At a General Assembly, begun and held in the city of Raleigh on Monday, the 17th day of November, in the year of our Lord one thousand eight hundred and twenty-eight, and fifty-third of the Independence of the United States of America, it being the first session of this General Assembly.

On which day, being that appointed by law for the meeting of the General Assembly, the following Members of the House of Commons appeared, produced their credentials, were qualified agreeably to law, and took their seats, to wit:

Anson, William A. Morris, John Smith.
Ashe, Anderson Mitchell, James Calloway.
Beaufort, Thomas Latham, Thomas W. Blackledge.
 Bertie, Joseph Wattord, William S. Jhoun.
 Bladen, Benjamin Haywood, J. IIdson.
 Brunswick, Thomas B. Smith, William L. Hall.
 Buncombe, John Clayton, David L. Swain.
 Burke, David Newland, Mark Brittain.
 Cabarrus, William M'Lea, John C. Barnhardt.
 Camden, Thomas Dozier, Wilson B. Webster.
 Carteret, E. S. W. Hellen.
 Carter, James H. Ruffin.
 Caswell, Nathan G. Smith, Joseph J. Brooks.
 Chowan, Josiah M'Keal, William Byrum.
 Cumberland, Alexander M'Neill, Joseph Hodges.
 Currituck, Enoch Ball, Benjamin T. Simons.
 Davidson, Thomas Hampton, Absalom Williams.
 Duplin, William Wright, Joseph Gillespie.
 Edgecomb, Benjamin Sharp, Benjamin Wilkinson.
 Franklin, Richard Ward, Wm. J. Branch.
 Granville, James Wyche, Robert Potter.
 Greene, James Harper, Joseph Ellis.
 Guilford, Francis L. Simpson, George C. Mendenhall.
 Halifax, Rice B. Peake, George E. Spruill.
 Haywood, Benjamin S. Brittain, N., Ninian Edmonston.
 Hertford, B J. Montgomery, J. H. Wheeler.
 Hyde, Wallace Syron, John B. Jasper.
 Johnston, Hillory Wilder, Josiah O. Watson.
 Jones, Owen B. Cox, Emanuel Jarman.
 Yadkin, Richard Allison, Joseph M. Bogle.
 Lenoir, George Whitfield.
 Lincoln, Bartlett Shipp, Andrew H. Lorez.
 Martin, Jesse Cooper, David Latham.
 Macon, Joseph Blackwood.
 Montgomery, Reuben Kendall, James M. Lilly.
 Moore, Josiah Tyson, William Wadsworth.
 Nash, Frederick Battle, Gideon Bass.
 New Hanover, John Kerr, Wm. S. Larkin.
 Onslow, Edward Williams, Frederick Boy.
 Orange, Hugh Wadell, John Stockard.
 Pasquotank, John Pool, William Gregory.
 Perquimans, Thos. Wilson, Daniel Rogerson.
 Person, Thomas Webb, Elijah Hester.
 Randolph, Thomas Hancock, Hugh Walker.
 Richmond, Neill Nicholson, Nathan Gibson.
 Robeson, Warren Alford, Malcolm Purell.
 Rockingham, Thomas Settle, Wm. Bethell.
 Rowan, John Clement.
 Rutherford, James Graham, James Webb.
 Sampson, Thos. Boykin, David Underwood.
 Stokes, Gabriel T. Moore.
 Surry, Mordecai Fleming, Alfred C. Moore.
 Tyrrell, Daniel N. Bateman, Fred. Davenport.
 Wake, Samuel Whitaker, Wesley Jones.
 Warren, William G. Jones, Ransom Walker.
 Wayne, James Rhodes, John W. Sasser.
 Wilkes, John Stainton, Nathaniel Gordon.
 Town of Halifax, Jesse A. Byrum.
 Edgefield,
 Newbern, William Gaston.
 Wilmington,
 Fauquierville,
 Hillsborough, Frederick Nash.
 Salisbury,

A quorum of the whole number of members being present, Mr. Gary moved that Mr. Settle, one of the Members from the county of Rockingham, be appointed Speaker. The question to concur with the motion, was determined unanimously in the affirmative. Whereupon the Speaker was


conducted to the Chair by Mr. Gary, from whence he made his acknowledgments to the House.

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

Mr. Newland moved that John Lumsden be appointed Principal, and Richard Roberts Assistant Doorkeeper.

Mr. Bethell moved that the Principal Doorkeeper be elected by ballot, and the names of Mr. Garrell and Mr. Aldred were added to the nomination. Mr. Gary called for a division of the question, and the motion being sustained by the Speaker, the question, "shall Richard Robards be appointed Assistant Doorkeeper?" was determined in the affirmative.

The House then proceeded to the election of Principal Doorkeeper, and appointed a committee, consisting of Mr. Gary and Mr. Bethell, to superintend the ballotting.

Mr. Gary, from the committee of superintendence, reported that they had performed the duty assigned to them, and that on examining the ballots, a majority of the whole number was found to be in favor of John Lumsden, who was duly elected. The question to concur with the report, was determined in the affirmative.

On motion of Mr. Bynum,

Resolved, That a committee of four Members be appointed to draft rules and regulations to govern the deliberations of this House; and that in the interim, the rules of order of the last Session be observed.

Resolved, That a message be sent to the Senate, proposing to raise a select committee to prepare and report joint rules for the government of the intercourse between the two Houses during the present session; and that Mr. Bynum, Mr. Wad dell, Mr. Mendenhall and Mr. Montgomery form this committee.

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

Tuesday, November 18, 1828.

John D. Eccles, the Member representing the town of Fayetteville, appeared, produced his credentials, was qualified and took his seat.

Mr. Potter presented a bill to reduce and fix the salaries and fees of certain public officers therein named. The said bill being read for its first reading, Mr. Gaston made a question of order, and objected to the passage of the bill, on the ground that it was irregular to pass a bill before the organization of both Houses of the Assembly. The Speaker decided that it was in order to pass the said bill. From this decision, Mr. Gaston appealed. The question was then taken, "is the decision of the Speaker correct?" and determined in the negative. On motion, ordered that the said bill lie on the table.

A message from the Senate by their Clerk Assistant, informing of the organization of that House; having appointed Jesse Speight, Speaker; James W. Clark, Principal Clerk; Samuel F. Patterson, Clerk Assistant; Robert Ray, Principal Doorkeeper, and Thomas B. Wheeler, Assistant, and of their readiness to proceed to the despatch of public business.

On motion, ordered that a message be sent to the Senate, informing of the organization of this House, and of its readiness to join in the despatch of public business, having appointed Thomas Settle, Speaker; Pleasant Henderson, Principal Clerk; Charles Manly, Clerk Assistant; John Lumsden, Principal, and Richard Roberts, Assistant Doorkeepers.
On motion of Mr. Ruffin, ordered that a writ of election issue to the Sheriff of Caswell county, commanding him to hold an election at the several places established by law for holding elections in said county, on the 24th instant, November, then and there to elect some person duly qualified to represent said county in this House, in the room and stead of Charles D. Donoho, deceased.

On motion of Mr. Wheeler, ordered that a message be sent to the Senate, proposing to appoint a select joint committee for the purpose of waiting on his Excellency the Governor, and to inform him of the readiness of the two Houses to receive any communication that he may be pleased to make. Mr. Wheeler and Mr. Graham form the committee on the part of this House.

On motion of Mr. Newland, ordered that a message be sent to the Senate, proposing to ballot immediately for three Engrossing Clerks, and informing that William J. Cowan, Thomas G. Stone, Thomas Dews, Benjamin W. Milner, Richard D. Fortune, Edward Drake, Nathaniel J. Palmer and John G. Wilson are in nomination for the appointments.

A message from the Senate, consenting to ballot immediately for three Engrossing Clerks, and informing that the name of Henry Wilkes is added to the nomination; and that Messrs. Askew, of Bertie, and Beasley, form the committee on their part to conduct the balloting.

On motion, ordered that a message be sent to the Senate, informing that Mr. Stedman and Mr. Simpson attend the Senate as a committee on the part of this House to superintend the balloting for three Engrossing Clerks.

A message from the Senate, informing of the assent of that House to the proposition to appoint a select joint committee to wait on his Excellency the Governor, and inform him of the readiness of the two Houses to receive such communications as he may think proper to make, and informing that Mr. Gray and Mr. Matthews form the committee on their part.

Mr. Wheeler, from the select joint committee appointed to wait on his Excellency the Governor, to inform him of the organization of the two Houses, and of their readiness to receive such communication as he may think proper to make, reported that the committee, according to order, had performed the duty assigned to them, and that the Governor would make a communication at half after 12 o'clock this day in writing.

A message from the Senate, proposing to appoint a select joint committee to inquire into the expediency of altering or amending the joint rules for the government of the intercourse between the two Houses, and informing that Messrs. Wellborn, Mebane, Spaight, Miller and Ward form the committee on their part. The message was concurred in, and the Senate informed by message, that Messrs. Swain, Ruffin, Newland, Allison and Hellen form the committee on the part of this House.

Mr. Stedman, from the committee appointed to superintend the balloting for three Engrossing Clerks, reported that the committee, according to order, had performed the duty assigned to them, and that on examining the ballots, majorities of the whole number were found to be in favor of William J. Cowan, Thomas Dews and Thomas G. Stone, who were duly elected. The question to concur with the report, was determined in the affirmative.

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

Gentlemen—Happy to meet you in your legislative capacity, I congratulate you upon having assembled at a period, peculiarly propitious to calm deliberation and to the exercise of the highest faculties of the statesman. Our country is in profound peace. A degree of harmony and mutual good feeling, almost unparalleled, prevails throughout our State. Even the little strife, which the recent contest for the presidential chair excited among us, is hushed into silence, and your minds are left cool and collected, to devote all their energies to the improvement of our social condition. If, during the past year, some clouds have gathered in our political atmosphere, yet we have abundant reason to be grateful to that Almighty Being, in whose hands are the destinies of nations as of individuals, for the many blessings which he has vouchsafed to bestow. The labours of the husbandman have been rewarded with an exuberant harvest; industry and economy have increased; education and intelligence have continued to be diffused among our citizens; the calendars of our courts exhibit but few offences of an atrocious nature; and health, with some melancholy exceptions, has shed its benign influence over our land. Another year too has tried the strength of our political institutions, and given new evidence of the purity and wisdom of the principles upon which they are founded.

Before remarking, according to a custom which has ripened into a duty, upon the prominent subjects of internal policy which will probably engage your attention, permit me to advert to a measure of the United States' Government, adopted since your last session, in which not only your immediate interests, but your rights as a member of the confederation, are involved. It is with great reluctance that I address you on any act of the constituted authorities of the nation. Did it embrace a question of mere ordinary political expediency, I should be the last to place it before you as a legitimate subject for your deliberations. North Carolina, warmly attached to the Union, will never complain of any measure, however hardly it may bear upon her individual interest, if it is necessary for the general welfare, and if it does not infringe the rights reserved by each State in the Federal Compact. We have borne, without murmuring, all the privations imposed by the embargo; we have contributed towards the prosecution of the late war our share of treasure and of blood, of fortitude and constancy; we have annually, for many years, paid into the national treasury, in direct taxes, little less than a million of dollars. These things we have done, not because we were insensible of the burthen, but because we believed the welfare of the Union required our exertions. But now a new question is presented to us. Congress have assumed the principle, that they have power to mould and direct the industry of the nation to any pursuit which they may think most advisable, and to make all other branches tributary to that which they may choose to select. By an act passed at their last session, commonly called the Tariff Act, imposing duties amounting to a prohibition upon the importation of coarse woollen and cotton fabrics, and upon some other articles, they declare, in substance, that the consumers of these manufactures, including the mass of our community—including all the agriculturists, and all employed in commerce—in fact, all engaged in other pursuits than those of manufactures, shall pay an enhanced price for articles of prime necessity. What is this but a tax, whether the enhanced price is paid into the national treasury or in the shape of a bounty to the domestic manufacturer? And whence is derived the power of the general government to levy a tax upon one portion of the community for the exclusive benefit of another? Devoutly as the Union was desired, where is the State that would have surrendered any part of its sovereignty, if it had believed that the regulation of its industry, of the chosen pursuits of its citizens, the most valuable portion of its internal economy, was to be included in the cession? North Carolina, I am sure, would never have listened for a moment to such a concession of her rights. Opposed as is this system, misnamed the "American System," to all the most approved maxims of political science, it is no less opposed to the spirit of our Constitution and to some of the fundamental principles on which free governments are based. One principal object of our union was to cherish and extend our foreign commerce. This Tariff system is to destroy it. Our union was to protect one State from the unjust and illiberal commercial regulations of another. This "American System" gives to the majority in Congress, without regard to the rights or interests of particular States, the power to bestow bounties on one section of our country,
and to impose corresponding burthens upon another,) Equality of rights, an equal participation of benefits and burthens; exemption from taxation, except when the general good is to be promoted; the liberty of adopting, unmolested, any pursuit or profession not forbidden for reasons of public policy—these, we have been taught to believe, are among the great blessings secured by a republican government. Are not all these set at nought by the Tariff system? The benefits which it confers are confined to a few; the burthens it imposes are borne by the many. The wealthy manufacturer will reap his profit, because by the exclusion of foreign competition he will obtain a higher price for his manufacture. The agriculturist, whether rich or poor, the owner of large plantations, equally with the hardy yeoman who contributes most to the solid wealth of his country, and upon whose arm that country relies for its defence, is compelled at the same moment to pay more for what he consumes, and to receive less for the product of his labor. What, if possible, aggravates the injustice of the measure, its influence is sectional. The States in which, from well known causes, manufactories can be most advantageously prosecuted, will be compensated, in some degree, for the loss which one portion of its citizens sustain, by the wealth which another acquires. But in the southern States, whose interests are essentially agricultural, the injury inflicted has no mitigating balsam—the oppression is wholly unmitigated. The limits prescribed to this address will not permit me to dwell more in detail upon the odious character of this law, and the oppressive effects which its operation must produce, upon the various interests of this State. Exciting, as it has done, a very general and just indignation in the minds of our citizens, I have thought: it my duty to submit it to you, as the representatives of the people, as the “sentinels on the watch tower,” that you might, if any constitutional means presented themselves, interpose them between your constituents and the threatened mischief. I will candidly confess that no plan of effectual resistance, on the part of the State Legislature, which I have yet heard suggested, appears to me free from insurmountable objections. A dissolution of the Union is not to be thought of. If you believe, however, as I do on the present occasion, that the spirit of the Federal Compact has been violated, and great injustice done to your citizens, I recommend to you to protest solemnly against the principle thus adopted by those who administer the general government, to represent your sentiments to them and to your sister States, in the language of mild and friendly remonstrance, but with the energy which the outrage of conscious right inspires, with the feeling of deep attachment to the Union, and awful foreboding as to any departure from its legitimate and well understood purposes. I would appeal, too, to the patriotism and State pride of our fellow-citizens, to lend their aid, individually, in averting the immediate evil effects of this system. I would say to them—Return to the prudent and economical habits of your fathers; discard foreign luxuries; be not dependent on other States for what you can grow or fabricate yourselves; manufacture your own clothes by your household industry; make your own provisions. You will suffer many inconveniences, and your profits will not be as great as if you had a free trade; but you will, at least, not feel the humiliation of paying a tax imposed on you for the benefit of the greedy capitalist or the speculative politician. The wealthy manufacturer will not have you for his tributaries; and the very avarice which urged him to the enactment of this law, will drive him to seek for its repeal. If the restrictive system is to be fastened on us, we have this consolation, that North Carolina is as capable as any State in the Union of subsisting upon her own resources, independent of foreign commerce, or of commerce with her sister States. With a soil happily diversified, with a climate corresponding with the richness and variety of her soil, with nearly all the useful minerals embedded in her mountains, with inexhaustible pastures, with a hardy and industrious population; there is not an article that necessity demands, scarcely one that comfort requires, and few that minister to luxury, which her fields, her forests, her rivers, or her mountains cannot produce, or her industry fabricate within her own limits. But I cannot yet abandon my reliance upon the good sense and justice of our fellow-citizens throughout the United States. I feel a confidence, arising from my belief in the intelligence and patriotism of the people, that this system of restriction will not long exist. The class of consumers, consisting of nine tenths of the population, will not long submit to so grievous an oppression. An unfortunate delusion, created partly by local causes and partly by the arts of designing politicians,
has been spread over a great part of our country. A little time, a little reflection, on the part of the great body of the people, will probably dissipate this delusion, and restore the period when each one, unaided by government bounties, and unpressed by government taxation, may pursue the avocation to which he is directed by his talents, his interest, or his inclination.

The subject of opening and improving our outlets to the ocean, of removing obstructions in our rivers, and of providing, by canals or roads, for the more convenient transmission of our produce to market, has so often engaged the attention of the Legislature, that I feel, when I touch upon these topics, all the awkwardness of addressing you upon trie matters. Yet when I look at the situation of our State, I cannot forbear urging upon you what has so often elicited the earnest recommendation of my predecessors. We now occupy, from our population and territory, an elevated position among the States of the Union. Our relative rank cannot be stationary, nor can it be maintained without exertions on our part. Almost every State is calling forth its powers to improve its internal condition. Shall we alone, who have such resources, and who could bring them into action by so small a comparative expenditure, shrink from the adoption of the means which are promoting the prosperity of others and leading to their superiority, too, press forward in the career of Internal Improvement. Let us, too, leave for the benefit and gratitude of posterity, memorials of that wise policy which consists not in hoarding our money, but in applying it to useful and profitable objects. There are three great outlets to the ocean, which nature seems to have indicated for this State: one for the waters of the Albemarle, another for the waters of the Pamlico, and the third for the Cape Fear. The Albemarle Sound, in length about seventy miles, with an uniform depth of not less than twenty feet, receiving into its bosom, besides other rivers of no inconsiderable importance, the Roanoke, the noblest river that traverses our State, finds its communication with the ocean imperiled by a sand bar not eight hundred yards in width. All the produce which floats on its waters, after coming within eight of the Atlantic, must seek that ocean by a narrow straight into the Pamlico Sound. It is over that sound a distance of eighty or ninety miles, over dangerous shoals, and through the Ocracoke Inlet. Nine-tenths of the navigation of that part of the State (as indeed of every other part) are directed to New York as the best market; and by inspection of the map, it will be seen that, in passing thru Ocracoke Inlet and proceeding to New York, a vessel descending the Albemarle must sail more than one hundred and fifty miles to reach a point on the coast, not five miles distant from that, at which it was compelled to pass into Pamlico Sound. The importance of opening a direct communication from the Albemarle to the ocean, cannot be urged in a more forcible manner than by stating the extent of territory which would find a market for its productions, and a diminished price of transportation through that channel. The Roanoke river is now rendered navigable for bateaux from its mouth to the Blue Ridge, in Virginia, and to Leakesville, in this State. In both States its branches are susceptible of improvement to much higher points. There is, perhaps, no river east of the Mississippi, which, in proportion to its extent, washes a more fertile soil. The rich productions of its adjacent territory have become, both in this State and in Virginia, almost proverbial. In this State, alone, at least twelve counties would find it the most natural and the most convenient highway to market. Add to these eight counties, through which flow the Chowan, the Pasquotank, the Albemarle, the Pasquotank, the North, the Scuppernong and the Albemarle Rivers, each of a depth not less than fifteen to twenty feet, which convey the produce of a highly fertile country, and which contribute to form or support the current of the Albemarle, and you will see that the Agricultural interest of nearly one third of the State is deeply concerned in the accomplishment of this work. When I mention, what would undoubtedly be the fact, that the freight from the head of the Albemarle to any part of the world would be as low as it is from Norfolk, it will at once be perceived what immense sums would be saved in the transportation of the merchantable articles from that section, and of course much would be added to the profitable industry of the farmer. The practicability of forming this outlet, has had as strong evidence in its favor, as any enterprise in which you can engage. Besides the universal voice of those who live in the vicinity, you have had the reports of Major Clark, of the able Mr. Fulton and of the United States' Engineers, with General Bernard at their head, all attesting both its practicability and its usefulness.

At the last session of the Legislature, an act was passed for incorporating a company to improve the Albemarle Sound, the most formidable impediment to the navigation thru Ocracoke Inlet. The provisions of this act depending upon the assent of Congress, that body, instead of granting its assent, appropriated twenty thousand dollars to try the experiment whether the Swash could be removed. Engineers of the United States, it is understood, are now engaged in operations on that work, and it is ardently hoped their exertions may be successful. The improvement of this channel is looked to with deep interest, as it affects a large portion of our most valuable commerce. If, owing to natural and unalterable causes, this channel cannot be made to answer the purposes of navigation, it is suggested, as an interesting subject of inquiry, whether a ship channel of sufficient depth cannot be.
constructed to unite the lower part of Neuse River with the harbor of Beaufort, perhaps the most commodious harbor in the State. In connection with this, I would call your attention to the improvement of the Neuse River, at least as high as the point nearest vicinity to our seat of government. There can be no doubt that a safe batteau navigation may be made to the neighborhood of Raleigh at least for eight or nine months in the year, and not only would the commerce of Newbern, furnishing supplies to this city and the adjacent country, be promoted, but the interest of the farmer, in acquiring such facilities for the transmission of his products to market, would be greatly advanced.

To the improvement of the outlet from the Cape Fear, the State has not been inattentive. The sums already expended, it is believed, have produced the most salutary effects; and if any additional appropriation is wanting, such is the great importance of the work, that I am satisfied the Legislature will cheerfully grant it. Through this channel the produce of all our western counties, which will pass at all through our ports, must vent itself. Fayetteville, the highest point for batteau boat navigation, will be the principal receiving town, and Wilmington the shipping port for all this produce, if we only improve our natural advantages, and thus prevent the diversion of the trade to adjoining States. The Cape Fear is already navigable for Steam Boats, for at least nine months in the year, and is susceptible of being made fit for batteau navigation many miles higher. The shores below Wilmington, is not entirely removed, are much improved, and will soon form no obstacle to the commerce of that port. It has long been my opinion that the first efforts of the State should be directed to the outlet to the ocean, as far as they are capable of being improved; next to the removal of obstructions in the principal rivers; and then to the construction or repairation of roads or canals from the western counties to Fayetteville, and from the counties whose interests connect them with the Roanoke, the Neuse and the other principal rivers, to the most convenient points on those rivers. It was superfluous to dwell upon the happy effects of our prosperity, which would follow in the wake of a judicious improvement of the State, faithfully executed. A new life would be infused into every branch of industry; our agriculture would be relieved from a heavy burthen, which now oppresses it; our commerce would increase ten fold; the tide of emigration would be checked; and our population and wealth would advance with a rapidity equal to our most sanguine desires. Are we not prepared to commence such a system? Why should we delay? It will require much time for its completion, and the necessary expenditures will be divided among several years. You will discover, from the Treasurer's report, that we have a large available fund, not required for the ordinary expenses of Government, and not otherwise appropriated. What this sum cannot supply, may be furnished by our credit. Every other State has resorted to loans for a similar purpose. The usual objection to loans, that it burdens posterity with a debt which we have contrived for our own advantage, does not here apply. The benefit will descend to our posterity with the burden, and will be more than a compensation. We are but tenants for life; the estate will be theirs forever; and it is but just that they should pay the greater part of what we may expend in its permanent improvement.

Another object of Internal Improvement, perhaps in its consequences little inferior to the others, or rather offering resources for the others, is the drainage of your swamp lands. The political and pecuniary advantages to flow from the adoption of proper measures for this object, have been fully developed by my predecessor; and nothing is left for me but to invite your attention to what has been before communicated from the Executive Department. On the subject of rail roads, which has excited much interest in this State, I can add little or nothing to the luminous views which have been spread before the public, and extensively circulated, in the publications of an able and enlightened popular writer. It may be remarked, however, that, even in England, where the density of population, the highly improved and productive state of agriculture, and the number and extent of manufactories, would render a favorable result most probable, the problem of the utility and policy of this means of communication between distant points, is not yet solved. In the United States, an experiment has lately been commenced, on a large scale, by an incorporated company, whose object is to connect the waters of the Ohio with the city of Baltimore. An experiment might be made in this State, at a small expense, and at a most favorable site, by the construction of a rail-way from Fayetteville to Campbellton. From this, an opinion might be formed about the advantages of the utility of such services.

