of Internal Improvements be discharged from the consideration of the petition of Mr. P. Thompson; and that Mr. Hardy have leave to withdraw said petition, and the petition of Joseph Banks, of Pasquotank county, from the files.

A message from the Senate, informing of the assent of that House to the amendment made in the engrossed bill concerning the swamp and marsh lands in this State, and for other purposes. On motion, ordered that the said bill be enrolled.

A message from the Senate, informing that they had amended the engrossed resolution relating to a Lunatic Hospital, and asking for the concurrence of this House. The said amendment was read, disagreed to, and the Senate informed thereof by message.

A message from the Senate, informing that they insist on their amendment marked B. in the engrossed resolution relative to the Secretary of State. On motion ordered that the said resolution lie on the table.

The resolution in favor of the wood cutters, was read, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed bill to alter the times of holding the Courts of Pleas and Quarter Sessions in Duplin county, was read the second and third times, amended and passed, and sent to the Senate, with a message, asking for the consent of that House in said amendment.

A message from the Senate, informing that they agree with the amendment made in the engrossed bill for the protection of securities. Ordered that the said bill be enrolled.

Mr. Settle, from the committee of Conference, on the disagreeing votes of the two Houses on the amendments made in the resolution appointing a superintendent of the State House in the recess of the Legislature, reported that they had conferred with the conferees on the part of the Senate, and instructed him to recommend to the House to recede from their amendment marked B. and accede to the amendments made in the Senate marked D. C. and A. The question to concur with the report passed in the affirmative. On motion, ordered that the Senate be informed thereof by message.

A message from the Senate, informing that they agree to the amendment made in this House in the engrossed bill to alter the times of holding the Courts of Pleas and Quarter Sessions in the county of Duplin; and that they recede from their amendment proposed to the engrossed resolution relating to a Lunatic Hospital, and that they concur in the resolution.

The engrossed resolution, received from the Senate, appointing a librarian and prescribing his duty; also the engrossed resolution in favor of William Thompson, and asking the concurrence of this House, were read, concurred with, and ordered to be enrolled.
A message from the Senate, informing that they had passed the engrossed bill to authorize the building of a toll bridge over Chowan river, at the town of Winton, and to incorporate a company for that purpose, 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 engrossed bill to aid the opening and completing the State Road from Huntsville, in Surry county, to the Virginia line, by way of Bowers' store, in Ashe county, and for other purposes, was read the second and third times, passed, and ordered to be enrolled.

Mr. Saintclair presented the following resolution:

Whereas the time has arrived when the General Assembly should draw to a close, and that the business should be acted upon with due deliberation, and no member be put to inconvenience thereby, and all the sections of the State have their full weight therein; therefore

Resolved, That the Clerks of both Houses be directed to make up the estimates, including Tuesday next at the same rates of pay as heretofore allowed.

On motion, the said resolution was indefinitely postponed.

Mr. N. Jones presented the following resolution:

Whereas several counties or parts of counties were severely afflicted by the visitation of a drought, such as never was experienced in this State before; the consequence of which has been, that many of the good people of this State have been, and are now reduced to threatened want and distress: for remedy whereof,

Resolved, That the Treasurer is hereby authorised and required to pay to the order of the Chairman of each of the County Courts of Halifax, Nash, Franklin, Johnston, Granville, Orange and Wake, the sum of five hundred dollars; which sum shall be appropriated by the county wardens in diminishing the burden of county taxes, and in relieving the wants and necessities of that portion of the several counties aforesaid, which are reduced to a state of suffering.

Be it further resolved, That the orders of the Chairman of the County Courts aforesaid shall be countersigned by the Clerks of the County Courts in open Court; and which sum so received by the County Trustees of each of the aforesaid counties, shall be liable and subject to the drafts of the wardens of the poor of each county, to be by them applied as aforesaid.

On motion, ordered that the said resolution be indefinitely postponed.

The following engrossed bills and resolutions were read, and, on motion, postponed indefinitely: The bill to secure to Mary Turner, the wife of Henry A. Turner, of Washington, such property as she may hereafter acquire; the bill to secure to Mary Eliza Rowland, of Robeson county, such property as she may hereafter acquire; the bill to secure to Martha Barbee, of Wake county, such property as she may hereafter acquire; the bill to secure to Elizabeth Robertson, wife of William Robertson, of Wake county, such property as she may hereafter acquire; the bill to secure to Mary Waller, wife of Amos J. Waller, of Duplin county, such property as she may hereafter acquire; the bill to secure to Sidney Smith, of Wake county, such property as she may hereafter acquire; the bill to secure to Mildred Smith such property as she may hereafter acquire; the bill to secure to Mourning Adams, of Randolph county, such property as she may hereafter acquire; the bill making compensation to the owners of outlawed and executed slaves for the county of Northampton; the resolution requesting his Excellency the Governor to obtain from the Clerks of the several Superior and County Courts a statement of the prison fees and charges for the imprisonment of persons confined for the commission of crimes within twelve months; and the resolution in favor of Henry Hargett, of Mecklenburg county.

The House then adjourned until Monday morning, 10 o'clock.
Monday, February 12, 1827.

The resignation of William D. Smith, Brigadier General of the 15th brigade of the militia, was presented, read and accepted.

Mr. Seawell, who voted in the majority on the vote of rejection of the resolution in favor of Henry Hargett, of Mecklenburg county, moved that the House do now reconsider that vote. The question thereon passed in the negative.

On motion of Mr. Settle,

Resolved, That the Treasurer pay to Lemuel Dowdy and William Johnston the sum of fifty cents each per day for cutting fire wood for the capitol and public offices during the present session; and the same be allowed him in the settlement of his public accounts.

Resolved further, That the rule requiring resolutions, the object of which is to draw money from the Public Treasury, to be read three times in each House, be dispensed with in relation to this resolution.

Sent to the Senate for concurrence.

On motion of Mr. Jones, of Warren,

Resolved, That the members of this House sincerely lament the affliction with which the Honorable John Stanley is visited, and deeply sympathise with his family and friends in a calamity which threatens to deprive them of his affectionate care and protection, and the State of one of its brightest ornaments.

On motion, ordered that a message be sent to the Senate, proposing to adjourn, sine die.

A message from the Senate, informing that they had acted on all the business before them, and were ready to adjourn.

On motion of Mr. Settle,

Resolved, unanimously, That the thanks of the House of Commons are due, and are hereby presented to the Honorable James Iredell, for the able, dignified and impartial manner in which he has discharged the duties of Speaker of this House during the present session.

The Speaker, thereupon, returned his thanks to the House, and adjourned it, sine die.

JAMES IREDELL,
Speaker pro tempore.

By order. P. HENDERSON, Clerk.