The regulation of the currency or circulating medium has been esteemed, in every country, among the most difficult as well as the most important branches of legislation. From some provisions in the Federal Constitution, it might be inferred that it was the intention of the framers of that instrument to give to the General Government exclusive powers on this subject. It would be useless now to inquire whether the establishment of Banks, by the several States, within their local limits, complied with that intention or with the spirit of those provisions. All the States have adopted the same construction. The consequence has been, that, in every State, the notes of these banking corporations, have formed the largest portion of the circulating medium; and in every State, from the occurrence of exas-
as incident to such establishments, they have at some periods, to the great injury of the community, been depreciated in value. To the numerous instances which attest this truth, I deeply regret to add, that which has been experienced in this State, more especially during the past year. The notes of our banks have been greatly below par, and the complaints of our citizens, who have suffered from the depreciation, have been loud, and in general, just and well founded. The regret I have expressed is greatly increased by the consideration that this State, in its corporate capacity, owns more than one fifth of the capital of its banks—in fact, that nearly all its available funds consist of their stock. Upon this subject, so interesting to the citizens generally, and so vitally important to the interests of the State, I have thought it my duty to bestow much attention. The result of my inquiries has been, that the Banks have unquestionably the means of discharging all their debts, and that they will be able, by prudent management and by making small dividends, to restore to the stockholders the whole, or nearly the whole, of their capital. While I cannot suggest any mode of legislative interference in their affairs, which would improve their condition, or add to their ability to pay specie, and which might not essentially damage the finances of the State, it yet may be neither uninteresting nor useless to trace their present difficulties to their source. During the late war our banks enjoyed an enviable state of prosperity. Their notes circulated at par not only in this, but in all the neighboring States. Soon after the termination of the war, commenced that spirit of speculation, so memorable in the history of our country, and which overthrew, in its progress, men of every station and profession in life. The banks were not exempt from its influence. Partially tempted by the desire of large dividends, and partly induced by the solicitations of imprudent applicants, they extended their loans, not indeed beyond the limits allowed by their charters, but beyond those which a prudent discretion and vigilant foresight would have prescribed. Their notes were issued to a large amount. When the fever of speculation subsided, and left an unexampled depression in all kinds of business, the bank notes, which an unnatural excitement had called into circulation, were returned for payment. At that time the Banks were rich in specie. Instead of adopting, at this crisis, the only means which could have preserved their credit—a prompt payment in specie of the notes presented, and a rigid demand upon their debtors of such instalments, as would have enabled them to meet these calls—they became alarmed, and resorted to a measure suicidal in its nature; and from the effects of which they have never recovered. They proclaimed, at the same time and in concert, that they would not redeem their notes in specie. As a necessary consequence, the value of their paper sunk immediately in public estimation. To this unfortunate act, and to the continuance of extensive loans and large dividends, may be referred nearly all their subsequent difficulties. Their notes became the prey of brokers, and the law, stronger than their resolutions, compelled them to part with their specie. It was in vain that, convinced of their error, they endeavored to regain their standing by punctual payment. Public confidence in moneyed institutions, once lost, is not easily recovered. Their specie has been gradually drained from their vaults, and specie has been made to enable them to meet demands. Their notes, however, have continued below par, and two or three seasons being disastrous to the farmers, and combining with the low price of his produce to put it out of his power to discharge the debts he owed these institutions, have accelerated the depreciation. Add to these causes, the large amount which is annually paid by our citizens into the national Treasury in duties on foreign articles, which cannot be much less than a million of dollars, which must all be paid in specie or the representative of specie, and scarcely a dollar of which returns among us in the disbursements of the general government, and it will not be difficult to account for the present embarrassed state of our banks. I will only add that I have no doubt the course which these institutions have been pursuing for the last year—reducing their dividends; gradually, but safely collecting their debts by instalments not oppressive to the debtor, and paying the demands against them with all the promptitude which their circumstances will admit, is the best adapted to remedy the existing evil, and to insure to the Stockholders, at the expiration of the charters, the par value of their stock.

The charters of the present banks will expire on the first of January, 1835. I submit to you the propriety of now determining whether some measures should not be adopted in anticipation of that event. The State owns more than seven hundred thousand dollars in the stock of these institutions, and individuals are indebted to them several millions. It seems prudent, from a consideration of these facts, and of the mischief which would ensue from a sudden change in the monetary affairs of this country, that you should early decide upon the future policy of the State. Will you abandon the banking system? will you renew the charters of the present banks; or will you establish new banks? These are the questions necessarily presented to your consideration. I have already trespassed too long on your attention to permit me to discuss them. I will only remark, that whether you determine to renew the present charters or to establish a new bank, new and more efficient provisions will...
be required to prevent the evil, to which banks are so often subjected, by the anxiety of the stockholders to make large dividends—I mean excessive loans, and the consequent depreciation of their notes.

I am pleased to inform you that the property received from the representatives of the late Treasurer will discharge, within twelve or fifteen thousand dollars, the amount which was deficient in the Treasury. For the balance, the State, it is believed, has the responsibility of sufficient securities.

In June last, I received from the proper officers of the Treasury department of the United States the sum of twenty-two thousand dollars, the amount of the appropriation made by Congress to reimburse what had been expended by this State in purchasing Cherokee reservations. This sum was immediately paid over to the Public Treasurer, and has been by him transferred to the Literary Fund, according to the provisions of the act establishing that fund.

Serious complaints are made by some of the large western counties of the injury they sustain from the shortness of the terms of their Superior Courts. From the populousness of these counties, their dockets are necessarily crowded with cases, both civil and criminal, and it is not possible for the most industrious judge, within the time allotted to the court, to try more than a small proportion. The accumulation of costs, and the delay, often amounting to the denial of justice, which necessarily ensue, are evils which are strongly recommended to your notice, by a proper regard for the rights of the citizens.

Since your last session, the State has lost a valuable officer and estimable citizen in the death of James F. Taylor, Esq. The vacancy occasioned by his death in the office of Attorney General was filled, in pursuance of the advice of the Council, by the appointment of Robert H. Jones, Esq., of Warren County. It remains for you to make a permanent appointment to this office, and also to that of Solicitor of the first Judicial Circuit, the designation of which by David L. Swain, Esq., has been received at this Department.

A splendid map of Virginia has been presented by that Commonwealth to this State. We have at different times received maps from other states, and one from the territory of Michigan. Permit me to suggest to you the expedition of authorizing the Executive, when the new map of this State now preparing by Mr. McRae shall be completed, to reciprocate these acts of courtesy, and to extend them to all the other States.

Five hundred and thirty copies of the acts passed at the last session of Congress have been received from the Department of State of the United States, and are now in the Executive Office awaiting your disposition.

I transmit to you, in file marked A, certain reports of committees and resolutions adopted by the Legislature of Georgia on the subject of African Colonization, of the Tariff, and of the powers claimed by the General Government in relation to Internal Improvement; also resolutions of the Legislature of South Carolina, on the same subjects, and resolutions of the Legislatures of Ohio & Vermont on the same subjects, and on some proposed amendments to the Constitution of the U. States; all of which have been received from the Governors of those States respectively, with a request that they should be submitted to you. Not only the courtesy due to our sister States, but also the interesting nature of the questions discussed in these papers, cannot fail to secure for them a most respectful and deliberate consideration.

In pursuance of the authority vested in me by the last General Assembly, I appointed Romulus M. Saunders, Esquire, to treat with the Cherokee Indians, who still owned reservations in the lands lately acquired by treaty from their nation. He has succeeded in contracting for the purchase of all the claims for the sum of fifteen thousand dollars. It is believed that the claims extinguished are intrinsically worth a much larger sum. The official report of Gen. Saunders is not yet received. It shall be submitted to you as soon as it reaches this Department.

A petition has just been received at this Department from a number of citizens of Haywood county, who had purchased from the commissioners of the State tracts of land in the country acquired from the Cherokees, representing that suits were brought against them in the Federal Court by individuals claiming under a grant issued by the State in the year 1796; that the questions of law involved in these suits are difficult; and that they are too poor to employ eminent counsel, and asking
the aid of the Executive. It is said that if the principles contended for by the plain-
tiffs in these cases be correct, their grant will embrace at least fifty thousand acres
in the Cherokee purchase; of which about one fifth has already been sold by the
State. As this Department has no power to act, whatever may be the claims of the
petitioners on the justice of the State, or however deeply her interests may be
involved, I transmit the petition to you, and refer the matter to your consideration.

In file marked B, herewith transmitted, you will find the resignation of David L.
Swain, Esq. as Solicitor of the first Judicial Circuit, and also the resignations of mi-
litia officers and Justices of the Peace, which have been received at this Department
since the last session of the Legislature.

The resolution, adopted at the last session, requiring me to collect information
upon the subjects of a Penitentiary and Lunatic Asylum, has not been neglected. The
information collected shall be transmitted to you in a few days.

I have, gentlemen, in the course of this long address, communicated my sentiments
on some important subjects, with a frankness which may seem like an unwarranted
intrusion on the peculiar province of a body, whose intelligence and patriotism are
sure guaranties of not only a faithful, but an able discharge of their duties. I must
rely, for my apology, upon the usage long established by my predecessors, and upon
the deep anxiety I feel for the welfare of the State. May the Almighty Ruler of
nations, without whose aid our wisdom is foolishness, smile upon your counsels, and
so direct your measures, that they may promote the happiness, the physical, intellec-
tual and moral improvement of our country!

I have the honor to be, gentlemen, with the highest consideration, your ob't serv't,
JA. IREDELL.

Executive Department. 7
Raleigh, Nov. 17, 1828. 8

On motion of Mr. Newland, ordered that the said communication be
sent to the Senate, proposing that it be printed, one copy for each Member
of the General Assembly.

The bill to reduce and fix the salaries and fees of certain public officers
therein named, was read the first time and passed.

On motion of Mr. Potter, ordered that a message be sent to the Senate,
proposing that the said bill be referred to a select joint committee of five
from each House; and informing that said committee on the part of this
House, consist of Messrs. Potter, Swain, Newland, Edmonston and
Battle.

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

Wednesday, November 19, 1828.

Charles Fisher, the Member representing the town of Salisbury; Henry
A. Martin, one of the Members from Stokes county; John Iver M'Millan,
one of the Members from Bladen county; John B. Jasper, one of the Mem-
bers from Hyde county; and David W. Borden, one of the Members from
Carteret county, appeared, produced their credentials, were qualified and
took their seats.

The Speaker laid before the House the report of William Robards,
Public Treasurer, exhibiting the state of the Treasury to the end of the
last fiscal year; which being read, was, on motion of Mr. Swain, ordered
to be sent to the Senate, proposing that it be printed, one copy for each
Member of the Assembly.

Mr. Calloway, with leave, presented a bill for the destruction of wolves
in the county of Ashe. The said bill was read the first time and passed.

On motion of Mr. Swain,
Resolved, That the Public Treasurer be instructed to obtain and communicate to this
House as early as practicable, a detailed statement of the accounts of the State Bank of
North Carolina, and the Banks of Newbern and Cape Fear, with the State of North Carolina, from the period of the establishment of those institutions to the close of the last fiscal year.

The resignation of Nathaniel Macun, as Senator from this State to the Congress of the United States; as Trustee of the University of North Carolina; and as Justice of the Peace for Warren county, was read and accepted.

The resignation of Samuel Williams, justice of the peace for the county of Nash, was read and accepted.

A message from the Senate, agreeing that the message of his Excellency the Governor to the Legislature, be printed, as proposed by this House.

The resignations of Jas. Brown, Colonel Commandant of the Pitt county militia; Henry Best, Lieutenant Colonel of the militia of Columbus county; Thomas Speller, of Bertie county; Hartwell Hayes, of Wilkes county; and of Joseph Walker, of Davidson county, justices of the peace, were read and accepted.

Mr. Bynum, from the committee appointed to prepare and report rules of order for the government of the House for the present session, reported the following, and recommended their adoption. The report was read and concurred with, to wit:

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

2. That no resolutions shall require to be put to the House by the Speaker, unless on motion.

3. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or Chairman of the committee of the Whole, shall have power to order the same to be cleared.

4. In all cases of ballot by the House, the Speaker shall vote. In other cases he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

5. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker.

6. If any member, in speaking, or otherwise shall transgress the rules of the House, the Speaker shall, or any other member may, call him to order; in which case the member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact, or to explaining and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

7. When two or more members rise at the same time, the Speaker shall name the member to speak.

8. No member shall speak more than twice on the same question without leave of the House.

9. Whilst the Speaker is putting any question, or addressing the House, no person shall speak or walk out, or across the House; nor, when a member is speaking, entertain private discourse, or pass between him and the Chair.

10. No member shall vote on any question, unless within the bar of the House when the same was stated; and the range of pillars on the north side of the Commons Hall shall be considered the bar of the House.
11. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

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

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

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

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

16. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, postpone indefinitely, to postpone to a day certain, to commit or amend, which several motions shall have precedence in the order they stand arranged.

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

18. It shall be the duty of the Clerk to insert in the Journal, the name of each and every Member moving an adjournment of the House, with the result of each and every such motion.

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

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

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

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

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

24. A bill once rejected, another on the same subject shall not be brought in again this session; but when a question has been determined, either in the affirmative or negative, it shall be in order once only for any member in the majority to move the reconsideration thereof, provided it be done on the same or succeeding day.

25. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

26. The unfinished business in which the House was last engaged at the time of their adjournment, shall have the preference in the order of the day; and no motion or other business shall be received without leave of the House.

27. The Speaker shall direct and arrange the orders of the day, until the House shall otherwise order.

28. No member shall be called upon for words of heat spoken in the House, but on the day on which they were spoken; and decency of speech shall be observed, and personal reflections carefully avoided.

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

30. No member or officer of the House shall absent himself from the service of the House without leave, unless from sickness or inability to attend.

31. Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

32. In the nomination of committees, no member shall nominate more than one person to be of a committee.

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

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

35. The rules of proceeding in the House shall be observed in the committee of the whole, so far as they are applicable, except in limiting the times of speaking.

36. Whenever the Speaker, from fatigue or other causes, shall have occasion to leave the Chair, he shall name a member who shall discharge the duty thereof during his retirement.

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

38. No standing rule or order shall be rescinded, altered or suspended without one day's notice given of the motion thereof; and to sustain such motion two thirds of the House shall be required.
63. When a bill is introduced to repeal a public law, or any part thereof, the law, or part
thereof, to be repealed, shall be read at each separate reading of the bill.
64. Six standing committees shall be appointed at the commencement of the session, to
with: 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.
65. A select standing committee, consisting of nine members, shall be appointed at the
commencement of the session by the Speaker, and be denominated "the Committee on the
Judiciary."
66. All bills of a public nature, when ready for the second hearing, shall be noted to be
read at least one day previous therefor; and then shall be first read for information, and
afterwards paragraph by paragraph, and held open for amendment.

The committee further recommended to the House the printing and
prefixed in the rules thereof the Constitution of the State.
The Speaker, in pursuance to the 41st rule for the government of the
House, appointed a select committee on the Judiciary consisting of Messrs.
Nash, Gaston, Swain, Spruill, Wadell, Eccles, Potter, Wheeler and
Bynum.

And the House, on motion, in conformity with the 46th rule, proceeded
to appoint the six standing committees, to wit:

Committee of Claims—Messrs. William W. Stedman, Wilson B. Webster, Marshal
Dickinson, John W. Sasser, George E. Spruill, Benjamin Sharp, Edward Williams,
John Kerr, John Smith, Nathan Gibson, Wesley Jones, James H. Ruffin, John Clement,
Henry A. Martin, David Newland, Andrew H. Loretz.

Committee of Propositions and Grievances—Brigadier I. Montgomery, William S.
Allison, George Whitfield, John M. Bryan, Roderick B. Gary, Benjamin Wilkinson,
Caleb Stephens, William Wright, William A. Morris, Meill Nicholson, Thomas
Wobb, Robert Potter, Richard Allison, Francis L. Simpson, John Clayton, James
Webb.

Committee of Education—Joseph M'Kee, John Pool, Thomas W. Blackledge,
Josiah O. Watson, R. B. Pierce, William Branch, Luke R. Simmons, William L. Hall,
Thomas Boykin, Malcolm Pusey, Nath'l G. Smith, Frederick Nash, George C. Men-
denhall, William M'Lean, David L. Swain, Bartlett Shipp.

Committee of Agriculture—Enoch Ball, Joseph Watford, Owen B. Cox, James
Rhodes, Gideon Bass, William G. Jones, Joseph Gillespie, William S. Larkin,
Warren Alford, William Wadsworth, John Stockard, Hugh Walker, Thomas Hampton,
Reuben Kendall, Ninian Edmonston, Mark Brittain.

Committee of Internal Improvement—John H. Wheeler, William Gregory, David
W. Borden, John B. Jasper, Jesse Cooper, Richard Ward, John Walker, Thomas
Smith, John D. Eccles, Alexander M'Neil, James Wyche, Hugh Wadell, William
Bethell, Mordecai Fleming, James Graham, Nathaniel Gordon.

Committee of Privileges and Elections—Daniel N. Bateman, Thomas Sanderson,
Emmanuel Jarman, James Harper, Joseph N. S. Rogers, Frederick Battle, Frederick
Foy, John J. M'Willian, David Underwood, Josiah Tyson, Samuel Whitaker, Joseph
J. Brooks, Joseph M. Bogle, Joseph Blackwood, John Saintclair, James Callaway.

On motion of Mr. Potter,

Resolved, That so much of the Governor's message as relates to the Banks, be re-
ferred to Messrs. Potter, Brittain of Burke, Ruffin, Mendenhall and Branch; and that
so much of said message as relates to internal improvements, be referred to the stand-
ing committee on that subject.

On motion of Mr. Edmonston,

Resolved, That so much of the Governor's message as relates the memorial of the
citizens of Haywood county, be referred to a select committee; and to Messrs. Ed-
monston, Shipp, Moore of Surry, Moore of Stokes, and Hancock.

On motion of Mr. Whitfield, ordered that so much of said message as re-
lates to draining swamp lands be referred to the committee on Internal
Improvements.

On motion of Mr. Bynum, ordered that so much of said message as re-
lates to the Tariff, be referred to a select committee, to wit: Messrs. Bynum, Gaston, Shipp, Nash and Mhoon.

On motion of Mr. Ellis, the House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 20, 1828.

James Bozman, the member representing the town of Edenton, and Abner N. Vail, one of the members of Washington county, appeared, produced their credentials, were qualified, and took their seats.

On motion of Mr. Potter,

Resolved, That the Treasurer be requested to lay before this House immediately a transcript of so much of his annual report as embraces the annual exposition of the several Banks of this State, from the periods at which they were established.

William Julius Alexander, one of the members of Mecklenburg county, and Hamilton C. Jones, one of the members of Rowan county, appeared, produced their credentials, were qualified, and took their seats.

On motion of Mr. Wheeler, ordered that so much of the Governor's message as relates to the outlet of the waters of the Albemarle Sound to the Ocean, be referred to the committee of Internal Improvements.

Mr. Clayton presented a petition from sundry citizens of Buncombe county, in behalf of George B. Green, praying that he be restored to the privileges of a citizen, forfeited by conviction of a crime; and Mr. Mhoon presented the petition of Silas Smith, of Bertie county, stating that he is in possession of a tract of land under lease from the Tuscaroa Indians, the reversionary interest of which is in the State, and praying the privilege of purchasing the same.

On motion, ordered that these petitions be referred to the committee on Propositions and Grievances.

Mr. Cooper presented the following resolution:

Resolved, That all resignations hereafter handed in during this Session, shall be accepted, without being read; except otherwise ordered by the House.

The question to concur with the resolution, was determined in the negative.

The bill for the destruction of wolves in the county of Ashe, was read the second time, and the question, shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing of their assent to the proposition of this House, to have printed the Public Treasurer's report; and also of their assent to the proposition to refer the bill to reduce and fix the salaries and fees of certain officers therein named to a select joint committee.

A message from the Senate proposing that a select joint committee be appointed of two members from each House, to take into consideration, and to report what disposition shall be made of certain documents forwarded by Mr. Macon. The message was concurred in, and the Senate informed by message, that Mr. Alexander and Mr. Borden form the committee on the part of this House.

The bill for the destruction of wolves in the county of Ashe, was read the third time, and the question, shall the said bill pass and be engrossed? was determined in the affirmative.

On motion of Mr. N G Smith, ordered that the bill to reduce and fix the salaries and fees of certain public officers therein named, be printed,
one copy for each member of this House; and on motion of Mr. Potter, the said bill was referred to Mr. Potter, Mr. Swain, Mr. Newland, Mr. Edmonston and Mr. Battle.

On motion of Mr. Newland, a Military committee was appointed, consisting of Messrs. Boykin, Bateman, Fisher, Newland, Sharpe, Bethell and Pierce.

Mr. Swain, who voted in the majority yesterday, on referring so much of the Governor's message as relates to the several Banking Institutions in the State, to a select committee, now moved that the House do reconsider that vote. The question thereon was determined in the negative.

On motion of Mr. Swain, Mr. Swain, Mr. Eccles, Mr. Spruill and Mr. Graham were added to the select committee appointed on so much of the Governor's message as relates to the several Banks in this State.

Mr. Clayton presented a bill to repeal an act, entitled "an act fixing the sum hereafter to be paid for vacant lands;" which was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Wheeler presented a bill to explain an act, passed in the year 1827, entitled an act to reduce the number of petty musters to two in the year. The said bill was read the first time and passed, and, on the motion of Mr. Wheeler, referred to the military committee.

The resignations of James Carraway, Major of the 32d regiment of militia; Jesse Sallers and Benjamin Durham, of Rutherford county; Joseph Ellis, of Greene county; Reddick Cross, of Hertford county; and John Huffman, of Duplin county, justices of the peace, were presented, read and accepted.

Mr. Blackledge moved that Mr. Nelson be added to the committee on Internal Improvement, and Mr. Styron to the committee of Propositions and Grievances. Mr. Gary moved that Mr. Latham be added to the committee of Propositions and Grievances. Mr. Newland moved that Mr. Brittain be added to the committee on Internal Improvement. Mr. Ruffin moved that Mr. Hester be added to the committee of Propositions and Grievances. And Mr. Allison moved that Mr. Alexander be added to the committee on Internal Improvements. The questions to concur with the several additions, were determined in the affirmative. Mr. Heltien moved that the House do reconsider the vote, and the question thereon was determined in the affirmative. Whereupon the nominations, with leave, were withdrawn by the several movers.

On motion of Mr. Swain, the House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 21, 1828.

John Walker, the member representing the town of Wilmington, appeared, produced his credentials, was qualified and took his seat.

The Speaker laid before the House, transcripts of the annual expositions of the several Banks of this State, furnished by the Treasurer, as filed in his office, in obedience to a resolution of this House.

On motion of Mr. Potter, ordered that the said expositions be referred to the committee on the Banks.

On motion of Mr. Nash,
Resolved, That the committee on the Judiciary be instructed to inquire whether any, and if any, what alteration or amendment is necessary in the law as it now stands, upon the subject of the trial of persons charged with a capital offence; and that they report by bill or otherwise.

Mr. Jones, of Wake, presented the report of the superintendent of the Public Buildings, which was read, and on motion of Mr. Jones, ordered to be sent to the Senate, proposing to refer the same to a select joint committee, and informing that Mr. Jones, of Wake, and Mr. Hampton compose the committee on the part of this House.

Received from the Senate the report of the committee on the Joint Rules of the two Houses, stating that it is inexpedient to make any alteration; endorsed, "read and concurred with." The report was read, concurred in, and returned to the Senate.

A message from the Senate, informing that on their part they had appointed a committee of Finance, consisting of Messrs. M'Dowell, Davidson, M?Farland, Ward, Croom, Bailey, Wilson and Gray; and that Mr. Wellborn and Mr. Shober form the committee on their part to take into consideration, and report what disposition shall be made of certain documents presented by Mr. Macon; and proposing that the two Houses at their meeting on Monday next, ballot for a Senator in Congress to serve for six years after the 4th of March next, and informing that the name of John Branch is in nomination for the appointment. On motion, ordered that the Senate be informed by message of the assent of this House to their proposition to vote for a Senator in Congress on Monday next.

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

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

Gentlemen,—I have the honor to transmit to you the report of Romulus M. Saunders, Esquire, the commissioner appointed under the provisions of an act passed at your last session to contract for the purchase of reservations still claimed by the Cherokee Indians, together with sundry documents and a letter accompanying the report

I am with high consideration, your obedient servant,

JAMES IREDELL.

Executive Department, Raleigh, Nov. 21st, 1828.

On motion of Mr. Fisher, ordered that the said communication and documents be sent to the Senate, with a message, proposing to refer the same to a select joint committee, and that the report of the commissioner be printed. one copy for each member of the Assembly; and informing that Messrs. Fisher, Shipp Cary, Newland and Stedman, form the committee on the part of this House.

On motion of Mr. Spruill.

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so altering and amending the laws relating to mortgages and deeds in trust, as more effectually to prevent the frauds practised under the existing laws; and that they have leave to report by bill or otherwise.

Mr. Hellen, with leave, presented a bill to amend an act, passed in the year 1800, entitled an act concerning wrecks. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Harper, with leave, presented a bill appointing commissioners for the town of Snow Hill, in Greene county; which was read the first, second and third times, passed, and, on motion, ordered to be engrossed.
On motion of Mr. Alexander, ordered that a message be sent to the Senate, proposing to ballot on Monday next, for Solicitor in the first Judicial District, and informing that the name of John L. Bailey is in nomination for the appointment.

On motion, ordered that the Senate be informed by message that Messrs. Gaston, Bynum, Hodges, Wyche, Fisher, Mitchell, Pool and Walker form the committee of Finance on the part of this House.

On motion of Mr. Cox,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law so far as relates to administrators and executors, so that no judgment shall be given against any administrator or executor for a certain length of time from the time of administration granted, or qualification of an executor.

Mr. Gillespie, with leave, presented a bill to establish Bethel Academy, in the county of Duplin, and to incorporate the trustees thereof. The said bill was read the first, second and third times, passed and ordered to be engrossed.

A message from the Senate, informing of their assent to the proposition of this House to refer the report of the superintendent of Public Buildings to a joint select committee, and that Messrs. Hinton and Davidson form the committee on their part; and agreeing that the documents transmitted by his Excellency the Governor, attendant on the report of Romulus M. Saunders, Esquire, be referred to a select joint committee, and informing that Messrs. Melbanc, Love, Smith, of Davidson, M'Daniel and Parker form the committee on their part, and that the report of the commissioner on this subject be printed, as proposed by this House.

On motion of Mr. Mhoon,

Resolved, That the committee on the Judiciary be instructed to inquire whether any, and if any, what alterations are necessary or expedient in the laws of this State on the subject of widow's dower.

On motion of Mr. Mhoon, ordered that the Senate be informed by message that the name of Matthias B. Palmer is added to the nomination for Solicitor in the first Judicial circuit.

A message from the Senate, informing of their assent to ballot, as proposed by this House, on Monday next, for Solicitor in the first Judicial circuit.

The House then, on motion of Mr. Gaston, adjourned until to morrow morning, 10 o'clock.

Saturday, November 22, 1828.

The Speaker laid before the House the report of William Robards, surviving commissioner appointed to superintend the sale of the property of the late Treasurer, John Haywood, deceased. On motion of Mr. Fisher, ordered that the said report be referred to the committee of Finance; and that the report be sent to the Senate, proposing that it be printed, one copy for each member of the Assembly.

Alfred Waddell, one of the members of Bladen county, appeared, produced his credentials, was qualified, and took his seat.

Received from the Senate a resolution proposing to raise a joint select committee, to take into consideration the expediency of reducing the price of vacant and unappropriated lands, and informing that Messrs. Wellborn, Meares, Franklin of Surry, M'Daniel, M'Dearmond and M'Neill form the
committee on their part. The resolution was read and concurred in, and a committee appointed, consisting of Messrs. Clayton, Gregory, Blackledge, Alexander and Brittain of Haywood.

Received from the Senate the certificate of the County Court of Warren, allowing Elizabeth Harris, a pensioner of the State, a pension of ninety dollars for the present year, countersigned by the Speaker; which was read, countersigned by the Speaker of this House, and returned to the Senate.

On motion of Mr. Swain, ordered that the bill to repeal an act, entitled an act fixing the sum hereafter to be paid for vacant and unappropriated lands, be referred to the joint committee raised on this subject.

Mr. Wright, with leave, presented a bill to incorporate Line Lodge, No. 87, of Sampson county. The said bill was read the first, second and third times, and the question, shall the said bill pass its respective readings? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

On motion of Mr. Gary,
Resolved, That so much of the Governor's message as relates to the complaints of some of the western counties of the injury they sustain from the shortness of the terms of their Superior Courts, be referred to the committee on the Judiciary.

On motion of Mr. Sanderson,
Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the act, passed in the year 1826, entitled an act to prohibit the trading with slaves except in the manner therein prescribed, as more effectually to prevent the selling of powder and shot to slaves; and that they report by bill or otherwise.

On motion of Mr. Bynum, the name of Jesse Wilson, and, on motion of Mr. Montgomery, the name of James S. Jones, were added to the nomination for Solicitor in the first Judicial Circuit. Ordered that the Senate be informed of the additions by message.

On motion of Mr. Bozman,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of establishing a separate and distinct Court of Equity; and that they report by bill or otherwise.

Mr. N. G. Smith presented the following resolution:
Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of reducing the number of petty musters to one only in twelve months.

The question to concur with the resolution was determined in the negative.

Mr. Boykin, with leave, presented a bill to alter the names of Benjamin Michael Ezell and Robert Marshall Ezell, and to legitimize them. The said bill was read the first and second times, and the questions, shall the said bill pass its respective readings? were determined in the affirmative.

Received from the Senate the certificate of the County Court of Cumberland in favor of Sherwood Fort, a pensioner of the State, allowing him a pension of fifty dollars for the present year, countersigned by the Speaker; which being read, was ordered to be countersigned by the Speaker of this House, and returned to the Senate.

On motion of Mr. Hellen, ordered that the bill concerning wrecks be referred to Messrs. Hellen, Styron, Walker of New Hanover, Ball of Currituck and Nelson of Craven.
A message from the Senate, informing of the assent of that House to refer the report of William Robards, surviving commissioner to superintend the sale of the property of the late Treasurer, John Haywood, to the committee of Finance, and that it be printed; also informing that the Senate had appointed a committee on Enrolled Bills, consisting of Messrs. Marshall and Bailey.

Mr. Eccles presented the petition of John Black, sheriff of Cumberland, stating that, from imperious circumstances, he had failed to settle fully his accounts as sheriff for the last year; and that in consequence, he had been sued by the present Treasurer, and a recovery to a large amount obtained against him; and praying for relief. Ordered that the said petition be referred to the committee on Propositions and Grievances.

The resignations of Thomas Rice, of Johnston county, John ______, of Mecklenburg county, and Robert Gillespie, of Rowan county, justices of the peace, were presented, read and accepted.

On motion of Mr. Blackledge.

Resolved, That a message be sent to the Senate, proposing that a joint select committee be raised, to inquire into the expediency of electing Sheriffs by the people; that such committee be authorised to report by bill or otherwise; and that Messrs. Blackledge, Stedman, Hodges, Newland, Potter, Allison, Underwood and Gary form the committee on the part of this House.

On motion of Mr. Stedman, ordered that a message be sent to the Senate, informing that the name of Samuel T. Sawyer is added to the nomination for Solicitor in the first Judicial Circuit.

Mr. Potter presented the following resolution:

Resolved, That Messrs. Mitchell, Simpson, Pierce, James Webb, Bethell, Bagle, Edmonston, N. G. Smith and Watson, be added to the select committee on the Banks; and that said committee be directed to inquire into the following points, viz.

First, The mode in which the stock of the several Banks was raised and paid.

Second, The amount of specie on hand at the time they went into operation, and at other periods since.

Third, The amount of notes put into circulation by the Banks from time to time since their organization.

Fourth, The amount of notes discounted from time to time since their organization.

Fifth, The amount of debts due them from time to time since their organization.

Sixth, Whether they have paid specie on demand for their notes since their organization.

Seventh, Whether they have observed that provision of their charters which requires that they shall take six per cent. on account of their loans and discounts, and no more.

Eighth, Whether they have not coerced on a system of extension against those indebted to them, by requiring them to pay the attorneys of the Banks large and illegal fees, as the only condition on which they should be allowed to renew their notes on which suit had been brought; and any other point which the committee may deem worthy of investigation; and that the said committee, in order that they may be enabled to prosecute their inquiries effectually, be authorised to send for persons and papers, and examine the same on oath or otherwise; and that the said committee be authorised to command the attendance of the officers of this House, as their executive officers.

On motion of Mr. Graham, ordered that the said resolution be laid on the table.

Mr. Blackledge, with leave, presented a bill to vest the election of sheriffs in the freemen of the county. The said bill was read, and, on motion of Mr. Blackledge, ordered to lie on the table.

The House then adjourned until Monday morning, 10 o'clock.
MONDAY, NOVEMBER 24, 1838.

On motion of Mr. Potter, and with leave of the House, he withdrew the resolution presented by him on Saturday last, relative to the several Banks in this State, and presented the following:

Whereas the large interest which the State of North Carolina has vested in the several Banks of this State, renders it necessary that the representatives of the people should thoroughly investigate the conduct and condition of said Banks; and whereas the charters will expire on the 1st of January, 1838, and experience and prudence advise us, before the termination of said charters, to procure correct information, upon which the Legislature may act understandingly in discontinuing or extending the charters of the present Banks, or in establishing such other institutions as the good sense and best interest of the people may require; therefore,

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

On the further motion of Mr. Potter,

Resolved, That a message be sent to the Senate, with a proposition to raise a select committee of nine members, to be added to the committee already raised by this House, on so much of the Governor's message as relates to the Banks; and that the said committee, so united, be a joint committee of both Houses on that subject, and be clothed with the same powers as are now committed to the select committee of this House on that subject.

On motion, ordered that the preceding resolution, defining the powers of said committee, be sent to the Senate for concurrence.

William B Kilpatrick, one of the members of Lenoir county, appeared, produced his credentials, was qualified and took his seat.

A message from the Senate, informing that Mr. Mathews and Mr. Joiner form, on their part, the committee to superintend the balloting for Senator in Congress to serve six years after the 4th March next. On motion, ordered that the Senate be informed by message that Mr. Gaston and Mr. Ruffin form the committee on the part of this House, to superintend the balloting for Senator in Congress to serve six years after the 4th March next.

A message from the Senate, informing that Mr. Beasly and Mr. Daventry attend this House as a committee on their part, to conduct the balloting for Solicitor in the first Judicial circuit. On motion, ordered that the Senate be informed by message that Mr. Alexander and Mr. Mhoon attend the Senate as a committee on the part of this House, to superintend the balloting for Solicitor in the first Judicial circuit.

Mr. Gaston, from the committee appointed to superintend the balloting for Senator in Congress,—reported that the committee had performed the duty assigned to them, and that on examining the ballots, a majority of the whole number was found to be in favor of John Branch, who was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot on Friday next for Attorney General, to supply the vacancy occasioned by the death of James F. Taylor, and informing that Romulus M. Saunders and Charles Manly are in nomination for the appointment. The message was concurred in, and the Senate informed by message that the names of Priestly H. Menzum, Thomas W. Blackledge and Thomas P. Devereux are added to the nomination.
Mr. Alexander, from the committee appointed to superintend the balloting for Solicitor in the first Judicial circuit, reported that the committee had performed that duty, and that it appeared on examining the ballots, a majority of the whole number was found to be in favor of John L. Bailey, who was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot at the meeting of the two Houses to-morrow for Senator in Congress, to supply the vacancy occasioned by the resignation of Nathaniel Macion, and informing that the name of Montfort Stokes is in nomination for the appointment. On motion, ordered that the message lie on the table.

On motion of Mr. Wyche,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of limiting by law the allowance to be made to Clerks and Masters in Equity, and others, for selling lands and collecting and accounting for the proceeds thereof, in all cases where Courts of Equity shall decree a sale by virtue of the act of 1812, chapter 847, and the several acts subsequently passed, amendatory thereof; and that the committee report by bill or otherwise.

On motion of Mr. Newland,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of amending the law in relation to excuses to be admitted by overseers of roads for non-performance of their duty.

On motion, ordered that the Senate be informed by message that Messrs. Jones, of Rowan, Gordon, Wheeler and Whitfield form the committee on Enrolled Bills on the part of this House.

On motion of Mr. Swain,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law, that it shall be the duty of the several Judges of the Superior Court, at the request of either the plaintiff or defendant, to reduce his charge so far as regards the law of the case to writing and read it to the Jury, and that the charge so written, shall, in case of appeal, make a part of the record.

Mr. Edmonston, from the select committee, to whom was referred so much of the Governor's message as relates to a memorial received by the Executive from sundry citizens of Haywood county, reported a bill in pursuance to the prayer of the petition, entitled a bill concerning certain lands purchased at the sales of the commissioners in Haywood county. The report was concurred in, and the bill reported, read the first time and passed.

A message from the Senate, informing that they had passed the bill to repeal an act, passed in the year 1823 entitled an act to regulate the Court of Pleas and Quarter Sessions of Richmond county, and asking the concurrence of this House. The said bill was read the first time, and the question, shall the said bill pass? was determined in the affirmative.

Mr. Sharpe, with leave, presented a bill prescribing the manner in which field officers shall be recommended to the General Assembly, which was read the first time, passed, and, on motion of Mr. Meiloon, referred to the Military committee.

Mr. M. Brittain, in pursuance to a petition, presented a bill to secure to Nancy Sorrels, of Burke county, such property as she may hereafter acquire. On motion, ordered that the said bill and petition be referred to the committee of Propositions and Grievances.

Mr. Hancock, with leave, presented a bill to prevent the felling of timber in, or otherwise obstructing the channel of Uharie and Richland
creek, in Randolph county. The said bill was read the first, second and third times, and the questions, shall the said bill pass its several readings were determined in the affirmative. Ordered that the said bill be engrossed, and sent to the Senate for concurrence.

The bill to alter the names of Benjamin Michael Ezell and Robert Marshall Ezell, and to legitimate them, was read the third time, passed, ordered to be engrossed, and sent to the Senate, asking the concurrence of that House:

Mr. Clement, in pursuance to a petition, presented a bill to authorise Daniel Ratledge and Isaac Ward, to erect gates across a road running through their plantations, free of tax. The said bill was read the first time and rejected.

Mr. Graham presented the petition of Charles Lewis, of Rutherford county, praying to be authorized to turn a public road, laid off by commissioners, leading from Buncombe to Rutherfordton and running through his land. Mr. Blackwood presented the petition of Andrew Walker, stating that he had been convicted in the year 1816, in the Superior Court of Mecklenburg county, of forgery, and suffered the consequent punishment, and praying to be restored to the privileges of a citizen, forfeited by such conviction. Mr. Loretz presented the petition of sundry citizens of Lincoln county, praying that David Dillenger, an inhabitant of Lincolnton, in said county, for reasons stated in their petition, may be permitted to keep a house of entertainment in said town, and sell spirituous liquors free of tax. These petitions were respectively read, and, on motion, ordered to be referred to the committee of Propositions and Grievances.

A message from the Senate, proposing to raise a joint select committee, consisting of nine members on the part of each House, to take into consideration so much of the Governor's message as relates to the Banks and the circulating medium of the State; and to which all matters relating to that subject shall be referred. On motion of Mr. Potter, ordered that the said message lie on the table.

The resignations of James F. Raffe, Lieutenant Colonel of the Pasquotank militia, Samuel Williams, Major of the 2nd regiment of the Cumberland militia, and Ezekiel Teague, Justice of the Peace for Davidson county, were presented, read and accepted.

The Speaker laid before the House the following report, from the Public Treasurer, to wit:

In obedience to the resolution of the House of Commons of the General Assembly of the State of North-Carolina of the 16th instant, the Public Treasurer submits the following statements, exhibiting a detailed statement of the accounts of the State Bank of North-Carolina, and the Banks of Newbern and Cape-Fear, with the State of North-Carolina, from the period of the establishment of those Banks to the close of the last fiscal year.

The report was read, and, on motion, ordered to be sent to the Senate by message, proposing that the several exhibits or accounts be printed, and be referred to the committee on the Banks.

The House then, on the motion of Mr. M. Brittain, adjourned until tomorrow morning, 10 o'clock.

TUESDAY, NOVEMBER 25, 1828.

A message from the Senate, informing that they had passed the follow-
ing engrossed bills, to wit: a bill concerning the County Courts of Nash county; and a bill to authorise the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville; and asking the concurrence of this House. The said bills were respectively read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, agreeing to the proposition of this House to raise a select committee of nine members on the part of the Senate, to be added to the committee raised by this House, on so much of the Governor's message as relates to the Banks, and be clothed with the same powers as are now committed to the select committee of the House of Commons on that subject; and informing that Messrs. Wilson, Croom, Meares, Wellborn, M'Farland, Hunt, Leonard, M'Dearmid and Sherard, form the committee on their part.

Mr. Vail presented the following resolution:
Resolved, That the committee on the Judiciary be instructed to inquire what further provision ought to be made by law in order to make it the duty of the Trustees of the University to make an annual report to the Legislature of the state and condition of that institution; the value of any property they may receive from individuals, by donation or otherwise; the property, either real or personal, which they may receive by virtue of the laws now in force, vesting certain escheated property in them; how much they have recovered; how much they have sold; what sum it sold for; in what way they have disposed of it; what remains on hand in money or otherwise; and that the committee report by bill or otherwise.

The question to concur with the reference of said resolution was disagreed to; and, on motion of Mr. Fisher, it was referred to the committee on Education.

A message from the Senate, informing that the name of James Iredell is added to the nomination for Senator in Congress, to supply the vacancy occasioned by the resignation of Mr. Macon; and that the name of Robert Hill Jones is added to the nomination for Attorney General of this State.

Mr. Swain, with leave, presented a bill for the relief of sundry persons employed in surveying the Cherokee lands. The said bill was read the first time and passed.

The House proceeded to the consideration of the message received from the Senate, proposing to ballot this morning for Senator in Congress, to supply the vacancy occasioned by the resignation of Mr. Macon; which, being again read, was disagreed to; and, on motion of Mr. Newland, ordered that a message be sent to the Senate, informing of the dissent of this House, and proposing that the two Houses ballot on Thursday next for the Senator.

On motion of Mr. T. Webb.

Resolved, That the committee on the Judiciary be instructed to inquire into the policy and expediency of providing by law for the revision of the Acts of Assembly of this State; and that they report by bill or otherwise.

Mr. Harper presented the petition of Celia Garland, praying, for reasons stated in the petition, to have property she may acquire secured to her from the disposition of her husband. Mr. Lorez presented the petition of sundry citizens of Lincoln county, in favor of Alex'r Mechem, praying that he be restored to the privileges of a citizen, forfeited by the conviction of a crime. Mr. Pool presented the petition of Robert Avery, of Pasquotank county, praying, for reasons stated in his petition, to be placed on the pension list. These petitions were respectively read, and,
on motion, ordered to be referred to the committee on Propositions and Grievances.

Mr. Swain, with leave, presented a bill to erect out of part of the counties of Burke and Buncombe a separate and distinct county. The said bill was read, and, on motion of Mr. Swain, ordered to be sent to the Senate by message, proposing to refer the same to a joint select committee; and informing that Messrs. Swain, Gaston, Nash, Hellen and Graham form said committee on the part of this House.

A message from the Senate, informing of the assent of that House to the proposition to ballot on Thursday next for Senator in Congress, to supply the vacancy occasioned by the resignation of Mr. Macon.

Mr. Clement presented the following resolution:

Whereas, by the decisions of the Courts, an administrator with the will annexed has not the same powers with an executor in the disposition of real estate devised by the testator to be sold:

Therefore resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the existing law by statute, as to render their powers coequal and co extensive.

Be it further resolved, That said committee be instructed to inquire whether any, and if any, what alteration or amendment is necessary or expedient in the laws, as they now exist, relative to trials before magistrates where the defendants are executors or administrators.

The question to concur with the resolution was determined in the affirmative.

On motion of Mr. M. Brittain.

Resolved, That all resolutions, the object of which is to draw money out of the Public Treasury, shall be read three times on three several days.

Mr. Ellis, with leave, presented a bill to alter the time and places of holding the elections in the county of Greene. The said bill was read the first time and passed.

Mr. Calloway, with leave, presented a bill to authorise the issuing Treasury notes, and for the appropriating the same to the several counties in this State. The said bill was read the first time, passed, and, on motion, ordered to be referred to the committee of Finance.

Mr. Hellen presented a bill for the relief of Thos. Marshall, Sheriff of Carteret county. The said bill, on motion, was referred to the committee of Finance.

Mr. N. G. Smith, with leave, presented a bill to prevent the importation of slaves into this State. The said bill was read the first time, passed, and, on motion, referred to the committee on the Judiciary.

On motion of Mr. Fisher,

Resolved, That the joint select committee on so much of the Governor's message as relates to the Banks of this State, be instructed to inquire into the expediency of adopting some measure for improving the present condition of the same; and particularly whether it be practicable to consolidate the several Banks into one, to be called the Bank of the State; and whether such consolidation can be accomplished on the following or on any similar principles, to wit:

First, That each Bank shall sell to the State, at a rate to be agreed on, a moiety of its stock; for which the State shall issue scrip at 4 per cent. interest, not payable before the year 1835.

Second, That each Bank shall subscribe the balance of its stock, which, together with the stock sold to the State, and that now owned by the State, shall compose a part of the funds of the new Bank.

Third, That the State shall borrow, at an interest not exceeding six per cent. one.
million of dollars in specie, redeemable at distant periods; which sum shall also be subscribed by the State to the new Bank.

Fourth, That as soon as the Bank of the State goes into operation, it shall withdraw from circulation all the notes of the existing Banks, and all the small change, called Treasury notes, and substitute in their stead notes of the new institution; and that it shall issue no note under the denomination of five dollars, and shall in letter and in spirit become a specie paying Bank.

Resolved further, That the committee be instructed to confer with the stockholders of the several Banks, or with the persons who represent them, on the subject of consolidation, and to ascertain whether they be disposed to surrender their charters and to unite in the establishment of a new institution, to be called the Bank of the State, on the foregoing, or on any other terms; and that the committee report by bill or otherwise.

The said resolution was agreed to, referred to the Bank committee, and, on motion, ordered to be printed.

On motion of Mr. Gaston.

Resolved, That the committee to whom has been referred so much of the Governor's message as relates to the Banks, be instructed to inquire into the expediency of providing for a gradual diminution of the capital stock of their institutions, by authorising them to receive stock of shares in payment of debts, on such terms as may be compatible with justice, the convenience of debtors, the claims of creditors, the rights of the stockholders, and the interests of the community.

The resignation of John M'Millan, Justice of the Peace of the county of Ashe, was presented, read and accepted.

The Speaker laid before the House a letter received by the Clerk of this House from the Clerk of the House of Representatives of the United States, stating that he had, in pursuance of a resolution of the House of Representatives of the United States, sent, for the use of this State, a copy of the Land Laws. On motion of Mr. Gary, ordered that the letter and the laws be referred to the Library committee.

On motion of Mr. Gaston, ordered that Mr. Whitfield have leave of absence from the service of this House after this day.

The House then, on the motion of Mr. Swain, adjourned until to-morrow morning, 10 o'clock.

**Wednesday, November 26, 1828.**

On motion of Mr. Williams,

Resolved, That so much of the Governor's message as relates to a Penitentiary and Lunatic Asylum, be referred to a select joint committee; and that Messrs. Williams of Davidson, Spruill, Gary, Bethell and Fisher compose the committee on the part of this House.

The engrossed bill to repeal an act, passed in the year 1823, entitled an act to regulate the Court of Pleas and Quarter Sessions of Richmond county, was read the second and third times, and the question, shall the said bill pass its respective readings? was determined in the affirmative. Ordered that the said bill be enrolled.

Mr. J. B. Smith. with leave, presented a bill to repeal in part an act, passed in the year 1826, entitled an act to prohibit the Justices of the Courts of Pleas and Quarter Sessions for the counties of Brunswick, Currituck and Moore from allowing extra service to the county officers. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing that they had passed a bill to amend an act, passed in the year 1815, entitled an act to provide for the
removal of the public buildings in the county of Montgomery, and asking
the concurrence of this House.

On motion of Mr. Jones, of Rowan,

Resolved, That the Judiciary committee be instructed to inquire into the expedi-
dency of providing by law for the taking of the depositions of the Governor of the
State, the Judges of the Supreme and Superior Courts, to be read in evidence in all
civil cases whenever these officers are engaged in their official duties.

Resolved, That the committee be instructed to inquire into the expediency of pro-
viding by law for the taking of depositions in all criminal suits where the punish-
ment to be inflicted does not extend to the privation of life or member; and that
they report by bill or otherwise

Mr. Hellen, from the select committee to whom was referred the bill to
amend an act, passed in the year 1800 entitled an act concerning wrecks,
reported that the committee, according to order, had considered the said
bill, and instructed him to report it to the House, with amendments, and
to recommend its passage. The bill was read the second time, amended
conformably to the report, and passed.

On motion of Mr Cox,

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

The engrossed bill, received from the Senate, to amend an act, passed
in the year 1815, entitled an act to provide for the removal of the public
buildings in the county of Montgomery, was read the first time and pass-
ed.

The bill to alter the time and places of holding the election in the coun-
ty of Greene, was read the second and third times, passed, and on motion,
ordered to be engrossed and sent to the Senate for concurrence.

The bill concerning certain lands purchased at the sales of the commis-
sioners in Haywood county, was read the second time and passed.

A message from the Senate, proposing to raise a joint select committee
on the Public Library, and informing that Messrs. Croom, Bailey, and
Askew of Berne, form the committee on their part. The message was
concerned in, and the Senate informed by message that Messrs. Graham,
Thomas Webb and Cox form the committee on the part of this House.

On motion of Mr. Newland,

Resolved, That a select committee be raised, whose duty it shall be to amend, revise and
consolidate the several acts of Assembly relating to roads, bridges and terraces and overseers
and keepers thereof; and that they report by bill or otherwise.

Resolved, That Messrs. Newland, Gaston, Shipp, Mitchell and Waddell form the com-
mittee.

Mr John Smith presented the following resolution:

Whereas the present mode of relief for creditors against executors who abuse their trust,
is dilatory, expensive, and little known to the body of the people, whereby executors are en-
abled to waste the assets in their hands, and defeat the just claims of creditors before mea-
ures can be taken to secure their claims. The wherefore

Resolved, That the Judiciary committee be instructed to report a bill requiring executors
at the time of their qualification, and from time to time afterwards, upon notice to the exec-
utors and application to the County Courts, to give bond with sufficient security for the
faithful management of the estates committed to their charge in an amount equal to the debts
which shall be ascertained to be due from their testators.

Mr Calloway moved that the bill concerning the issuing Treasury notes
be printed. The question to concur with the motion, was determined in
the negative.
Mr. Claverton presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of extending, under proper restrictions, the jurisdiction of Justices of the Peace to all actions arising ex contractu and ex quasi contractu, when the matter in controversy does not exceed in value twenty dollars, and to cases of assault and battery.

The question to concur with the resolution, was determined in the negative.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution instructing the committee to inquire into the expediency of amending the law in relation to excuses to be admitted by overseers of roads for non-performance of duty, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that it is inexpedient to make any amendment in the existing law on that subject. The question to concur with the report, was determined in the affirmative.

Mr. Sharpe, with leave, presented a bill to repeal in part the third section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State relative to the infantry, and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the militia laws of this State. The said bill was read the first time, passed, and, on motion of Mr. Mhoon, referred to the Military committee.

Mr. Cooper, with leave, presented a bill to amend an act, passed in the year 1820, entitled an act to extend the jurisdiction of the justices of the peace. The said bill was read the first time, passed, and, on motion, ordered to be referred to the committee on the Judiciary.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Lincoln county in favor of David Dillingar, and the petition of Robert Avery, of Pasquotank county, reported that the committee had, according to order, had the said petitions under consideration, and instructed him to recommend that the prayers thereof be rejected. The question to concur with the report, was determined in the affirmative.

Mr. Morris presented the petition of John A. Nuffer, of the county of Anson, stating that at the Spring term of the Superior Court of Law, 1825, he was convicted of a deceit, and praying to be restored to the privileges of a citizen, forfeited by said conviction. Mr. Shipp presented the petition of sundry inhabitants of Lincoln county, in favor of William Clime, stating that in the year 1825 he was arrested on a charge of attempting to pass a counterfeit note of a Bank of South Carolina, and bound in the sum of $1,500, to appear and answer the charge to the succeeding Superior Court. He failed to appear, and forfeited his recognizance, and the petitioners pray that the amount of the recognizance be remitted, and the said Clime be discharged from further prosecution. These petitions were read, and, on motion, ordered to be referred to the committee of Propositions and Grievances.

Received from the Senate the following resolution:

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

The resolution was read, concurred in, and returned to the Senate.

The resignations of A. M. Gallin, Colonel of the Chowan regiment of militia, and John M'Millan, justice of the peace for the county of Ashe, were presented, read and accepted.
Received from his Excellency the Governor, by his Private Secretary, Mr. Muse, the following communication:

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

Gentlemen,—I transmit to you a memorial from the Chiefs of the Tuscarora nation, which is addressed to you, and which has been placed in my hands by Cusie and Longboard, two of the Chiefs now in this city, together with a letter of introduction which they have brought from the Honorable P. B. Porter, Secretary at War.

I have the honor to be, with the highest consideration, your obedient servant,

James Iredell.

Executive Department, Raleigh, Nov 26th, 1828.

On motion, ordered that the said message be sent to the Senate, proposing that it be referred, with its references, to a select joint committee and informing that Messrs. Gary, Bynum, Spruill, Mhoon and Pierce form the committee on the part of this House.

The House then, on the motion of Mr. Cox, adjourned until to morrow morning, 10 o'clock.

Thursday, November 27, 1828.

On motion of Mr. Sanderson,

Resolved, That a select committee be appointed to inquire into the expediency of providing by law that the lands, or a portion of the lands, of debtors shall be exempt from execution for debts contracted after the 4th day of July next.

Resolved, That Messrs. Sanderson, Vail, Fisher, Clement and Blackledge form this committee.

A message from the Senate, proposing that the report of the representatives on the part of the State at the meeting of the stockholders of the Cape Fear Bank, held at Wilmington on the 7th day of January, 1828, and the accompanying documents herewith sent, be printed, one copy for each member. and that they be referred to the committee on so much of the Governor's message as relates to the circulating medium and Banks of the State. The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing of the concurrence of that House with the proposition, that the exhibit of the several Banks of this State with the Treasury office since their organization, and accompanying the Public Treasurer's report, be referred to the select joint committee on the Banks; and that the several accounts and exhibits be printed. And also, agreeing to the proposition of this House to raise a joint select committee to inquire into the expediency of electing Sheriffs by the people, and informing that Messrs. Spaight, Wellborn, Beasley, Davenport and Matthews, form the committee on their part. And also, informing that Mr. Miller and Mr. Ruffin attend this House as a committee on their part to superintend the ballotting for Senator in Congress.

On motion, ordered that the Senate be informed by message that Mr. Gary and Mr. Mendenhall form the committee of superintendence of the ballotting on the part of this House.

A message from the Senate, informing of the concurrence of that House to the proposition to raise a joint select committee on so much of the Governor's Message, in relation to a Penitentiary and Lunatic Asylum; and informing that Messrs. Spaight, Wilson, Davidson, Brodnax and Shoher form the committee on their part; and informing of their disagreement with the proposition of this House to refer the bill to erect
out of a part of the counties of Burke and Buncombe, a separate and distinct county, to a select joint committee.

James Rainey, the member returned by the county of Caswell to supply the vacancy occasioned by the death of Charles D. Donoho, appeared, produced his certificate, was qualified and took his seat.

Mr. Foy, with leave, presented a bill to amend an act, passed in the year 1777, entitled "an act to encourage the building of public mills, and directing the duty of millers. The said bill was read the first time and passed, and, on motion, referred to Messrs. Foy, Latham of Martin, Cox, Montgomery, Cooper and Gregory.

A message from the Senate, informing that they concur in the reference of the message from the Governor, in relation to the memorial of the deputation from the Tuscarora nation of Indians, to a joint select committee; and that Messrs. Williams of Martin, Matthews, Joiner, Bell and Boddie, form the committee on their part.

Mr. Graham, with leave, presented a bill to prevent the emancipation of slaves. The said bill was read the first time and passed, and, on motion, referred to the Judiciary committee.

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

A message from the Senate, proposing that the two Houses ballot again immediately for Senator in Congress. On motion of Mr. Bynum, the proposition was disagreed to; and the Senate informed thereof by message, and proposing that the two Houses ballot for Senator on Tuesday next. Mr. Newland moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was determined in the negative. The question recurring on the motion of Mr. Bynum, was determined in the negative. On motion of Mr. Swain, ordered that a message be sent to the Senate, proposing that the two Houses ballot to-morrow morning for Senator. The question thereon was determined in the affirmative.

Mr. Nash, from the committee on the Judiciary, to whom was referred the resolution, directing them to inquire whether any, and if any, what alteration is necessary or expedient in the laws as they now exist on the subject of widows' dowers, reported that the committee, according to order, had the resolution under consideration, and instructed him to report a bill in pursuance to its object, entitled "a bill amendatory of the law respecting Dower." The report was concurred in, and the bill read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to restore to credit George Jernigan, of Wayne county, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Hancock, with leave, presented a bill to exempt Hugh M'Cain, Deputy Clerk of Randolph County Court, from mustering, so long as he shall act as Deputy Clerk. The said bill was read the first time and rejected.
The bill to erect out of part of the counties of Burke and Buncombe, a separate and distinct county, was read the first time and passed.

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

The bill to amend an act, passed in the year 1800, entitled an act concerning wrecks; and the bill concerning certain lands purchased at the sale of the commissioners in Haywood county, were read each the third time, passed and ordered to be engrossed and sent to the Senate for concurrence.

The resignation of Reddick Matthews, major of the 6th regiment of militia, was read and accepted.

On motion of Mr. Bynum, ordered that a message be sent to the Senate, proposing that the select committees of both Houses, raised on so much of the Governor's message as relates to the Tariff, be considered as a joint committee; and that the papers referred to the select committees of both Houses on that subject, shall be considered as referred to the joint committee, and acted on accordingly.

The House then, on the motion of Mr. Gary, adjourned until to-morrow morning, 10 o'clock.

Friday, November 28, 1828.

A message from the Senate, informing that Mr. Brodnax and Mr. Hinton attend this House as a committee on their part to superintend the balloting for Attorney General. On motion, ordered that the Senate be informed by message that Mr. Bethell and Mr. Montgomery form the committee on the part of this House to conduct the balloting for Attorney General.

Mr. Boykin, from the Military Committee, to whom was referred the bill prescribing the manner in which field officers shall be recommended to the General Assembly, reported that the committee had, according to order, considered the said bill, and instructed him to report it to the House, and to recommend its passage. The said bill was read the first time and passed.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the bill to secure Nancy Sorels, of Burke county, such property as she may hereafter acquire, reported that the committee had, according to order, considered said bill, and instructed him to report it to the House with an amendment, and to recommend that it be passed into a law. The said bill was read the first time and passed.

Mr. Boykin, from the Military Committee, to whom was referred the bill to explain an act, passed in the year 1827, entitled an act to reduce the number of petty musters to two in a year, reported that the committee had considered the said bill, and instructed him to return it to the House, with a recommendation that it be rejected. The bill, thereupon, was read and rejected.

Mr. Montgomery, from the committee appointed to conduct the balloting for Attorney General, reported that the committee had performed that duty; and that it appeared, on counting the ballots, Romulus M. Saunders had a majority of the whole number, who was duly elected. The question to concur with the report was determined in the affirmative.
The bill amendatory of the law respecting dower, was read the second
time and passed.

On motion of Mr. Potter,
Resolved, That the Printers for the State be required forthwith to inform this
House why the exposes or statements of the several Banks of this State, transmitted
by the Treasurer to the present Legislature, as part of his annual report, have not
been printed with that report as heretofore.

On motion of Mr. Edmundston,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the act of the last session on the subject of divorce, as to
give to the Superior Courts jurisdiction of applications for alimony.

On motion of Mr. Eccles,
Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of constructing a rail road from the town of Fayetteville to the Campbellton Landing, on Cape Fear river; and report by bill or otherwise.

A message from the Senate, informing of the concurrence with the proposi-
tion that the select committees of both Houses as relates to the Tariff,
be considered as a joint select committee; and papers referred to the se-
lect committees on that subject, be considered as referred to that commit-
tee, and acted on accordingly.

A message from the Senate, informing of the dissent of that House to
the proposition to ballot this morning for a Senator in Congress, and pro-
posing that the balloting take place on Monday next, and informing that
the name of Montfort Stokes is withdrawn from the nomination. The mes-
sage was concurred in, and the Senate informed thereof by message.

On motion of Mr. Pierce,
Resolved, That the Military committee be instructed to inquire into the expediency of allowing to the volunteer company of Light Infantry of the town of Halifax seventy-
five stand of arms, or more, upon the Captain giving a receipt for the same, to be
returned, when called for, and that they report by bill or otherwise.

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

On motion of Mr. Kendall,
Resolved, That the Judiciary committee be instructed to inquire into the expediency of making provision by law for the relief of the securities of administrators after the lapse of a certain time after the heirs at law become of lawful age, in the same manner as is now provided by law for the securities of guardians; and that they report by bill or otherwise.

Mr. Wheeler presented the following resolution:

Resolved, That the Judiciary committee be, and are hereby instructed to inquire into the propriety of abolishing from our criminal code the punishment of cropping the years which the law inflicts on persons convicted of perjury.

The question thereon was determined in the negative.

Mr. Kendall, with leave, presented a bill more effectually to enforce the payment of taxes on Stud Horses and Jack Asses. The said bill was
read the first time and passed.

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

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

Gentlemen,—In obedience to an act of the General Assembly, passed in the year 1815, I now submit for your inspection the returns received at this department from the several Sheriffs of the votes for Electors of President and Vice President of the United States, given by the freemen of this State, at the election held on the 13th of the present month.

I have the honor to be with high consideration,
Executive Department, Raleigh, Nov. 28, 1823.

JAMES IREDELL.
On motion, ordered that the said message be sent to the Senate.

The House then, on the motion of Mr. Stedman, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 29, 1828.

On motion, ordered that a message be sent to the Senate, proposing that the report of the surviving commissioner, William Robards, herewith sent, be printed, and referred to the committee of Finance.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Celia Garland, reported a bill in pursuance to the prayer of the petition, entitled a bill to secure to Celia Garland, of Greene county, such property as she may hereafter acquire, and recommended its passage. The said bill was read the first time and passed.

Mr. Nash, with leave, presented a bill for the better organization of the Supreme Court. The said bill was read the first time and passed, and made the order of the day for Thursday next, and ordered to be printed.

Mr. Montgomery, with leave, presented a bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Hertford. The said bill was read the first, second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Gregory,

Resolved, That the Military committee be instructed to inquire into the expediency of allowing to the company of Light Infantry volunteers in the town of Elizabeth City seventy stand of arms, or more, upon the Captain of the company giving a receipt for them to be returned when called for, and that the committee report by bill or otherwise.

Mr. Foy, from the committee to whom was referred the bill to amend an act, passed in the year 1777, entitled an act to encourage the building of public mills, and directing the duty of millers, reported the bill without amendment. The bill was read, and, on the motion of Mr. Hellen, amended, by excepting from its operation the county of Carteret; and, on the motion of Mr. Montgomery, the district of Edenton was excepted to its operation. The bill then was read for its second reading, and passed, and made the order of the day for Monday next.

Mr. Eccles, with leave, presented a bill to incorporate the Fayetteville Manufacturing Company; which was read the first time and passed, and made the order of the day for Monday next.

Mr. Alexander, with leave, presented a bill to provide for obtaining statistical information as to the resources of the State of North Carolina. The said bill was read the first time and passed, and, on motion, referred to the committee on Internal Improvements.

A message from the Senate, informing that they have passed the engrossed bill to alter the name of Andrew J. Perry, and others, and to legitimate them, and asking the concurrence of this House; and further, that they agree to the reference of the report of the surviving commissioner, William Robards, appointed to superintend the sale of the property of the late Treasurer.

Mr. Stockard, with leave, presented a bill making it the duty of the Major General of the third division of the militia of North Carolina, to which the county of Orange is attached, to review the militia at their usual regimental muster grounds. The said bill was read the first time, passed, and, on motion, referred to the Military committee.
On motion of Mr. Montgomery,

Resolved, That the committee on the Judiciary be directed to inquire whether by the laws now in existence, the guns of free negroes and mulattoes are exempt from execution; and if so, that they report a bill to remove the exemption.

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

On motion of Mr. Potter,

Resolved, That the Treasurer be requested to lay before this House a statement of the condition of the several Banks of this State up to the latest period, at which he was authorised to require such statement; and to inform this House why such statement has not been herefore transmitted to the Legislature.

Mr. Nash from the committee on the Judiciary, to whom was referred the resolution directing them to inquire into the expediency of so amending the act, passed in the year 1821, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed, as more effectually to prevent the selling of powder and shot to slaves, reported a bill under direction of the committee, entitled a bill to amend an act, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed, passed in the year 1826, and recommended its passage. The said bill was read the first time and passed.

On motion of Mr. Edmonston,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so providing by law, as to give to the several Superior Courts of Law in this State the power of restoring to credit such persons as may be convicted of the crime of petit larceny; and that they report by bill or otherwise.

Mr. Gary presented the following resolution:

Whereas, numerous applications are annually made to the General Assembly for restoring to credit individuals deprived of a portion of their liberties by convictions of certain crimes; and whereas, from the evidence usually accompanying such petitions, it is difficult for the Legislature to judge whether such cases are of a peculiar hardship, as to deserve its interference:

Resolved therefore, That the committee on the Judiciary be instructed to inquire into the expediency of so altering or amending the existing laws, as to remit that portion of the punishment incident to such convictions.

The question to concur with the resolution was determined in the affirmative.

On motion, ordered that the bill more effectually to enforce the payment of taxes on stud horses and jack asses, be referred to the committee of Finance.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Lincoln county on behalf of Nathaniel Mechem, reported a bill, under direction of the committee, entitled a bill for the relief of Nathaniel Mechem, of Lincoln county, and to recommend its passage. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed bill to alter the name of Andrew J. Perry and others, and to legitimate them, was read the first time and passed.

The bill prescribing the manner in which field officers shall be recommended to the General Assembly, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resignations of Michael Reinhardt, colonel commandant of cavalry attached to the 10th Brigade of the militia; Henry Smith, lieutenant colonel of the militia of Martin county; and B. H. Brown, justice of the peace for the county of Wilkes, were read and accepted.
On motion of Mr. Nicholson, ordered that the explanations made in pursuance to a resolution of this House, by the Public Printers and the Public Treasurer, "why the exposes or statements of the several Banks of this State, transmitted by the Treasurer to the present session of the Legislature as part of his annual report, have not been printed as heretofore," and presented this morning to the House by the Speaker, be spread on the Journals.

To the Honorable the Speaker of the House of Commons.

Sir,—In obedience to a resolution of the House of Commons of this day, requiring "the Printers for the State forthwith to inform the House why the exposes or statements of the several Banks of this State, transmitted by the Treasurer to the present session of the Legislature as part of his annual report, have not been printed with that report as heretofore," we have the honor to state, that all the documents which accompanied that report, as handed to us by the Clerk of the House, were printed and attached to it.

We have also the honor to submit the enclosed statement of the Public Treasurer, which will account for the omission of the documents alluded to.

Your obedient servants, LAWRENCE & LEMAY, Printers to the State.
Raleigh, Nov. 28, 1828.

Treasury Office, November 28, 1828.

Messrs. Lawrence & Lemay having called on me for information relative to the exposes or statements stated in my report of the Treasury Department made up to the end of the last fiscal year, to enable them to state why they were not printed in the annual report of the Treasurer:

It was not discovered until the resolution of the House of Commons of the 20th instant, that the exposes or statements of the different Banks, as returned to the Treasury Office, were not included in the exhibits annexed to the report. As soon as it was discovered, they were transmitted to the House in my report in pursuance of that resolution.

I presume that the omission to print them has occurred in this way. The originals, as is usual, were transmitted to the House, having copies remaining in the office.

W.M. ROBARDS.

The bill to secure to Nancy Sorrels, of Burke county, such property as she may hereafter acquire, was read the second time and rejected—yeas 42, nays 80. The yeas and nays demanded by Mr Sharpe.


The House then, on the motion of Mr. Newland, adjourned until Monday morning, 10 o'clock.

Monday, December 1, 1828.

On motion, ordered that Mr. Eccles have leave of absence, from this day, until Saturday next; and Mr. Whitaker have leave of absence for this day.

Mr. Nash presented the memorial of William H. Haywood, jr. asking remuneration for certain services rendered the State in the Supreme and Superior Courts. Ordered that the said memorial be referred to the committee of Claims.
Mr. Nelson, with leave, presented a bill concerning the registration of
grants; which was read the first time and passed, and, on motion, referred
to the committee on the Judiciary.

Mr. Gary, from the committee of Propositions and Grievances, to whom
was referred the petition of sundry citizens of the county of Lincoln in
behalf of William Cline, reported unfavorably to the prayer of the peti-
tion, recommending its rejection. The report was read and concurred in.

On motion of Mr. Loretz,
Resolved, That the Judiciary committee be instructed to inquire into the expedi-
cy of granting to the County Courts exclusive cognizance of all applications for
the erection of gates; and that they report by bill or otherwise.

Mr. Boykin, from the Military committee, to whom was referred the
bill making it the duty of the major general of the third division of the
militia of North Carolina, to which the county of Orange is attached, to
review the militia at their usual regimental muster grounds, reported the
bill with a recommendation that it be passed. The said bill was read the
first time and passed.

A message from the Senate, informing that Mr. Ruffin and Mr. Miller
attend this House as a committee to conduct the balloting for Senator in
Congress, on their part. On motion, ordered that the Senate be inform-
ed by message that Mr. Waddell of Orange, and Mr. Gary form the com-
mittee on the part of this House to conduct the balloting for Senator in
Congress.

Mr. Mitchell, with leave, presented a bill to determine how surveys of
land shall be made to enable surveyors to obtain grants from the State;
and to confirm grants heretofore made to surveyors and deputy surveyors
in certain cases. The said bill was read the first time and passed.

Mr. Boykin, from the Military committee, to whom was referred the
bill to repeal in part the third section of an act, passed in the year 1806,
entitled "an act to revise the militia laws of this State, relative to the
infantry, and to repeal the 9th and 10th sections of an act, passed in the
year 1813, entitled "an act to amend the militia laws of this State." reported the bill under direction of the committee, with a recom-
pendation that it be passed into a law. The said bill was read the second
time and passed.

Mr. Nash, from the committee on the Judiciary, to whom was referred
the resolution instructing them to inquire into the expediency of provid-
ing by law for taking the depositions of the Governor of the State, and
the Judges of the Supreme and Circuit Courts, to be read in evidence
in all civil causes whenever these officers are engaged in their official
duties; and also, to inquire into the expediency of providing by law for
the taking of depositions in all criminal suits, when the punishment to be
inflicted does not extend to life or member, reported that the commit-
tetee had considered the said resolution, and directed him to report their
disapprobation of the second member thereof, and to recommend the
passage of the bill reported, entitled a bill for the taking of depositions.
The report was concurred in, and the bill reported, read the first time
and passed.

Mr. Gary, from the committee appointed to conduct the balloting for
Senator in Congress, reported that the committee had performed that
duty, and that, on counting the ballots, the majority of the whole number
was found to be in favor of James Iredell, who was duly elected. The question to concur with the report, was determined in the affirmative.

On motion of Mr. Nash, ordered that Mr. Alexander be added to the committee on the Judiciary.

On motion of Mr. Potter,
Resolved, That the Treasurer be, and he is hereby directed to demand, immediately, an inspection of the books of the State Bank of North-Carolina, so far as is necessary to ascertain the amount of the capital stock of the said Bank; of the debts due to the same of the monies deposited therein; of the notes in circulation, and of the cash on hand; and that he report the result of his examination to this House.

On motion of Mr Waddell, of Orange,
Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law in relation to justices' executions, as to give to the execution first levied on personal property a priority of lien. Secondly, That said committee be instructed to inquire into the expediency of so amending the law relating to the bonds taken by Constables, for the forthcoming of property levied on under justices' executions, as to require said bonds to be subscribed by one creditable witness.

On motion of Mr Vail,
Resolved, That a committee be appointed to inquire into the expediency of repealing so much of the act as prevents the setting of nets, or the drifting of nets on Roanoke river; and that Messrs. Vail, Sauderson, Spruill, Pierce, Mhoon, Watford, Cooper and D. Latham, form the committee.

A message from the Senate, proposing that the two Houses ballot on Friday next for a Governor of this State for the ensuing year. Montfort Stokes and Richard D Spaight are nominated for the appointment. The message was concurred in, and the Senate informed thereof by message.

On motion of Mr. Gaston,
Resolved, That the Judiciary committee be instructed to inquire into the expediency of authorising the Courts, upon the petition of any man, praying that an illegitimate child may be recognised as his lawful child, to legitimate such child accordingly.

On motion of Mr. Montgomery,
Resolved, That the committee of Finance be instructed to inquire into the expediency of so amending the law as to compel owners of land, to list all the taxable free negroes and mulattoes who may live on their land, and be bound for their taxes as for other property; and that they report by bill or otherwise.

A message from the Senate informing that they had passed the engrossed bill to alter and amend an act, passed in the year 1827, entitled an act concerning the Public Treasury, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Morris presented the following resolution:
Whereas small losses are frequently sustained by individuals in consequence of Justices of the Peace not having lawful authority to give judgment for rent property: For remedy whereof,
Resolved, That the Judiciary committee be instructed to inquire into the expediency of giving Justices of the Peace jurisdiction of rent property to any amount not exceeding twenty dollars, subject to the same or similar proceedings that Courts are now required by law to notice and observe; and that they report by bill or otherwise.

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

The resolution was concurred in and returned to the Senate.

Mr Callaway presented the following resolution:
Whereas great inconveniences have occurred on account of the great delays in speedy trials and immediate justice in criminal prosecutions, which, in obedience to the Constitution of the United States, should not be delayed nor denied; Therefore,
Resolved, That the Judiciary committee be instructed to inquire into the cause of the delay of justice in criminal prosecutions.
Resolved, That said committee be instructed to inquire into the expediency of so amending the criminal law, as to compel the State and the accused to more speedy trials, so as to prevent the great expense which occurs in the delay of such justice.

Resolved, That said committee be further instructed to inquire into the expediency of so amending the law, as more effectually and more rigidly to compel witnesses in criminal cases to attend at such places as they have been subpoenaed.

The resolution was read and concurred in.

Received from the Senate the following resolution:—

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

The said resolution was concurred in, and returned to the Senate.

Mr. Newland presented the following resolution:

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of establishing a turnpike road from the town of Morganton, to Fayetteville, and incorporating a company for that purpose; one half of the Stock of which shall belong to the State.

The question to concur with the resolution, was determined in the negative.

Mr. Foy, from the select committee, to whom was referred the bill to amend an act, passed in the year 1777, entitled an act to encourage the building of public mills, and directing the duty of millers, reported that the committee had, according to order, considered the said bill, and instructed him to report it to the House without amendment. Mr. Webster moved to amend the bill, by excepting from its operation the county of Camden. The question thereon was determined in the negative. Mr. Webster then moved that the bill be indefinitely postponed; which was also negatively. The said bill was then read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Nash, from the committee on the Judiciary, to whom was referred the bill to amend an act, passed in the year 1820, entitled an act to extend the jurisdiction of a justice of the peace, reported that the committee had instructed him to return the bill without amendment, and leave to the House to decide on the principle involved in the bill without an expression of any opinion on their part. The bill was read, and, on motion, made the order of the day for to-morrow.

Mr. Saintclair, with leave, presented a bill for the relief of wives, in cases where husbands neglect to provide for the support of their families. The said bill was read the first time and passed, and, on the motion of Mr. Saintclair, referred to the Judiciary committee.

Mr Gary, from the committee of Propositions and Grievances, to whom was referred the petition of John A. Nuffer, of the county of Anson, reported a bill in pursuance to the prayer of the petition, entitled a bill to restore to credit John A. Nuffer, of the county of Anson, and recommend its passage. The said bill was read the first time and passed.

The bill to secure to Celia Garland, of Greene county, such property as she may hereafter acquire, was read the second time, and, on the motion of Mr. Pool, postponed indefinitely.

Mr. Brittain, of Burke, with leave, presented a bill, in pursuance of a petition, to revive an act, passed in the year 1805, chapter 36, entitled an act to amend an act of Assembly now in force for the regulating the town of Morganton. The said bill was read the first time and passed.
The resignation of Thomas O. Larkin, justice of the peace for Duplin county, was read and accepted.

The bill to alter the name of Andrew J. Perry, and others, and to legitimate them, was read the second and third times and passed. Ordered that the said bill be enrolled.

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

In obedience to the resolution of the House of Commons of the General Assembly of the 26th of November, directing the Public Treasurer to lay before the House a statement of the condition of the several Banks of this State, up to the latest period at which he was authorized to require such statement, and to inform this House why such statement has not been heretofore transmitted to the Legislature, I beg leave respectfully to report, that at the time the Annual Report of the Public Treasurer was transmitted to the present General Assembly, the statements of the State Bank to the 20th of May, 1828; of the Bank of Newbern, to the 30th September, 1828; and of the Bank of Cape Fear, to the 30th of June, 1828, being all received at the Treasury Department during the last fiscal year, and to the date of the report, were intended to have been sent with the report; but by accident they were overlooked in collecting the different exhibits that are appended to the report. It was not discovered in time to transmit them to the House of Commons before the receipt of the resolution of the 20th of November. On the next day, the originals received from the Banks during the last year, together with copies of all the statements from the different Banks, as filed in the Treasury Office, were transmitted to the House.

The provisions of the different acts of Assembly, incorporating the State Bank and the Banks of Newbern and Cape Fear, authorising the Public Treasurer to require a statement of the Banks, and the resolution of the General Assembly of 1828, have been attended to during the last year. The statement which the President and Cashier of the State Bank have furnished me, will inform the House why the statements required by me at different times have not been transmitted to the Legislature.

The President of the Bank of Newbern was requested, by letter and otherwise, to furnish this Department with the statements as required by law. I trust, if necessary, he will inform the House why the statements were not furnished.

The President of the Bank of Cape Fear has been written to and requested to furnish the statement, as directed by law, in time to lay it before the General Assembly. No answer has been received.

It appears, from examination of the returns heretofore made by the Banks of Newbern and Cape Fear, that they are made up to the 31st of December in each and every year. It may therefore be concluded that for the last quarter the returns will be made out as heretofore, and will not be received sooner than the 31st of this month.

The statements heretofore transmitted to the House on the 25th November, as received during the last year, have been again made out, and are herewith respectfully submitted.

I have the honor to be your obedient servant,

WILLIAM ROBARDS.

Treasury Department, December 1, 1828.

On motion, ordered that the said report and exhibits be laid on the table.

The House then, on the motion of Mr. Borden, adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 2, 1828.

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

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

Gentlemen,—I have the honor to transmit to you the Annual Report of the Board of Internal Improvements; and am, with the highest consideration, your ob't serv't,

JAMES IREDELL.

Executive Department, Dec. 2, 1828.

On motion of Mr. Fisher, ordered that the said report be sent to the Senate, with a message, proposing that it be printed, one copy for each member of the Assembly.

The House, in pursuance to the motion made yesterday by Mr. Wyche,
that the 38th rule be suspended as it applies to the bill to alter an act, passed in the year 1827, entitled an act concerning the Public Treasurer, two thirds concurring, suspended the said rule. Whereupon the said bill was read the second and third times, passed, and, on motion, ordered to be enrolled.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution requiring them to inquire into the expediency of providing by law that it shall be the duty of the several Judges of the Superior Courts, at the request of either the plaintiff or defendant, to reduce his charge, so far as regards the law of the case, to writing, and read it to the jury, &c. reported a bill in pursuance to the resolution, entitled a bill regulating trials in the Superior, and appeals to the Supreme Court, and recommended its passage. The said bill was read the first time and passed, and made the order of the day for to-morrow.

Mr. Smith, of Anson, with leave, presented a bill to amend the 9th section of an act, passed in the year 1806, chapter 693, entitled an act for the more convenient administration of justice within this State. The said bill was read the first time, passed and made the order of the day for Thursday next.

Mr. Nash, from the Judiciary committee, to whom were referred sundry resolutions respecting the suing of executors and administrators, and the levying of executions on judgments before justices, and the issuing of scire facias against heirs, reported a bill, under direction of the committee, entitled a bill to amend the law with respect to the collection of debts from the estates of deceased persons, and to recommend its passage. The said bill was read the first time and passed, and, on motion, made the order of the day for Friday next, and be printed.

Mr. Alford, with leave, presented a bill to repeal an act, passed at the last General Assembly, entitled an act for the better regulation of the Court of Pleas and Quarter Sessions for the county of Robeson. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

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

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Charles Lewis, of Rutherford county, reported unfavorable to the prayer of the petition, and recommended that it be rejected. The question to concur with the report was determined in the affirmative.

Mr. Nash, from the committee on the Judiciary, to whom was referred the resolution requiring them to inquire into the expediency of providing by law for the revision of the acts of Assembly of this State, reported, under the direction of the committee, a bill for revising and digesting the public statute laws of this State, and recommended its passage. The said bill was read the first time and passed, and, on motion, made the order of the day for Monday next, and be printed, one copy for each member of the Assembly.

Mr. Nelson presented the memorial of the Grand Jury of the County Court of Craven, exhibiting the insufficiency of the laws respecting peo-
ple of color hunting with dogs and guns, and praying for the revision and amendment of said laws. The said memorial was read, and, on motion, referred to a select committee, consisting of Messrs. Nelson, D. N. Bates-
man, Montgomery, Hellen, Sanderson, Dozier and Bryan.

The report of the Board of Internal Improvement, accompanying the Governor's message this morning sent to the Senate, with a proposition that it be printed, was returned from the Senate, endorsed "read and con-
curred with."

The House, on the motion of Mr. Newland, resolved itself into a com-
mittee of the Whole, on the bill to erect out of part of the counties of Burke and Buncombe a separate and distinct county, Mr. Spruill in the chair; and, after some time spent therein, the Speaker resumed the chair, and Mr. Spruill reported that the committee of the Whole, according to order, had the said bill under consideration, and made progress therein, and instructed him to ask leave to sit again on said bill. The question to concur with the report, was determined in the affirmative.

The House then, on the motion of Mr. Swain, adjourned until to-mor-
row morning, 10 o'clock.

**Wednesday, December 3, 1828.**

- On motion of Mr. Cox,
  *Resolved, That the committee on the Judiciary be instructed to inquire into the expe-
diency of providing some mode by which final settlement may be made of the accounts of executors, administrators and guardians; and that they report by bill or otherwise.*

Mr. Nash presented the memorial of John D. Hawkins, Edward T. Brodnax and John R. Eaton on behalf of the stockholders of the Roan-
oke Navigation company. On motion of Mr. Nash, ordered that the said memorial be sent to the Senate, with a message, proposing that it be re-
ferred to a select joint committee of three members of each House.

A message from the Senate, informing that they had passed the follow-
ing engrossed bills, to wit: a bill to alter the name of George Pinkney Coppedge, an illegitimate son of John Lee, of Anson county, and to leg-
itize him; a bill to establish a separate election in the county of Le-
noir; a bill to legitimate Polly Matilda Stinson, of Chatham county; a bill to amend the laws regulating the sale of lands and slaves, so far as re-
spects the county of Montgomery; and a bill to authorize the wardens of the poor for the county of Lenoir to purchase a tract of land, and to erect thereon a house for the poor; and asking the concurrence of this House.

A message from the Senate, informing that Messrs. Wellborn, M'Dear-
mid, M'Neill, Deberry and Royal form the committee on their part to take into consideration the expedition of directing the State Engineer to examine and lay off a road from Fayetteville to Wilkesborough, in Wilkes county; and that Messrs. Wellborn, Meares, Alexander, Marshall and Bailey form the committee on their part to take into consideration the expedi-
ency of creating some tribunal for the trial of all minor offences a-
against the State. On motion, ordered that the Senate be informed by message that Messrs. Fisher, Shipp, Eccles, Gordon and Allison form the committee on the part of this House to take into consideration the resolution respecting the laying off a road from Fayetteville to Wilkesborough; and that Messrs. Spruill, Gary, Mitchell, Ruffin and Swain form the com-
mittee on the part of this House to take into consideration the expedien-
cy of creating a tribunal for the trial of all minor offences against the State.

Received from the Senate the following resolution:

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

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

The resolution was concurred in, and a committee appointed to join the committee to be appointed by the Senate, consisting of Messrs. Gaston, Spruill and Swain.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution directing them to inquire into the expediency of so altering and amending the laws relating to mortgages and deeds of trust, as more effectually to prevent the frauds practiced under existing laws, reported that the committee instructed him to report a bill in pursuance to the object of the resolution, entitled a bill more effectually to prevent frauds in deeds or conveyances in trust. The said bill was read the first time and passed, and, on the motion of Mr. Nash, ordered to be printed.

Mr. Potter, in pursuance of a petition, presented a bill for the improvement of military discipline. The said bill was read the first time and passed, and, on the motion of Mr. Potter, referred to the Military Committee.

A message from the Senate, informing that the names of John Owen and Willis Alston are added to the nomination for Governor of this State for the ensuing year. On motion of Mr. Smith, of Chatham, ordered that the Senate be informed by message that the name of James Mebane is added to the nomination for Governor of this State.

A message from the Senate, proposing that the several documents accompanying the report of the Board of Internal Improvements, be printed with said report. The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill to restore Nathaniel Mechem, of Lincoln county, to credit, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in; and the Senate informed thereof by message.

Mr. Nelson, with leave, presented a bill to amend an act, entitled an act to authorize the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain services. The said bill was read the first time and passed.

The engrossed bill to establish a separate election in the county of Lenoir; also the engrossed bill to alter the name of George Pinkney Coppage, an illegitimate son of John Lee, of Anson county, and to legitimate him, were read for their first reading and passed.

A message from the Senate, informing that they had passed the engrossed bill, entitled a bill to erect that section of country commonly called the Cherokee Purchase, into a separate and distinct county, and asking the concurrence of this House. On motion, ordered that the said bill be laid on the table.
On motion of Mr. Swain.

Resolved, That the Comptroller of Public Accounts be instructed and requested to have his Statements hereafter printed in octavo, six copies for each Member of the Legislature; and to annex to his next annual Statement a table, exhibiting the amount of taxes paid annually by each county in the State from the formation of the government to the close of the present year, together with such explanatory notes as he may deem advisable.

On motion of Mr. Clement,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of altering the law regulating the sale of property under a writ of venditioni exponas, so that the sale shall not be considered valid, unless the property brings at least two thirds of what it is intrinsically worth, so adjudged by two or more persons entirely disinterested with the parties, either directly or indirectly, nor connected with the parties by relationship in any respect whatever; and that they report by bill or otherwise.

On motion of Mr. Wyche, ordered that the bill to amend an act, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed, passed in the year 1826, be referred to the committee on the Judiciary.

The engrossed bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery, was read the first time and passed, and referred to the Judiciary committee, with instructions to inquire into the expediency of extending the provisions of the bill generally throughout the State.

Mr. Ellis, with leave, presented a bill to place the class of people called Quakers, Moravians, Menonists and Dunkards, on equal footing with the other freemen of this State. The said bill was read the first time and passed, and, on the motion of Mr. Smith, of Chatham, referred to the Military committee.

The bill to alter the time of electing the county trustee of Onslow county, and for other purposes, was read the first and second times and passed.

The bill for the taking of depositions, was read the second time and passed.

The engrossed bill to legitimate Polly Matilda Stinson, of the county of Chatham; also the engrossed bill to authorise the wardens of the poor of the county of Lenoir to purchase a tract of land, and to erect thereon a house for the poor, were read each the first, second and third times, passed, and ordered to be enrolled.

Mr. Saintclair, with leave, presented a bill to prevent the falling of timber in, or obstructing the run of the Yadkin river, in Wilkes county. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

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

In obedience to the resolution of the House of Commons of the General Assembly, of the first instant, a demand was made of the officers of the State Bank of North Carolina, so as to enable me to comply with the directions as contained in the resolution. An exhibit of the situation of the State Bank was this day furnished me, which I have the honor herewith to transmit.

With high consideration, your ob’t servant.

WILLIAM ROBARDS, Pub. Treasurer.

Treasury Department, 3d December, 1828.

On motion of Mr. Potter, ordered that the exhibit accompanying the report be printed, one copy for each member of the Assembly.

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

Gentlemen,—In obedience to a resolution adopted at the last General Assembly, I have endeavored to procure such information in relation to a Penitentiary and a Lunatic Asylum, as would be useful to you in determining upon the best plan for those institutions. The information received will be found in the pamphlets and letters herewith transmitted.

In regard to a penitentiary, it seems to be universally admitted, that the system pursued in the penitentiaries in the United States, until within a few years, was not only ineffectual for the purposes for which it was intended, but was productive of much positive evil.

The indiscriminate association of the prisoners, the old with the young; the hardened experienced offender with the novice in guilt, afforded opportunities, which were not neglected, of instruction in crime and of combined schemes of villainy, to be executed when the terms of imprisonment expired. To remedy these evils, and others of perhaps not less magnitude, different plans have been proposed. By some, solitary confinement by night and day, with labor performed in the cells; and by others, solitary confinement by night and during such portions of the day as are not devoted to labor in the shops, and to meals, and a strict superintendence of the keepers, to prevent communication between the convicts either by signs or conversation while they are collected together. The latter plan has been adopted at the Auburn prison in the State of New-York, which has served as a model to many of the Eastern States. The two former plans are now in a course of experiment in Pennsylvania, and perhaps in some other States. You will find the relative merits and defects of these plans, discussed at length and with great ability in the pamphlets now sent, together with information as to the cost of erecting a penitentiary, according to the plan you may prefer.

The accompanying draft of the necessary buildings was procured from Mr. Strickland, and is upon the plan which seems to be preferred at present in Pennsylvania.

I also transmit to you a letter from Doctor James Mease, of Philadelphia, who is the author of some of the pamphlets, and who has politely rendered me the most valuable assistance in my inquiries.

Accompanying this communication is a plan of the Lunatic Asylum, near Frankfort, in Pennsylvania, which is under the management of the society of Friends, and which is highly spoken of. Its erection cost about forty-seven thousand dollars; a particular discription of this institution, its system of management, and an account of its annual receipts and expenditures, are contained in the several reports of the managers herewith sent, and afford all the information desired on the subject.

The idea of uniting a penitentiary and a Lunatic Asylum in the same edifice, which seems to be implied in the resolution of the last session, appears to me so abhorrent to humanity, and so irreconcilable to the totally different nature and object of the two institutions, that I am satisfied it must have been introduced through mere inadvertence.

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

JAMES IREDELL.


On motion, ordered that the said message and accompanying documents be sent to the Senate, with a message proposing that they be referred to the select joint committee on the Penitentiary and Lunatic Asylum.

The House then, on the motion of Mr. Borden, adjourned until to-morrow morning, 10 o'clock.

Thursday, December 4, 1828.

A message from the Senate, informing that they had passed the engrossed bill to restore William Ferrell, of Montgomery county, to credit, and the engrossed resolution in favor of Benjamin King; and asking the concurrence of this House.

The bill to restore William Ferrell, of Montgomery county, to credit, was read the first time and passed.

The resolution in favor of Benjamin King, was read, and, on the motion of Mr. Wyche, referred to the committee of Claims.

A message from the Senate, proposing to refer the bill to appropriate thousand hundred dollars for improving the navigation of Cape Fear river below Wilmington, accompanying the message, to a select joint
committee of four members from each House, and on their part to Messrs. Meares, Brodnax, Mebane and Burney. The message was concurred in, and the Senate informed by message, that Messrs. Gaston, Walker, of Wilmington, Smith, of Chatham, and Mendenhall form the committee on the part of this House.

Mr. Bateman, with leave, presented a bill granting to Ebenezer Pettigrew, a title to certain land. The said bill was read the first time and passed, and, on the motion of Mr. Bateman, referred to the committee on the Judiciary.

A message from the Senate, informing of the assent of that House to the reference of the memorial of John D. Hawkins, Edward T. Brodnax and John R. Eaton to a select committee, and that Messrs. Mebane, Brown and Meares form the committee on their part. On motion, ordered that the Senate be informed by message, that Messrs. Nash, Bethell and Ward of Franklin, form the committee on the part of this House.

Received from the Senate the certificate of the County Court of Craven county, allowing John Rhem, a pensioner of the State, a pension of one hundred dollars for the present year, countersigned by the Speaker. On motion, ordered that the said certificate be countersigned by the Speaker of this House, and returned to the Senate.

On motion of Mr. Alexander,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so providing by law, that the real plaintiff in an action of ejectment may recover the mesne profits of the land in said action.

Mr. Gaston presented the memorial of the religious society of Friends, commonly called Quakers, of New Garden Yearly Meeting, in Guilford county, protesting against being compelled to bear arms, or being taxed as an equivalent for such exemption. The said memorial, on the motion of Mr. Gaston, was referred to the Military committee.

The certificate of the County Court of Craven county, in favor of Christopher Bexley and Thomas Ewell, pensioners of the State, allowing them each a pension of forty dollars for this year, received from the Senate, and countersigned by the Speaker, was, on motion, countersigned by the Speaker of this House, and returned.

Received from his Excellency the Governor, the following communication:

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

Gentlemen,—I transmit to you a communication, which has just been received at this Department from the Stockholders of the State Bank of North Carolina.

I have the honor to be, with the highest consideration, your o'bt serv't,

James Iredell.

Executive Department, Raleigh, Dec. 4, 1828.

The said communication was read, and, on the motion of Mr. Gaston, ordered to be sent to the Senate.

The resignation of David Jones, of New Hanover county; Abraham Vanderpool, of Ashe county; and Luke R. Simmons, of Columbus county, justices of the peace, were read and accepted.

The House, as in committee of the Whole, resumed the consideration of the bill to erect out of part of the counties of Burke and Buncombe, a separate and distinct county; and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the committee had again, according to order, had the said bill under consideration,
and instructed him to report it to the House without amendment. The bill thereupon was read the second time, and the question, shall the said bill pass? was determined in the negative—yeas 62, nays 65. The yeas and nays demanded by Mr Stedman.


The House then, on the motion of Mr. Gaston, adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 5, 1828.

The bill for taking depositions, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr Williams, with leave, presented a bill to compel the Major General to review each regiment in the county of Davidson separately. The said bill was read the first time, passed, and, on the motion of Mr. Williams, referred to the Military committee.

A message from the Senate, informing of their assent to the reference made by this House of the message from the Governor, on the subject of a Penitentiary and Lunatic Asylum.

Mr Spruill, from the committee of Claims, to whom was referred the engrossed resolution in favor of Benjamin King, reported unfavorable to its object, and recommended its rejection. The question to concur with the report, was determined in the affirmative.

The bill to repeal in part the 3d section of an act, passed in the year 1806, entitled an act to revise the Militia Laws of this State relative to the Infantry, and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the Militia Laws of this State, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr Jarman presented the following resolution:

Whereas, slaves are in the habit of running away and lurking in woods, swamps, and other obscure places, killing cattle and hogs, and arming themselves with guns and other weapons to the terror of the citizens: For remedy whereof,

Resolved, That the Judiciary committee be instructed to inquire into the utility of so amending the law as respects outlaws, that a more speedy detection can be obtained; and that they report by bill or otherwise.

The bill making it the duty of the Major General of the third division of the Militia of North Carolina, to which the county of Orange is attached, to review the militia at their usual regimental muster ground, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.
Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Andrew Walker, of Mecklenburg county, reported unfavorable to the prayer thereof, recommending its rejection. The question to concur with the report, was determined in the affirmative.

Mr. Dickinson, with leave, presented a bill concerning the Gravle Lot in Greenville, in the county of Pitt; which was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Graham, with leave, presented a bill requiring the oaths of two disinterested witnesses for the removal of suits. The said bill was read the first time, passed, and, on motion, made the order of the day for Monday next.

Mr. Fisher, who voted in the majority yesterday on the rejection of the bill to restore to credit William Ferrell, of Montgomery county, moved that the House do reconsider that vote. The question thereof was determined in the negative.

The bill to alter the time of electing the County Trustee of Onslow county, and for other purposes, was read, and, on motion, laid on the table.

A message from the Senate, informing that Mr. Burns and Mr. Bailey attend this House as a committee on their part to superintend the balloting for Governor of this State for the ensuing year. On motion, ordered that the Senate be informed by message that Mr. Walker, of Wilmington, and Mr. Clayton, attend the Senate as a committee on the part of this House to conduct the balloting for Governor.

Mr. Boykin, from the Military committee, to whom was referred the resolution, instructing them to inquire into the expediency of allowing to the Light Infantry Volunteers in the town of Elizabeth City seventy stand of arms, or more, upon the Captain of the company giving a receipt for the same, reported unfavorably to the object of the resolution, and prayed to be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

Mr. Newland, in pursuance to a petition, presented a bill to legitimate Joseph Smith and Mary Bently, illegitimate children of John Smith and Susanna Berry, of Burke county. The said bill was read the first time and passed.

Mr. Clayton, from the committee, appointed to superintend the balloting for Governor of the State for the ensuing year; reported that the committee had performed that duty, and that on counting the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Swain, ordered that a message be sent to the Senate, proposing to ballot again immediately for Governor of the State for the ensuing year.

The Speaker laid before the House the resignation of Thomas Ruffin, one of the Judges of the Superior Courts of Law and Equity; which was read and accepted.

Mr. Nash, from the committee to whom was referred for amendments the bill to amend an act, entitled an act to prohibit the trading with slaves except in the manner therein prescribed, passed in the year 1826, reported
that the committee had considered the said bill, and instructed him to report a bill amendatory thereof, and to recommend its passage. The bill reported was read, and, on the motion of Mr. Wyche, recommitted, with the original bill, to the same committee.

The bill to alter the time of electing the county trustee of Onslow county, and for other purposes, was read the third time, and, on the motion of Mr. Foy, the title amended to read "a bill more effectually to prescribe the duty of the county trustee for Onslow county." The question, shall the said bill, as amended, pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The engrossed bill to alter the name of George Pinkney Coppedge, an illegitimate son of John Lee, of Anson county, and to legitimate him, was read the second and third times, passed, and ordered to be enrolled.

Mr. Bateman moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was determined in the negative.

A message from the Senate, informing of the assent of that House to ballot again immediately for Governor of this State, and informing that Messrs. Burns and Baily attend this House as a committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that Messrs. Walker of Wilmington and Clayton form the committee to conduct the balloting on the part of this House.

Mr. Cox moved that the House adjourn until to-morrow morning, 10 o'clock. The question to concur with the motion was determined in the negative.

On motion of Mr. Bogle, Resolved, That the committee of Finance be instructed to inquire into the expediency of increasing the tax on all equestrian performers, rope dancers, wire dancers, exhibitors of natural and artificial curiosities, and jugglers, who exhibit for reward; and that they report by bill or otherwise.

Mr. Latham, of Martin, presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of making persons who stay executions before Justices of the Peace, equally liable with the securities to the note on which judgment may be given; and that they report by bill or otherwise.

The bill to establish a separate election in the county of Lenoir, was read the second time, and, on the motion of Mr. Rainey, postponed indefinitely.

Mr. Boykin, from the Military committee, to whom was referred the resolution instructing them to inquire into the expediency of allowing to the volunteer company of light infantry of the town of Halifax seventy-five stand of arms, or more, upon the captain of the company giving a receipt for the same, to be returned when called for, reported that the committee deemed it inexpedient to carry into effect the object of the said resolution, and ask to be discharged from the consideration thereof. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing that the message of the Governor, together with the report of the committee on the part of the State Bank, herewith sent, be referred to the joint select committee on the Banks. The message was concurred in, and the Senate informed thereof by message.

Mr. Nash, from the Judiciary committee, to whom was referred the bill
concerning the registration of grants, and also the bill to prevent the importation of slaves into this State, reported that the committee deem it inexpedient to pass said bills. The question to concur with the report was determined in the affirmative.

Mr. Nash, from the same committee, to whom were referred the following resolutions, to wit: a resolution directing them to inquire into the expediency of altering the law regulating sales under writs of venditioni exponas; also the resolution to inquire into the expediency of granting to the County Courts exclusive jurisdiction of all applications for the erection of gates; also the expediency of granting to justices of the peace jurisdiction of lent property where the value does not exceed twenty dollars; also the resolution directing the said committee to inquire into the expediency of so altering the existing laws as to remit that portion of the punishment attendant on conviction for certain offences; and also the resolution requiring said committee to inquire whether the arms of free negroes are subject to execution, reported that the committee had, according to order, had the said resolutions under consideration, and instructed him to report that it is not expedient to legislate on any of the above subjects. The question to concur with the report was determined in the affirmative.

Mr. Sanderson, from the select committee to whom was referred the resolution directing them to inquire into the expediency of providing by law that the lands, or a portion of the lands, of debtors shall be exempt from execution for debts contracted after the 4th day of July next, reported that the committee, according to order, had the said resolution under consideration, and instructed him to report a bill, entitled a bill to exempt from execution a certain part of the estate of debtors, and to recommend its passage. The said bill was read the first time and passed, and, on motion, committed to the same committee, and that Messrs. Gaston, Waddell of Orange, Nash and Potter be added thereto.

On motion of Mr. Newland, ordered that the bill to revive an act, passed in the year 1803, chapter 56, entitled an act to amend an act of the General Assembly now in force, for the regulating of the town of Morganton, be referred to Messrs. Mitchell, Swain and Graham.

The resignations of Frederick Robbins, lieutenant colonel of the first regiment of the Edgecomb militia; John Linn, of Rowan county; and Joseph Mumford, of New Hanover county, justices of the peace, were read and accepted.

The House then, on the motion of Mr. Lilly, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 6, 1828.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill to secure to Sarah Wouters, of Guilford county, such property as she may hereafter acquire; a bill for the inspection of steam mill lumber; and a bill to restore Joshua Pinion, of Wilkes county, to credit; and asking the concurrence of this House.

Mr. Clayton, from the committee appointed to superintend the balloting for Governor of the State, reported that the committee had performed that duty, and that it appeared, on examining the ballots, neither of the
candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot again immediately for Governor of the State, and informing that the name of Willis Alston is withdrawn from the nomination. The message was concurred in, and the Senate informed by message, that Mr. Wyche and Mr. Rainey attend the Senate as a committee on the part of this House to superintend the balloting. A message from the Senate, informing that Mr. Askew of Bertie and Mr. Leonard attend this House as a committee on their part to conduct the balloting for Governor of the State.

The engrossed bill for the inspection of steam mill lumber, was read the first time and passed, and, on motion, made the order of the day for Monday next.

The engrossed bill to restore John Pinion, of Wilkes county, to credit, was read the first time, and, on motion, postponed indefinitely.

The bill to amend an act, passed in the year 1820, entitled an act to extend the jurisdiction of justices of the peace, was read the second time and passed.

The bill to determine how surveys of land shall be made to enable surveyors to obtain grants from the State, and to confirm grants hereafter made to surveyors and deputy surveyors in certain cases, was read the second time and passed.

Mr. Wyche, from the committee appointed to superintend the balloting for Governor of the State for the ensuing year, reported that the committee had performed that duty, and that on examining the ballots, it appeared that neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Alexander, ordered that a message be sent to the Senate, proposing to ballot again immediately for Governor of the State for the ensuing year.

On motion of Mr. Nicholson,
Resolved, That the Judiciary committee be instructed to inquire into the expediency of establishing a Medical Board, for the purpose of examining and granting licenses to such persons as may be desirous of practising medicine in this State; and that they report by bill or otherwise.

A message from the Senate, consenting to ballot again immediately for Governor of the State, and informing that the names of James Mebane and Montfort Stokes are withdrawn from the nomination. On motion, ordered that the Senate be informed by message that Mr. Pierce and Mr. Alexander attend the Senate as a committee on the part of this House to conduct the balloting for Governor.

Mr. Jasper, with leave, presented a bill for the reclaiming of the lands in Mattamuskeet Lake, and adjacent thereto, with the improvement of the health of the surrounding country. The said bill was read the first time and passed, and, on the motion of Mr. Alexander, referred to Messrs. Jasper, Alexander, Swain, Ruffin and Vail.

Mr. Clayton, with leave, presented a bill concerning the treasurer of public buildings and the county trustee of Buncombe county. Mr. Mendenhall, with leave, presented a bill to incorporate Chorazin Chapter, No. 13, of Royal Arch Masons, in the town of Greensborough, in the county of Guilford. These bills were each read the first, second and third times,
passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Boykin, from the Military committee, to whom was referred the bill for the improvement of militia discipline, reported that the committee had, according to order, considered the said bill, and instructed him to recommend that it be rejected. The bill thereupon was read and rejected.

The bill to amend an act, entitled an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain services, was read the second and third times, amended and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

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

A message from the Senate, proposing to ballot again immediately for Governor of the State. The message was concurred in, and a committee appointed, consisting of Mr. Alexander and Mr. Pierce, to wait on the Senate to conduct the balloting.

The bill to legitimate Joseph and Mary Bentley, illegitimate children of John Smith and Susanna Berry, of Burke county, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing that Mr. Leonard and Mr. Askew of Bertie attend this House as superintendents on their part of the balloting for Governor of the State for the ensuing year.

Mr. Gaston, who voted in the majority on the rejection of the bill concerning the registration of grants, moved that the House do reconsider that vote. The question thereon was determined in the affirmative. On motion of Mr. Gaston, ordered that the said bill be recommitted to the committee that it was originally referred to.

A message from the Senate, proposing that the two Houses ballot on Wednesday next for a Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of Thomas Ruffin, and informing that the name of Willie P. Mangum is in nomination for the appointment. On motion of Mr. Nash, ordered that the said message be laid on the table.

The resolution of this House, for the purpose of raising a joint select committee to inquire into the expediency of changing the present mode of receiving lists of taxable property, and of ascertaining the value of lands, and of amending the revenue laws of this State, was returned from the Senate, concurred in, and appointing a committee on their part, consisting of Messrs. Ruffin, Matthews, Brown, Salyer and Bell.

The resignations of John Zimmerman, Lieutenant Colonel of Cavalry attached to the 10th brigade of the militia, and Henry Godwin, Justice of the Peace for Sampson county, were read and accepted.

The engrossed bill to secure to Sarah Wooters, of the county of Guil-
ford, such property as she may hereafter acquire, was read the first time and passed. On motion, the said bill was read the second time, and the question, shall the said bill pass its second reading? was determined in the negative—yeas 51, nays 73. The yeas and nays demanded by Mr. Dozier.


On motion of Mr. Nash, the House resolved itself into a committee of the Whole, on the bill for the better organization of the Supreme Court, Mr. Fisher in the Chair; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Fisher reported that the committee of the Whole, according to order, had the said bill under consideration, and instructed him to report it to the House with sundry amendments. The amendments were read, concurred in, and the bill, as amended, read, and, on motion, ordered to lie on the table.

The House then, on the motion of Mr. Newland, adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 8, 1828.

A message from the Senate, informing that they had passed the following engrossed bills, and a resolution, and asking the concurrence of this House, to wit: a bill making provision for compensating jurors, so far as regards the counties of Lincoln, Moore, Rutherford and Anson; also a bill prescribing the sum jurors shall hereafter be paid for their services in the county of Richmond; and a resolution in favor of William Martin, and asking the concurrence of this House.

The engrossed bill prescribing the sum jurors shall hereafter be paid for their services in the county of Richmond, was read the first, second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of William Martin, allowing him the sum of fifteen dollars for carrying two writs of election to the Sheriff of the county of Caswell, was read the first time and passed.

Mr. Pierce, from the committee appointed to superintend the balloting for Governor of the State for the ensuing year, reported that the committee had performed that duty, and, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report, was determined in the affirmative.

On motion of Mr. Clayton, ordered that a message be sent to the Senate, proposing to ballot again immediately for Governor of the State for the ensuing year.
On motion of Mr. Montgomery, ordered that Mr. Alexander have leave to withdraw from the files the petition of Andrew Walker, and accompanying documents.

Mr. Wheeler presented the petition of Isaac Baxter, Sheriff of Currituck county, directing the Public Treasurer to pay him certain sums of money, &c. Ordered that the said petition be referred to the committee of Claims.

Mr. Eccles presented the certificate of the County Court of Cumberland county, in favor of Elizabeth Campbell, allowing her a pension of forty dollars for the present year. On motion, ordered that the said certificate be countersigned by the Speaker of this House, and be sent to the Senate.

A message from the Senate, informing of the assent of that House to ballot immediately for Governor of the State for the ensuing year; and that Mr. Ruffin and Mr. Wilson attend this House as a committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that Mr. Alexander and Mr. Byum attend the Senate as a committee on the part of this House to conduct the balloting for Governor.

Mr. Nash, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of giving to the Superior Courts jurisdiction of applications for alimony, reported a bill in pursuance to the direction of the committee, entitled a bill in addition to the acts respecting divorce and Alimony, and recommended its passage. The said bill was read the first time and passed. On motion, ordered that the said bill be printed, and made the order of the day for Thursday next.

The engrossed bill making provision for compensating jurors, so far as regards the counties of Lincoln, Moore, Rutherford and Anson, was read the first time, passed, and, on motion, ordered to be laid on the table.

The bill to determine how surveys of land shall be made to enable surveyors to obtain grants from the State, and to confirm grants heretofore made to surveyors and deputy surveyors in certain cases, was read the third time, passed, and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

The bill to amend an act, passed in the year 1820, entitled an act to extend the jurisdiction of justices of the peace, was read the third time, passed, and, ordered to be engrossed and sent to the Senate for concurrence.

The bill for the inspection of steam mill lumber, was read the second time and passed.

Mr. Fleming, with leave, presented a bill to amend an act, entitled an act to amend the acts respecting lands sold for taxes, passed in the year 1819, chapter 1006 of the revised laws. The said bill was read the first time, passed, and, on motion, referred to the committee on the Revenue.

Mr. Bynum, from the committee appointed to conduct the balloting for Governor of the State for the ensuing year, reported that the committee had performed that duty; and that, on examining the ballots, it appeared a majority of the whole number was in favor of John Owen, who
was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Mhoon presented, with leave, a bill concerning the Chairman of the County Court of Bertie. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to incorporate the Fayetteville Manufacturing Company, was read the second time and passed.

Mr. Allison, with leave, presented a bill to alter the time of holding certain terms therein mentioned, of the Courts of Pleas and Quarter Sessions for the county of Iredell, and for the better regulation of the same. The said bill was read the first time and passed, and, on motion, ordered to be laid on the table.

The bill to amend the 9th section of an act, passed in the year 1806, chapter 693, entitled an act for the more convenient administration of justice within the State, was read the second time and passed.

Mr. Nash, from the Judiciary committee, to whom was referred the bill for the relief of wives, in cases where husbands neglect to provide for the support of their families, reported that the committee had considered the said bill, and instructed him to recommend that it be rejected. The said bill thereupon was read and rejected.

On motion, ordered that the bill requiring the oaths of two disinterested witnesses for the removal of suits, be referred to the Judiciary committee.

The bill regulating the mode of trial in the Superior, and appeal to the Supreme Court, was read the second time and passed and, on motion, was made the order of the day for Friday next.

The resignation of Zachariah Eborn, senr. justice of the peace for the county of Beaufort, was read and accepted.

On motion of Mr. Bynum, ordered that the committee of Finance be discharged from the consideration of the bill for the relief of Thomas Marshall, of Carteret county. On motion of Mr. Hellen, ordered that the said bill be referred to the committee of Claims.

Mr. Nash, from the Judiciary committee, to whom was referred the bill granting to Ebenezer Pettigrew a title to certain land, reported that the committee had, according to order, considered the said bill, and instructed him to recommend that the said bill be rejected. The bill was thereupon read and rejected.

Received from his Excellency the Governor, the following communication:

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

Gentlemen,—I transmit to you the resignations of militia officers and justices of the peace, received at this department since the commencement of your session.

Also some communications on the subject of a Penitentiary, received since my message of the 3d instant, and a letter from the Honorable William Smith, of Canada, relating to an interesting period of the history of this State.

I have the honor to be, with the highest consideration, your ob\:t serv\:t,

JAMES IREDELL.

Executive Department, Raleigh, Dec. 8, 1828.

The said message was read, and, on motion, ordered to be sent to the Senate, with a proposition that so much thereof as relates to a penitentiary, be referred to the joint select committee on that subject; and that
so much as relates to the letter of the Honorable William Smith, accom-
panying the message, to the committee on the Library.

The bill more effectually to prevent frauds in conveyances in trust,
was read. Mr. Graham moved to amend it, by striking out the whole, ex-
cept the words "a bill," and substituting an amendment, which was read
at the Clerk's table. On motion, ordered that the said bill be made the
order of the day for Friday next, and that the amendment proposed by
Mr. Graham be printed.

The Speaker laid before the House the report of James Iredell, Wil-
liam Robards and William Hill, who were directed by a resolution of the
last General Assembly to examine the accounts relating to the expendi-
tures for the reception of General La Fayette, in the year 1825. The
report was read and ordered to be sent to the Senate, proposing that it
be referred to the committee of Finance.

The House then, on the motion of Mr. Nelson, adjourned until to-mor-
row morning, 10 o'clock.

TUESDAY, DECEMBER 9, 1828.

On motion of Mr. Webb, of Person, ordered that a message be sent
to the Senate, proposing that a special messenger, to be appointed by the
Speakers of the two Houses, be forthwith sent to inform John Owen,
Esquire, of Bladen county, of his election of Governor of the State,
and to request that he will attend here as early as convenient, for the
purpose of taking the oaths of office.

A message from the Senate, informing that they had passed the follow-
ing engrossed bill and resolution, to wit: a bill, entitled a bill to estab-
lish Mosely Hall Academy, in the county of Lenoir, and to incorporate
the trustees thereof; and a resolution in favor of Lewis D. Wilson,
Isaac Wright and Frederick J. Hill, and asking the concurrence of this
House; and informing that they had postponed indefinitely the engross-
ed bill to amend an act, passed in the year 1777, entitled an act to en-
courage the building of public mills and directing the duty of millers.

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

The engrossed resolution in favor of Louis D Wilson, Isaac Wright
and Frederick J. Hill, was read the first time and passed.

Mr. Nash, with leave, presented a bill to declare the effect of a nolle
prosequi upon an indictment. The said bill was read the first time and
passed.

Mr. Jones, of Wake, presented the petition of sundry citizens of Wake
county, on behalf of Herod Howington. On motion, ordered that the said
petition be referred to the committee of Propositions and Grievances.

Mr. Wyche, with leave, presented a bill supplementary to the several
acts now in force for the relief of insolvent debtors; and further, to miti-
gate the severity of executions. The said bill was read the first time and
passed, and, on the motion of Mr. Wyche, referred to the select commit-
tee, to whom was referred the bill to exempt from execution a portion of
the lands, &c. of debtors.

The resignations of John Crump, Colonel Commandant of the first re-
giment of the Montgomery county militia, and William Davis, justice of the peace for the county of Rutherford, were read and accepted.

A message from the Senate, informing of the assent of that House to the proposition that a special messenger be forthwith appointed by the Speakers of both Houses to wait on John Owen, Esquire, of Bladen county, and inform him of his election as Governor, and to request his presence here as early as convenient for the purpose of taking the oaths of office.

The bill to incorporate the Fayetteville Manufacturing Company, was read the second time and amended. On motion of Mr. Fisher, ordered that the said bill be laid on the table.

Mr. Spruill, from the select committee, to whom was referred the memorial of the Tuscarora nation of Indians, reported thereon; which was read, and ordered to be laid on the table, and made the order of the day for Friday next.

Mr. Boykin, from the Military committee, to whom was referred the bill to compel the Major General to review each regiment in the county of Davidson respectively, reported that the committee had, according to order, had the said bill under consideration, and instructed him to report it to the House without amendment, and recommend its passage. The report was concurred in, and the bill reported read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The Speaker laid before the House the following letter from James Iredell, late Governor:

The Hon. Thomas Settle, Speaker of the House of Commons.

Sir,—A question has occurred in relation to the office of Governor, on which I beg leave through you, and the Honorable Speaker of the Senate, to ask the opinion of the Legislature. As an individual, I have no other interest in the decision than that which is excited on the one hand, by the anxiety I feel to enter upon the execution of the new duties which the Legislature have done me the honor to confide to me; and on the other hand, by the sense of the inconvenience which might accrue from a relinquishment of the office I now hold, before a successor was appointed.

The Constitution declares that "the Senate and House of Commons, jointly, at their first meeting after each annual election, shall, by ballot, elect a Governor for one year." I was elected to that Office during the last Session of the General Assembly, and was qualified and entered upon the duties of the office on the 7th of December, 1827. One year, therefore, from the date of my qualification expired yesterday. The gentleman who has been chosen my successor, is not here to enter upon the discharge of his duties. I am desirous that the Legislature should, by their decision, establish a precedent to be pursued in similar cases. I find a diversity of opinion among the gentlemen of the bar whom I have consulted. Some are of opinion that the year expires on the termination of twelve calendar months from the day of qualification. Others of equal respectability, that the Session of the Legislature, like the term of a Court, is to be considered as but one day.

The Constitution of the State further declares that "in case of the death, inability or absence from the State, of the Governor, the duties of his Office shall be executed by the Speaker of the Senate," Sec. &c. The opinion of the Legislature is also requested upon this section. If my period of service has expired, have any of the cases provided by the Constitution for the substitution of the Speaker of the Senate occurred?

I am satisfied that this application may have a novel aspect; but I have been led to believe that it may be attended with useful consequences, i.e., have the result of the deliberations of a co-ordinate branch of the Government upon the point; and that a precedent may be established for future guidance.

I am, with great respect, your obedient servant.

JAMES IREDELL.

Raleigh, Dec. 8, 1828.

On motion, ordered that the said letter be sent to the Senate.
The bill for the better organization of the Supreme Court, was read the second time, and the question, shall the said bill pass? was determined in the negative—yeas 25, nays 96. The yeas and nays demanded by Mr. Sedman.


The resolution in favor of William Martin, was read the second time and passed.

The House then, on the motion of Mr. Cooper, adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 10, 1823.

On motion, ordered that a message be sent to the Senate, informing of the assent of this House to ballot this morning for a Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of Judge Ruffin; and informing further, that Mr. Swain and Mr. Webb of Person attend the Senate as a committee on the part of this House to conduct the balloting.

The certificate of the County Court of Cumberland county, in favor of Isabella Campbell, widow of James Campbell, dec'd, allowing her a pension of forty dollars for the present year, was returned from the Senate, countersigned by the Speaker.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed in the year 1800, entitled an act concerning wrecks, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that Messrs. Askew of Bertie and Marshall attend this House as a committee on their part to conduct the balloting for Judge of the Superior Courts of Law and Equity.

The resolution in favor of Louis D. Wilson, Isaac Wright and Frederick J. Hill, was read the second time and passed.

The resolution in favor of William Martin, was read the third time, passed, and ordered to be enrolled.

The bill to declare the effect of a nolle prosequi upon an indictment, was on the motion of Mr. Alexander, referred to the Judiciary committee.

The bill to establish White Oak Academy, in the county of Robeson, and incorporate the trustees thereof; and the bill requiring the county
trustees of the counties of Davidson and Rowan respectively to pay the jurors of said counties, and for other purposes, were read each the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Allison,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the act of the General Assembly, passed in the year 1830, entitled an act directing the County Courts to pay fees to certain officers therein named in certain cases.

Resolved further, That they be instructed to inquire into the expediency of making provision by law for the relief of insolvent persons confined in prison for the fine and costs of State prosecutions.

Mr. Saintclair presented the petition of sundry citizens of Wilkes county, praying for an appropriation of money to repair the public road leading from Holman's Ford, on the Yadkin river, across the Busby Mountains. The said petition, on the motion of Mr. Saintclair, was referred to the committee on Internal Improvements.

Mr. Clement, with leave, presented a bill requiring the major general of the 4th division of the militia to review the regiments of Rowan county at the usual places of their regimental musters. Mr. Gary, with leave, presented a bill amendatory of the several acts of Assembly prescribing the manner in which lands under execution shall be hereafter sold. These bills were read each the first time and passed; the former referred to the Military committee, the latter to the committee on the Judiciary.

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

The engrossed bill for the inspection of steam mill timber, was read the third time, passed, and ordered to be enrolled.

Mr. Larkins, with leave, presented a bill concerning the appointment of cooperers for the town of Wilmington, and for other purposes. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Styron, with leave, presented a bill concerning the payment of pilots in certain cases. The said bill was read the first time and passed.

On motion of Mr. Stedman,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law as relates to merchants and retailers, as to authorize merchants paying a store license to sell spirits by the small measure.

On motion of Mr. Gordon,

Resolved, That the Public Treasurer pay to Thomas Phillips the sum of two dollars and fifty cents, the purchase money for fifty acres of land, by him paid into the public Treasury on the 25th November, 1819, as appears from the Treasurer's receipt, upon which no grant was ever issued; and that the Public Treasurer be allowed the same in the settlement of his public accounts.

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

Mr. Swain, from the committee appointed to conduct the balloting for Judge of the Superior Courts of Law and Equity, reported that the committee had performed that duty, and that it appeared, on examining the ballots, the majority of the whole number was in favor of Willie P. Mangum, who was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Boykin, from the Military committee, to whom was referred the
bill to place the class of people called Quakers, Menonists and Dunkards on equal footing with the other freemen of this State, reported that the committee, according to order, had considered the said bill, and instructed him to report it to the House without amendment, and to recommend its passage. On motion, ordered that the said report be made the order of the day for Monday next.

Mr. Boykin, from the same committee, to whom was referred the memorial of the religious society of Friends of New Garden, Guilford county, reported that the committee had, according to order, considered the said memorial, and instructed him to ask that the committee be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

The bill to amend the law with respect to the collection of debts from the estates of deceased persons, was read and amended, and, on the motion of Mr. Alexander, referred to the committee on the Judiciary.

Mr. Sharpe, with leave, presented a bill to repeal certain acts therein mentioned concerning internal improvements. The said bill was read, and, on motion, ordered to be referred to the committee on Internal Improvements.

The engrossed bill making provision for compensating jurors, so far as regards the counties of Lincoln, Moore, Rutherford and Anson, was read, and, on the motion of Mr. Newland, postponed indefinitely.

On motion, ordered that Mr. Rhodes have leave of absence from this day until Saturday, and Mr. Nash from this day until to-morrow evening.

On motion of Mr. Boykin, ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for a Printer to the State; and, on the motion of Mr. Fisher, ordered that a message be sent to the Senate, proposing to ballot to-morrow for Counsellors of State for the ensuing year.

On motion of Mr. Newland,
Resolved, That the Public Treasurer pay to Christopher Bottles, of Burke county, six dollars and seventy cents; and that he be allowed the same in the settlement of his public accounts.

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

On motion of Mr. Bass,
Resolved, That the Judiciary committee be instructed to inquire into the expediency of the staying of executions on judgments given by justices of the peace, whether the time of staying said executions ought to be lengthened or not; and that they report by bill or otherwise.

A message from the Senate, informing of the assent of that House to the reference made of the report of James Iredell, William Robards and William Hill, appointed to examine the accounts relating to the expenditures for the reception of General Lafayette in the year 1825, to the committee of Finance; and also agreeing to refer so much of the Governor’s message as relates to a penitentiary, to the joint select committee on that subject; and agreeing also that so much of said message as relates to the letter of the Honorable William Smith, be referred to the committee on the Library.

The bill for revising and digesting the public statute laws of this State, was read, and, on the motion of Mr. Swain, ordered to be laid on the table.
On motion of Mr Fisher.

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

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

The resignations of Alexander Elliott, Colonel of the first regiment of the Cumberland county militia; John Clemmons, of Davidson county, and Lawson H. Alexander, of Cabarrus county, justices of the peace, were read and accepted.

A message from the Senate, proposing to refer the letter presented yesterday by the Governor to a select joint committee, and on their part to Messrs. Shober, Meares and Brown. The message was concurred in, and a committee appointed to join the committee appointed by the Senate, consisting of Messrs. Graham, Spruill and Vail.

The House then, on the motion of Mr. Saintclair, adjourned until to-morrow morning, 10 o'clock.

Thursday, December 11, 1828.

Mr. Swain, with leave, presented a bill for the relief of sundry persons engaged in surveying the Cherokee lands. The said bill was read the first time and passed.

Mr. Jones, of Warren, with leave, presented a bill authorising the Courts of Pleas and Quarter Sessions of the county of Warren, to appoint a patrol for the town of Warrenton, in certain cases. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Mendenhall, with leave, presented a bill to revive an act, passed in the year 1816, entitled an act to appoint commissioners for the town of Jamestown, in the county of Guilford, and to incorporate the same. Mr. Stedman, with leave, presented a bill supplemental to an act, passed in the year 1827, compelling the County Court of Gates to appoint a committee of Finance. These bills were each read the first, second and third times, and passed. Ordered that they be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing of the concurrence of that House with the proposition to ballot this morning for Public Printer, and informing that Messrs. Hinton and Smith of Davidson attend this House as a committee on their part to conduct the ballot; and disagreeing with the proposition of this House to ballot this day for a Council of State; and proposing to ballot on Saturday next, for Treasurer and Comptroller.

On motion, ordered that the Senate be informed by message, that Messrs. Boykin and Bethell attend that House as a committee to conduct the ballot for Public Printer, and agreeing to ballot, as proposed by the Senate, on Saturday next for Counsellors of State for the ensuing year.

The proposition from the Senate to ballot on Saturday next for Treasurer and Comptroller was concurred in, and the Senate informed by message that William Reade, as Treasurer, and James Grant, as Comptroller, were nominated for the appointments.
A message from the Senate, informing that they had passed the following engrossed bills, and a resolution, to wit: a bill concerning the County Courts of Lenoir; a bill to authorise the Court of Pleas and Quarter Sessions of the county of Warren to dispose of a part of the Public Square in the town of Warrenton; a bill to repeal an act, passed in the year 1815, entitled an act to incorporate Person Library Company; a bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire; a bill to secure to Susanna Mary Hauser, of Stokes county, such property as she may hereafter acquire; a bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort; and a resolution in favor of James Bryson, junr. and asking the concurrence of this House.

Mr. Fisher presented the petition of Abraham Brandon, praying, for reasons stated in the petition, to be placed on the pension list. On motion of Mr. Fisher, the said petition was referred to the committee of Propositions and Grievances.

The engrossed bill to secure to Susanna Mary Hauser, of Stokes county, such property as she may hereafter acquire; also the engrossed bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire, were read and ordered to be laid on the table.

The engrossed bill to repeal an act, passed in the year 1815, entitled an act to incorporate the Person Library Company; also the engrossed bill to authorise the Court of Pleas and Quarter Sessions of the county of Warren to dispose of part of the Public Square in the town of Warrenton, were severally read the first, second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Bellefont Cotton Manufacturing Company, in the county of Beaufort, was read the first time and passed, and on motion, ordered to be laid on the table.

Received from the Senate the following engrossed resolution:

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

The said resolution was read, concurred in, and returned to the Senate.

The engrossed resolution in favor of Thomas Brown, was read and concurred in, and ordered to be enrolled.

The engrossed bill concerning the County Courts of Lenoir, was read the first time, passed, and, on motion, ordered to be laid on the table.

The engrossed resolution in favor of James Bryson, junr., was read, concurred in, and ordered to be enrolled.

A message from the Senate, proposing to ballot immediately for Colonel Commandant and Lieutenant Colonel of Cavalry attached to the 10th brigade of the militia, and informing that John Zimmerman, as Colonel, and Henry Fullenwider, as Lieutenant Colonel, are nominated for the appointments. The message was concurred in, and the Senate informed by message that Mr. Newland and Mr. Hampton attend the Senate as a committee to conduct the balloting on the part of this House.

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

Received from the Senate the report of the committee of Finance, endorsed, read and ordered to be sent to the House of Commons. The report was read and ordered to be returned to the Senate.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Buncombe county in favor of George W. Greer, reported that the committee had considered the said petition, and instructed him to report a bill in pursuance to the prayer of the petition, entitled a bill to restore to credit George W. Greer, of Buncombe county, and to recommend its passage. The said bill was read the first time and rejected.

Mr. Brittain, of Haywood, presented the following resolution:
Resolved, That the House do dispense with the rule which prohibits the introduction of more than one bill on the same subject during the same session, so far as relates to the bill which proposes to lay an additional tax of one dollar on all suits thereafter to be brought in the counties of Lincoln, Moore, Rutherford and Anson, for the purpose of paying jurors.

On motion, ordered that the said resolution be laid on the table until to-morrow.

The bill in addition to the acts respecting Divorce and Alimony, was read the second time, amended and passed.

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

Mr. Potter, with leave, presented a bill to alter the law of suffrage for the town of Oxford. The said bill was read the first, second and third times and passed. Ordered that it be engrossed and sent to the Senate for concurrence.

Mr. Wheeler, with leave, presented a bill regulating the inspection of fish for the town of Murfreesborough, in the county of Hertford; and Mr. J Webb, with leave, presented a bill to appoint an additional place of public sale for the county of Rutherford. These bills were read the first time and passed.

Mr. Moore, of Stokes, presented the following resolution:
Whereas it appears from a receipt in the Secretary's Office, that Matthew Dethridge, of the county of Stokes, has paid into the Public Treasury a certain sum of money, for which he has received no value.
Resolved, That the committee of Claims be instructed to inquire into the justice of the claim, and report to the House the propriety of authorising the Secretary of State to issue a grant to said Dethridge for a certain entry of land, or of refunding to him the money which he has paid into the Treasury for said land.

The said resolution was read and concurred in.

Received from the Senate a resolution, proposing to raise a joint select committee of both Houses, to examine into and adjust the accounts of the President and Directors of the Clubfoot and Harlows Creek Canal Company, for the twelve thousand dollars loaned them by the State. The resolution was read, concurred in, and a committee selected, consisting of Messrs. Fisher, Gary and Borden, to join the committee to be appointed by the Senate.
On motion of Mr. Cooper,
Resolved, That the committee on the Judiciary inquire into the expediency of ascertaining by law the liability of the several sets of securities on guardian bonds, where several bonds are given by the same guardian for the same ward; and that they report by bill or otherwise.

On motion of Mr. Graham,
Resolved, That William Hill, Superintendent of Public Buildings, be authorised and instructed immediately to employ some person to make suitable repairs to the back seats in the Commons Hall, and that the sum be paid by the Public Treasurer.

The Speaker laid before the House the following communication from the Governor:

To the Hon. Thomas Suttle, Speaker of the House of Commons.
Sir—I have the honor to transmit to you the annual report of the President and Directors of the Literary Fund, and to request you to lay it before the Legislature.

I am, with the highest respect, your ob't servant,

JAMES IREDELL.

Raleigh, December 11th, 1828.

On motion ordered that the said communication be sent to the Senate, with a proposition that it be referred to the committee on Education.

On motion of Mr. James of Rowan,
Resolved, That, for the purpose of encouraging domestic industry, and promoting a spirit of economy in our State, it be recommended to the members of the next General Assembly to appear in their places clad in homespun.

The resignations of Baldy Sanders, Colonel of the Johnston regiment; D. Harrison, Lieutenant Colonel of the Nash regiment; and Lewis Reavis, Justice of the Peace for Granville county, were read and accepted.

The bill to prevent frauds in deeds of trust and mortgages, was read the second time, and, on the motion of Mr. Graham, amended, and passed.

The House then, on the motion of Mr. Ellis, adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 12, 1828.

On motion of Mr. Waddell, of Orange, ordered that a message be sent to the Senate, proposing to raise a select joint committee to wait on the Governor elect and ascertain when it will be convenient for him to take the oaths of Office.

Mr. Spinnell from the committee of Claims, to whom was referred the resolution in favor of Matthew Betheredge, reported unfavorable to the prayer of the petition, and recommended its rejection. The question to concur with the report, was determined in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill more effectually to prescribe the duty of the county Trustee of Onslow county; also the engrossed bill for the taking of depositions; and also the engrossed bill to compel the Major General to review each regiment in the county of Davidson separately, with amendments, and asking the concurrence of this House. The amendments were read and concurred in, and the Senate informed thereof by message.

The Senate further informed this House by message that they had passed the engrossed bill authorising the justices of the Courts of Pleas and Quarter Sessions of Randolph, Moore and Montgomery to appoint commissioners to run and establish the line between said counties, and asking the concurrence of this House.

A message from the Senate, informing that Messrs. Burgin and Davis
attend this House as a committee on their part to conduct the balloting for Cavalry officers; and further, that Mr. Brodnax and Mr. Bailey form the committee on their part to wait on the Governor elect, and learn from him at what time it will be convenient for him to take the oaths of office.

Mr. Waddell, of Orange, from the committee appointed to wait on the Governor elect, and to ascertain from him when it will be convenient for him to take the oaths prescribed by law for his qualification, reported that the committee had performed that duty, and that the Governor elect would attend the two Houses at 12 o'clock, in the Commons Hall, for the purpose of taking and subscribing the oaths of office.

The engrossed bill authorising the justices of the Courts of Pleas and Quarter Sessions of Randolph, Moore and Montgomery to appoint commissioners to run and establish the line between said counties, was read the first, second and third times, passed, and ordered to be enrolled.

Mr. Newland, from the committee appointed to conduct the balloting for Cavalry Officers attached to the 10th brigade, reported that the committee had performed that duty, and that it appeared, on examining the ballots, John Zimmerman, as Colonel, and Henry Fullenwinder, as Lieutenant Colonel, had each a majority of the whole number, and were duly elected. The question to concur with the report, was determined in the affirmative.

On motion of Mr. Graham,

Resolved, That the committee on Finance be instructed to inquire into the expediency of revising and amending the revenue laws, so as to impose a certain per cent, on the Capitol Stock in trade; and that they report by bill or otherwise.

The bill to appoint an additional place of public sale for the county of Rutherford, was read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Brittain, of Burke, in pursuance to a petition, presented a bill for the better regulation of the County Courts of Burke; and Mr. Hellen, with leave, presented a bill to authorise a lottery for the benefit of Taylor Lodge, No. 69, in the town of Beaufort. The said bills were read the first time and passed.

On motion of Mr. Ellis,

Resolved by the Senate and House of Commons of the State of North Carolina, That the Mexican Dwarf, Decenta Flora, be exempt from paying a tax for exhibiting himself in this State.

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

Mr. Alexander, with leave, presented a bill to authorise and direct the Supreme Court to be holden in the places therein directed, and to advance the administration of justice in the trial of Equity causes. The said bill was read the first time and passed, and, on motion, made the order of the day for Tuesday next, and be printed, one copy for each Member of the Assembly.

On motion of Mr. Borden,

Resolved, That this House appropriate suitable seats for the Stenographers who may feel disposed to attend this House for the purpose of reporting the proceedings of the House.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of John Black, Sheriff of Cumberland county, reported that the committee had considered the said petition, and in
structed him to report a resolution in his favor, and recommend its passage. The said resolution was read the first time and passed.

The resolution proposing to raise a select joint committee for the purpose of collecting materials, and advancing the publication of a history of the State, subsequent to the year 1776 was returned from the Senate, endorsed, "read and concurred with," and a committee appointed on their part, consisting of Messrs. Hunt, Wilson and Meares. On motion, ordered that a message be sent to the Senate, informing that Messrs. Fisher, Montgomery and Potter form the committee on the said resolution on the part of this House.

The Speaker laid before the House the report of the Adjutant General; which was read, and, on motion, ordered to be sent to the Senate, with a proposition that the Roster, accompanying the report, be printed.

The resignations of John Theatam, Colonel Commandant of the second regiment of Haywood militia; David Cox, of Davidson county; and Neil Murphey, of Robeson county, justices of the peace, were presented, read and accepted.

On motion of Mr. Fisher, ordered that a message be sent to the Senate, proposing to raise a select joint committee, whose duty shall be to wait on John Owen, the Governor elect for the ensuing year, and to conduct him into the Commons Hall for the purpose of taking the oaths of office; and that Mr. Bynum and Mr. Waddell, of Orange, form the committee on the part of this House.

A message from the Senate, informing that Mr. Brodnax and Mr. Bailey form the committee on their part to wait upon the Governor elect, and to conduct him into the Commons Hall for the purpose of taking the oaths of office.

In pursuance to the report of the committee, John Owen, the Governor elect, was conducted into the Commons Hall, the members of the Senate being present, and qualified as Governor of the State for the ensuing year, by taking and subscribing the oaths prescribed by law for his qualification. The oaths being administered by Chief Justice Taylor.

The House then, on the motion of Mr. Borden, adjourned until tomorrow morning, 10 o'clock.

Saturday, December 13, 1828.

On motion of Mr. Pierce, ordered that Mr. Sasser have leave of absence from this House for this day.

A message from the Senate, informing of the assent of that House to the reference of the report of the President and Directors of the Literary Fund to the committee on Education; and that they had passed the engrossed bill to establish a Manufacturing Company in Randolph county, and asking the concurrence of this House.

The engrossed bill to establish a Manufacturing Company in Randolph county, was read the first time and passed.

On motion of Mr. Gary, ordered that a message be sent to the Senate, informing that Mr. Gary and Mr. Montgomery attend the Senate as a committee on the part of this House to conduct the balloting for Public Treasurer and Comptroller of Public Accounts heretofore agreed on to take place this morning.
Mr. Wyche, from the committee of Finance, to whom was referred the resolution instructing him to inquire into the expediency of so amending the law as to compel owners of lands to list all free negroes and mulattoes who may live on their land, and be bound for their taxes as for other property, reported that the committee, according to order, had considered the said resolution, and instructed him to report a bill in pursuance to its object, entitled a bill more effectually to enforce the payment of taxes from free negroes and mulattoes in certain cases. The said bill was read the first time and passed, and, on motion, made the order of the day for Monday next.

Mr. Britain, of Burke, presented the following resolution:

Whereas, it appears that the late Public Treasurer in the year 1816, received into the Treasury, of William Creswell, the sum of two dollars and fifty cents for the entry of fifty acres of land in the county of Burke, and has numbered the receipt 6,404, when it appears from the Entry taker's warrant and survey, filed in the Secretary's Office, that the number on the receipt ought to have been 6,403: Therefore

Resolved, That the Secretary of State issue a grant on the papers so filed by the said Creswell, and alter the number of the receipt to No. 6,403.

The said resolution was read and concurred in, and ordered to be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing that Mr. Gray and Mr. Mathews attend this House as a committee on their part to conduct the balloting for Treasurer and Comptroller of the Public Accounts.

Mr. Gary, from the committee appointed to conduct the balloting for Treasurer and Comptroller reported, that the committee had performed that duty; and that it appeared, on examining the ballots, William Robards, as Public Treasurer, and James Grant, as Comptroller of the public accounts, had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The House, on motion, took up the report of the committee on the memorial of the Tuscarora Indians; which being read, was, on the motion of Mr. Gaston, recommitted to the same committee, with instructions to ascertain and report the nature, extent and validity of the Indian claim.

The bill for revising and digesting the public statute laws of this State, was read the second time and amended, and, on the motion of Mr. Potter, ordered to be laid on the table.

On motion of Mr. Jones, of Rowan,

Resolved, That the Public Treasurer be directed to pay to W. P. Martin the sum of forty dollars for his services in bearing an express to his Excellency Governor Owen.

And, on the motion of Mr. Whitaker,

Resolved, That the Public Treasurer be directed to pay to Richard Smith the sum of eighteen dollars and seventeen cents, for articles furnished for the use of the Governor's palace.

The said resolutions, on motion, were referred to the committee of claims.

The bill to prevent frauds in deeds of trust and mortgages, was read the third time, amended and passed, and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

Mr. Blackledge, from the select committee appointed to inquire into the expediency of vesting the right of electing sheriffs in the free people of this State, reported that the committee, according to order, had considered the subject, and directed him to report a bill to vest the right of elec-
ting sheriffs in the several counties within this State in the free white men thereof, and to recommend its passage. The said bill was read the first time and passed, and, on motion of Mr. Blackledge, made the order of the day for Tuesday next, and be printed, one copy for each member of the Assembly.

On motion of Mr. Vail,
Resolved, That the Treasurer pay William Robinson the sum of six dollars, it being the sum that he paid twice; once to the sheriff of Washington county, and once to the sheriff of Martin county, as a tax on his stud horse; and that he be allowed the same in the settlement of his public accounts.

The said resolution, on the motion of Mr. Vail, was referred to the committee of Claims.

The House then, on the motion of Mr. Kerr, adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 15, 1828.

A message from the Senate, informing that they had passed the engrossed bill requiring the county trustees of the counties of Davidson and Rowan respectively to pay the jurors of said counties, and for other purposes; also the engrossed bill to appoint an additional place of public sale for the county of Rutherford, with amendments in each; and asking the concurrence of this House. The amendments were read, concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that Mr. Spaight is excused from serving on the joint select committee appointed to examine into, and adjust the accounts of the President and Directors of the Clubfoot and Harlows Creek Canal Company; and that Mr. Meares is appointed in his stead.

A message from the Senate, informing that they had passed the engrossed bill to regulate the emancipation of slaves; and a resolution in favor of John Leatherwood, of Haywood county, and asking the concurrence of this House.

The bill in addition to the acts respecting divorce and alimony, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Boykin, with leave, presented a bill to incorporate the town of Clinton, and to extend the limits thereof. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Graham, with leave, presented a bill requiring Registers and the Clerks of the County Courts to keep their offices at the court houses. The said bill was read the first time and passed.

On motion, ordered that Mr. Battle have leave of absence from the service of this House for this day.

The engrossed bill to regulate the emancipation of slaves, was read the first time, passed, and, on motion, made the order of the day for to-morrow.

On motion of Mr. Barnhardt.
Resolved, That the committee on Education be instructed to inquire into the expediency of appropriating a part of the Literary Fund for the education of poor and indigent children in the several counties in this State; and that they report a plan to carry the same into effect, either by bill or otherwise.
Mr. Bass, with leave, presented a bill to amend an act, passed in the year 1827, chapter 72, entitled an act to compel the County Court of Nash to appoint a committee of Finance; and Mr. Walker, of Randolph, presented a bill authorising Thomas Hancock, late sheriff of Randolph county, to collect the arrearages of taxes for the year 1826. The said bills were respectively read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed resolution in favor of John Leatherwood, of Haywood county, was read, concurred in, and ordered to be enrolled.

Mr. Shipp, with leave, presented a bill authorising the Court of Equity to grant administration in certain cases. The said bill was read the first time and passed.

Mr. Newland, with leave, presented a bill to amend an act, passed in the year 1741, chapter 30, entitled an act for the better observation of the Lord's day, commonly called Sunday, and for the suppression of vice and immorality. The said bill was read the first time and rejected.

Mr. Nash, from the Judiciary committee, to whom was recommitted the bill to amend the law with respect to the collection of debts from the estates of deceased persons, reported that the committee according to order, had considered the said bill, and instructed him to report it to the House, without amendment, and to recommend its passage. The said bill was read, and, on the motion of Mr. Wyche, amended; and, on motion, ordered to be laid on the table.

Mr. Swain, with leave, presented a bill to incorporate the French Broad Bridge Company. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Swain,

Resolved, That the committee on Claims be instructed to inquire into the facts connected with the claim of James Kerkin-dale upon the State for constructing and keeping in repair a turnpike road in the county of Buncombe; and that the committee have leave to report a bill for his relief, if, upon examination, they should believe it just.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution in favor of Thomas Phelps, reported that the committee, according to order, had considered the said resolution, and instructed him to report it to the House with a recommendation that it be passed. The said resolution was read the first time and passed.

Mr. Shipp, with leave, presented a bill to amend an act, entitled an act appointing commissioners to erect a building in the town of Lincoln-ton for the accommodation of jurors. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

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

Mr. Bozman presented the certificate of the County Court of Pleas and Quarter Sessions of Chowan county, allowing Eleanor Truelove a pension of ninety dollars for the present year. The said certificate was countersigned by order of the House by the Speaker, and sent to the Senate.

The bill regulating the mode of trial in the Superior, and appeals to the Supreme Court, was read the third time, amended and passed, and,
on motion, ordered to be engrossed and sent to the Senate for concurrence.

Mr. Gaston, with leave, presented a bill respecting the Newbern Academy. The said bill was read the first, second and third times, passed, and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

Mr. Swain presented the petition of sundry citizens of Buncombe county, on the subject of the Buncombe Turnpike Company. The said petition was read, and, on the motion of Mr. Swain, referred to the committee on Internal Improvements.

Mr. Nash, from the Judiciary committee, to whom were referred the following resolutions, to wit: a resolution instructing said committee to report a bill requiring executors to give bond and security in certain cases; also a resolution requiring said committee to inquire into the expediency of ascertaining by law the liabilities of the securities to guardian bonds in certain cases; and also the expediency of passing a law, authorising merchants to retail spiritous liquors without license; also requiring them to report on the expediency of amending the law as it respects the outlawry of runaway slaves; also to inquire into the expediency of extending the time of staying executions on justices' judgments, having had the same under consideration, reported that the committee instructed him to state that it is inexpedient to legislate on the several subjects embraced in said resolutions. The question to concur with the report was determined in the affirmative.

Mr. Nash, from the same committee, to whom was referred the bill amendatory of the several acts of Assembly, prescribing the manner in which lands under execution shall be sold, reported that the committee instructed him to report that it is not expedient to change the law as it now stands on that subject. The question to concur with the report was determined in the affirmative.

Mr. Nash, from the same committee, to whom was referred a resolution requiring them to inquire into the expediency of establishing a Medical Board, reported that the committee had considered the said resolution, and instructed him to ask to be discharged from the further consideration thereof, as not coming correctly within the sphere of their inquiries. The question thereon was determined in the affirmative.

Mr. Nash, from the same committee, to whom was referred the bill to declare the effect of a nolle prosequi upon an indictment, reported that the committee, according to order, had the bill under consideration, and instructed him to return it to the House with an amendment, and to recommend its passage. The said bill was read the second time and amended in conformity with the report, and passed.

The bill for revising and digesting the public statute laws of this State was read the second time and passed.

The bill more effectually to enforce the payment of taxes from free negroes and mulattoes in certain cases, was read the second time and passed.

The bill requiring the oaths of two disinterested witnesses for the removal of suits, was read the second time and rejected—yeas 32, nays 91. The yeas and nays called for by Mr. Cooper.

Those who voted in the affirmative, are Messrs. Allison, Bass, Blackwood, Bogle,
Mr. Bynum gave notice that he should, on to-morrow, move for an alteration and amendment of so much of the rules of the House as requires all petitions to be read to the House before acted upon.

Mr. Vail moved that the House adjourn until to-morrow morning, 9 o'clock. The question thereon was determined in the negative.

Mr. Borden moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was determined in the negative.

Mr. Bateman moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was determined in the affirmative—yeas 61, nays 55. The yeas and nays demanded by Mr. Bethell.


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

TUESDAY, DECEMBER 16, 1828.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill to amend an act, passed in 1823, entitled an act to amend and extend the provisions of an act, entitled an act to promote agriculture and domestic manufactures; a bill appointing commissioners to alter the plan of the town of Ashborough, in the county of Randolph, and for the better regulation of the police of said town; a bill to extend the provisions of an act, passed in the year 1822, entitled an act granting further time to perfect titles to land within this State; a bill to allow compensation to jurors of the original panel in the county of Buncombe; a bill to regulate costs in petitions for dower and partition; a bill to amend an act, passed in 1821, entitled an act to promote the administration of justice in this State, by requiring the produc.
tion of papers in certain cases; a resolution in favor of Pleasant Callicott; and a resolution in favor of John Gambell, sheriff of Ashe county; in which they ask the concurrence of this House.

Mr. Jasper, with leave, presented a bill to require the sheriff of Hyde county to sell the old public buildings of said county. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed bill appointing commissioners to alter the plan of the town of Ashburnham, in the county of Randolph, and for the better regulation of the police of said town; also the engrossed bill to allow compensation to jurors of the original panel in the county of Buncombe, were respectively read the first, second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend an act, passed in the year 1823, entitled an act to amend and extend the provisions of an act, entitled an act to promote agriculture and family domestic manufactures; also the engrossed bill to amend an act, passed in the year 1821, entitled an act to promote the administration of justice in this State, by requiring the production of papers in certain cases; also the engrossed bill to extend the provisions of an act, passed in the year 1822, entitled an act granting further time to perfect titles to land within this State; and also the engrossed bill to regulate costs in petitions for dower and partition, were respectively read the first time and passed.

Mr. Swain, with leave, presented a bill concerning the hands liable to work on the Buncombe turnpike road. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Allison presented the petition of Joseph Byers and others, of the county of Iredell, praying that the said Byers be authorized to erect a gate on a public road passing through his lands, free of tax. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution in favor of W. P. Martin, reported that the committee had considered the said resolution, and instructed him to return it to the House, with an amendment. The report as amended was read the first time and passed.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Wake county on behalf of Herod Howington, reported that the committee had considered the said petition, and instructed him to recommend that it be rejected. The question to concur with the report was determined in the affirmative.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution in favor of Christopher Bottles, reported that the committee had considered the said resolution, and instructed him to ask that they be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

Mr. Alexander, from the select committee, to whom was referred the bill to provide for the draining of Mattamuskeet lake, reported that the committee had, according to order, considered the said bill, and instruct-
ed him to report it to the House, and to recommend that it be passed into a law. The report was read, and, on the motion of Mr. Potter, ordered to be laid on the table.

The engrossed resolution in favor of John Gambell, sheriff of Ashe county, was read the first time and passed.

The engrossed resolution in favor of Pleasant Callicott, was read and concurred in, and, on motion, ordered to be enrolled

Mr. Nicholson, with leave, presented a bill to incorporate the Richmond Rockingham Manufacturing Company. The said bill was read the first time and passed.

A message from the Senate, informing that they had postponed indefi-

nitely the engrossed bill prescribing the manner in which field officers and general officers shall be recommended to the General Assembly.

Mr. Bynum, in pursuance to his notification of yesterday, presented the following resolution, to wit:

That all petitions, memorials and other papers, addressed to the House, shall be pre-

sented by the Speaker, or by a member in his place; a brief statement of the contents of which shall be verbally made by the introducer; and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise; but shall be re-

ferred, or lie on the table, and be taken up in the order they were read; and that no bill, resolution, petition or memorial shall be placed out of the possession of the House within the limited time prescribed for the reconsideration of the same, unless by special direction of the House.

The question to concur with the resolution was determined in the nega-

tive.

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

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

Gentlemen,—I transmit to you the account of Governor Iredell while acting ex officio as guardian of James N. Forsythe, with the accompanying vouchers; by which it will appear that he has purchased, under the resolution of the General Assembly in the year 1785, for the benefit of Mr. Forsythe, four shares of stock in the State Bank of North Carolina, and paid over to me in cash fifty-seven dollars and twenty-five cents, the balance remaining in his hands.

It is desirable that the account should be examined, and, if found to be correct, approved at as early a period as practicable.

There is also the sum of ten dollars, for dividend on the four shares of State stock, now standing to the credit of the Governor of the State, as guardian, &c. on the books of that Bank.

I also enclose you a letter from the President of the Dismal Swamp Canal Company, under a resolution of the Board of Directors of that company, on a matter affecting very materially the best interests of the company, and involving a question of much importance; but which is deemed not within the control of the Executive.

I have the honor to be, with the highest respect, your ob't serv't.

J. Owen.

Executive Department, Raleigh, December 16, 1828.

On motion of Mr. Spruill, ordered that the message be sent to the Sen-

ate, proposing that so much thereof as relates to the guardianship of James N. Forsythe, be referred to the committee of Finance, and that relat-

ing to the Dismal Swamp Canal Company to the committee on Internal Improvements.

The bill for revising and digesting the public statute laws of this State, was read the third time. Mr. Calloway moved to amend the bill. The question thereon was determined in the negative. Mr. Potter moved that the bill be indefinitely postponed. The question thereon was determined in the affirmative—yeas 70, nays 57. The yeas and nays demanded by Mr. Stedman.


The House then, on the motion of Mr. Alexander, adjourned until tomorrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 17, 1838.

Mr. Shipp, with leave, presented a bill allowing patrollers compensation for their services; and Mr. Hancock, with leave, presented a bill compelling the sheriffs to advertise the several elections in this State. These bills were read each the first time and passed, and the former referred to Messrs. Shipp, Swain, Wyche, Ruffin and Gary.

The resolution in favor of John Black, sheriff of Cumberland county, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Mendenhall, with leave, presented a bill, in pursuance of a petition, to incorporate Horney's gold mines, in the county of Guilford. The said bill was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill requiring the county trustee of Chatham to pay the jurors of said county, and for other purposes; a bill to secure to Rachael Blackwood, of Person county, such property as she may hereafter acquire; a bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county; and a bill to alter and amend the act of 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians; and asking the concurrence of this House.

The report of the Adjutant General was returned from the Senate, endorsed, read and the Roster ordered to be printed as proposed by this House.

The certificate of the County Court of Chowan county, in favor of Eleanor Truelove, allowing her a pension of ninety dollars for the present year, was returned from the Senate, countersigned by the Speaker of that House.

The engrossed bill requiring the county trustee of Chatham to pay the jurors of said county, and for other purposes; also the bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county; and also the bill to alter and amend the act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, were severally read the first time and passed.
Mr. Spruill, from the committee of Claims, to whom was referred the resolution instructing the committee to inquire into the facts connected with the claim of James Kerkindale, reported that the committee had considered the said resolution, and instructed him to ask that they be discharged from the further consideration thereof. The report was read and concurred in.

The report of the select committee on the accounts of the Clubfoot and Harlows Creek Canal Company, was read and ordered to be returned to the Senate.

Mr. Bozman, with leave, presented a bill to authorise the wardens of the poor in the county of Chowan, with the consent of the County Court, to purchase lands and erect buildings for the reception of the poor thereof, and for other purposes. The said bill was read the first time and passed.

The bill for the relief of Thomas Marshall, sheriff of Carteret county, was read the second time and passed.

The resolution in favor of Thomas Philips, was read the second time and passed.

Mr. Brittain, with leave, presented a bill, in pursuance to a petition, to authorise James Bedford, of Burke county, to erect two gates across the road leading from Rutherfordton, up Cane creek, to Morganton. The said bill was read the first time and passed.

Mr. Wyche, from the committee of Finance, to whom was referred the resolution instructing them to inquire into the expediency of increasing the tax on all equestrian performers, itinerant stage players, rope dancers, wire dancers, exhibitors of natural or artificial curiosities, and jugglers, reported that the committee had considered the said resolution, and directed him to report that it is inexpedient to increase the tax. The report was read and concurred in.

Mr. Nelson, from the select committee to whom was referred the memorial of sundry citizens of Craven county, reported a bill, in pursuance to the memorial, to prevent free negroes, mulattoes and other free persons of colour from having guns and ammunition, except under certain circumstances, and recommended its passage. The said bill was read the first time and passed.

Mr. Latham, of Martin, with leave, presented a bill to repeal an act, passed in the year 1826, entitled an act to dispense with jurors at June term of the County Courts for the county of Martin. The said bill was read, and, on motion, ordered to be laid on the table.

Mr. Nash, from the committee to whom was referred the bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery, reported that the committee had considered the said bill, and instructed him to return it to the House, with several amendments, and to recommend its passage. The bill and amendments were read, and, on motion, ordered to be laid on the table.

Mr. Nash, from the same committee, to whom was referred the resolution directing them to inquire whether any, and if any, what alteration or amendment is necessary in the law as it now stands on the subject of the trial of persons charged with a capital offence, reported a bill on the subject, entitled a bill respecting mistrials in criminal cases. The said bill
was read the first time and passed, and, on motion, made the order of the day for Saturday next.

The bill for the relief of sundry persons engaged in surveying the Cherokee lands, was read the second time and passed.

Mr. Eccles, from the committee on Internal Improvements, to whom was referred the bill to provide for obtaining statistical information as to the resources of North Carolina, reported the bill without amendment. The said bill was read the second time and passed.

The bill to erect that section of country commonly called the Cherokee purchase, into a distinct county, was read the first time and passed, and, on motion, made the order of the day for Friday next.

The resolution in favor of William P. Martin, was read the second time, amended, and passed.

Mr. Nash, from the Judicary committee, to whom was referred the resolution directing them to inquire into the expediency of so amending the law now in force, as to give to administrators, with the will annexed, the same power as to the sale of real estate as is possessed by executors, reported that it is not expedient to legislate on the subject. The question to concur with the report was determined in the affirmative.

Mr. Wyche, from the committee of Finance, to whom was referred the resolution instructing them to inquire into the expediency of revising and amending the revenue laws, so as to impose a certain per cent on the amount of the capital stock in trade, reported that it is inexpedient to legislate further on the subject. The question thereon was determined in the negative, and, on motion, the report ordered to be laid on the table.

The engrossed bill to regulate the emancipation of slaves, was read, and, on motion, referred to the committee on the Judiciary.

Mr. Fisher, with leave, presented a bill to consolidate the several Banks of this State, and to establish a new Bank, to be called the Bank of the State of North Carolina. On motion, ordered that the said bill be printed and laid on the table.

On motion of Mr. Mhoon, ordered that the committee of Propositions and Grievances be excused from the consideration of the petition of Silas Smith; and that he have leave to withdraw his petition and accompanying documents.

The engrossed bill to secure to Rachel Blackwell, of Person county, such property as she may hereafter acquire, was read the first time and rejected.

Mr. Eccles, with leave, presented a bill to alter and amend the several acts of Assembly establishing jail limits, so far as respects the county of Cumberland. The said bill was read the first time and rejected.

Mr. Sanderson, from the committee to whom was recommitted the bill to exempt from execution a part of the real and personal estate of debtors, reported that the committee had, according to order, had the said bill again under consideration, and directed him to report a new bill, entitled a bill to regulate the sale of lands, and to protect from execution a certain part of the freehold of the citizens of North Carolina; and that it be substituted in lieu of the one recommitted. On motion, ordered that the said bill be printed, one copy for each member of the Assembly, and that it be laid on the table.
The bill concerning the payment of pilots in certain cases, was read the second time, and, on the motion of Mr. Bateman, postponed indefinitely.

The resignations of Abram Brower, Colonel Commandant of the 2d regiment of the Randolph county militia; Seymore Summersett, of Columbia county; and William Moore, of Stokes county, Justices of the Peace, were read and accepted.

The bill more effectually to enforce the payment of taxes from free negroes and mulattoes in certain cases, was read the third time and passed—yeas 75, nays 42 The yeas and nays demanded by Mr. Bass.


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

The bill to authorise a Lottery for the benefit of Taylor Lodge, No. 69, in the town of Beaufort, was read the second time and rejected—yeas 43, nays 71. The yeas and nays demanded by Mr. Moye.


The bill requiring registers and clerks of the County Courts to keep their offices at the Court Houses, was read the second time, amended and passed—yeas 60, nays 49. The yeas and nays demanded by Mr. M'Lane.


Those who voted in the negative, are Messrs. Alford, Ball, Barnhardt, Boykin, Bryan, Clement, Cooper, Cox, Dickinson, Dozier, Fleming, Foy, Gary, Hampton, Hancock, Harper, Hester, Jasper, D. Latham, Montgomery, Morris, Moye, M'Lane,

The House then, on the motion of Mr. Spruill, adjourned until tomorrow morning, 10 o'clock.

THURSDAY, DECEMBER 18, 1826.

Mr. Clement, with leave, presented a bill empowering the County Courts to regulate the fees of jailors. The said bill was read the first time and passed.

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

The engrossed bill concerning the poor of Moore county; also the engrossed bill to alter the names of Sidney S. Gay, Samuel C. Gay, Mary G. Gay, and Fadeus C. Gay, of Wake county, and to legitimize them; also the engrossed bill to repeal an act, passed in the year 1826, chapter 145, entitled an act to amend the sale law in Rutherford county; and also the engrossed bill to alter the time of holding the Court of Pleas and Quarter Sessions for the county of Chowan, were respectively read the first time and passed.

On motion of Mr. Mendenhall, ordered that a message be sent to the Senate, proposing to ballot immediately for a major of Cavalry, attached to the 8th brigade and 4th division of the militia, to supply the vacancy occasioned by the resignation of Nathan Wright, and informing that the name of Allen Peeples is in nomination for the appointment.

The engrossed resolution surrendering the right of the State of North-Carolina to take shares in the stock of the Roanoke Navigation Company; also the engrossed resolution in favor of Isaiah Spears, of Cabarrus county, were read, concurred in, and ordered to be enrolled.

Mr. Spruill, from the committee of Claims, to whom was referred the memorial of William H. Haywood, junior, reported that the committee, according to order, had examined the subject matter, and directed him to report a resolution in his favor, and to recommend its passage. The said resolution was read the first time and passed.

On motion of Mr. Mhoon,

Resolved, That the Library committee be instructed to take into consideration that
part of the late Governor's message which relates to the disposition of the acts of Congress, to inquire into the manner in which they have heretofore been distributed, and the propriety of ordering a distribution of those now remaining in the Executive office, accordingly.

Mr. Wyche, from the committee of Finance, to whom was referred the bill to authorise the issuing of Treasury notes, and for appropriating the same to the several counties in this State, reported that the committee had considered the said bill, and directed him to return it to the House, and to ask that the committee be discharged from the further consideration thereof. The report was read, concurred in, and the bill, on the motion of Mr. Brittain, of Burke, postponed indefinitely.

On motion of Mr. A. Williams,
Resolved, That Tuesday evening next be set apart for the appointment of Field Officers and Justices of the Peace.

Mr. Fleming, with leave, presented a bill appointing Solomon Graves commissioner to superintend the building a Court House in Surry county. The said bill was read the first time and passed.

Mr. Boykin, from the Military committee, to whom was referred the bill requiring the Major General of the 4th division to review the regiment of Rowan at the usual places for holding regimental musters, reported that the committee had, according to order, considered the said bill, and instructed him to return it to the House without amendment. The said bill was read the second time and passed.

Mr. Swain, with leave, presented a bill to repeal an act, passed in the year 1824, regulating the mode of electing wardens of the poor and directing their duties, so far as the same relates to the county of Buncombe. Mr. Hodges, with leave, presented a bill directing the manner in which wardens of the poor in the county of Cumberland shall hereafter be elected, and for other purposes. Mr. Foy, with leave, presented a bill for the better apprehension of runaway slaves in the county of Onslow. These bills were respectively read the first time and passed.

On motion of Mr. Bynum,
Resolved, That the Judiciary committee be instructed to inquire into the expediency of amending the law relative to the election of constables, so as to require them to be elected by the voters of the several districts in each county; and that they report by bill or otherwise.

The question to concur with the resolution was determined in the negative.

On motion of Mr. Newland,
Resolved, That a select committee be appointed to inquire into the expediency of making some appropriation for improving the road leading from Lincolnton to Morganton, passing through the Laurel Gap of the South Mountain, in Burke county; and that they report by bill or otherwise.

Resolved, That Messrs. Newland, Brittain, of Burke, Calloway, Cooper and Underwood form the committee.

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

Mr. Nash, from the Judiciary committee, to whom was referred the resolution to inquire into the expediency of so amending the law in relation to justices' executions, as to give to the first levy a priority of lien, reported a bill in pursuance to the object of the resolution, entitled a bill in relation to justices' executions. The said bill was read the first time and passed.
On motion of Mr. Cox,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of altering or amending the law, as it now exists, so that all debts that are due from deceased persons' estates shall be considered of one dignity, where the claim or claims shall be established to be just to the satisfaction of the executors or administrators; and that they report by bill or otherwise.
On motion of Mr. Ellis,
Resolved, That from and after Monday next, this House hold evening sessions for the purpose of disposing of private business.

Mr. Hancock presented the following resolution:
Resolved, That there be no bill of a private nature introduced in this House from and after Saturday next, except at an evening session; and that this House agree to hold three evening sessions next week, viz: on Monday evening, Wednesday and Saturday evenings, for the purpose of acting on private bills, and electing public officers.

The question to concur with the resolution was determined in the negative.

Mr. Jones, of Wake, presented the petition of Stephen Pearson; which was read and referred to the committee of Claims.

Mr. Mendenhall presented the following resolution:
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law for the confirmation of such grants of land to surveyors and deputy surveyors, as have been issued upon surveys fairly made, and without fraud by the deputy surveyors of this State; and that they report by bill or otherwise.

On motion, ordered that the said resolution be laid on the table.

Mr. Spruill, from the committee of Claims, to whom was referred a resolution in favor of William Robinson, reported that the committee had, according to order, considered the said resolution, and instructed him to recommend that it be rejected. The report was read, and, on the motion of Mr. Vail, recommitted to the same committee.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Joseph Byers, and other citizens of Iredell and Lincoln counties, reported unfavorably to the prayer of the petition, and recommended its rejection. The question to concur with the report was determined in the affirmative.

The engrossed bill to compel the Clerk of the Superior Court of Nash county to keep his office at the Court House in said county, or within the town of Nashville, was read, and, on motion, ordered to be laid on the table.

Mr. Wyche, from the committee to whom was referred the bill more effectually to enforce the payment of taxes on Stud Horses and Jack Asses, reported that the committee had considered the said bill, and instructed him to recommend its rejection. The question to concur with the report, was determined in the affirmative.

Received from his Excellency the Governor, the following communication:

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

Gentlemen,—I transmit to you the account of Mr. Muse, Private Secretary of Governor Iredell, with the accompanying vouchers; by which it will appear that the resolution of the last Legislature, making an appropriation for the purchase of furniture for the Government House, and for cleaning out the well, has been complied with.

I have the honor to be, &c.

JOHN OWEN.

Executive Department, December, 1828.

On motion, ordered that the said communication be sent to the Senate, with a proposition that it be referred to the committee of Finance.

A message from the Senate:—We agree to your proposition to refer so much of the Governor's message as relates to the guardianship of
James Forsythe to the committee of Finance; but we do not agree to refer so much of said message as relates to the Dismal Swamp Canal Company to the committee on Internal Improvements: we propose that that part of the message be referred to a select joint committee. The Senate have rejected the engrossed bill, entitled a bill to prevent frauds in deeds of trust and mortgages. We propose that the joint select committee, to whom was referred the resolution instructing them to inquire into the expediency of having a route for a road laid off from Fayetteville to Wilkesborough, and to whom was referred the petition of sundry citizens of Wilkes and Ashe, praying assistance to keep open the stage road from Wilkesborough to the Tennessee line, be discharged from the further consideration of these subjects; and that they be referred to the committee on Internal Improvements. The said message was read and concurred in.

The engrossed bill in aid of the Clubfoot and Harlow’s Creek Canal Company, was read the first time and passed, and, on motion, made the order of the day for Monday next.

Mr. Hancock, with leave, presented a bill to authorise certain persons therein mentioned to sell spirituous liquors. The said bill was read the first time and rejected.

The engrossed bill to secure to Lucinda Julin, of Randolph county, such property as she may hereafter acquire; and the engrossed resolution directing a survey between Lumber and Cape Fear rivers, were read the first time and rejected.

The resignations of Hugh Walker, Lieutenant Colonel of the second regiment of the Randolph county militia; Josiah Powell, Major of the Columbus county militia; and Wilson S. Hill, justice of the peace for Rockingham county, were presented, read and accepted.

The House resolved itself into a committee of the Whole, Mr. Alexander in the Chair, on the bill to vest the right of electing Sheriffs in the several counties within this State in the free white men therein; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Alexander reported that the committee of the Whole, according to order, had the said bill under consideration, and directed him to return it to the House without amendment. The said bill was read the second time. Mr. Harper moved that the said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 55, nays 73. The yeas and nays demanded by Mr. Ellis.


Mr. Bynum moved to amend the said bill by striking out the word white in the first section. The question thereon was determined in the negative—yeas 51, nays 73. The yeas and nays were moved for by Mr. Gaston.


Mr. Montgomery moved to amend the bill, by adding the words Clerks of the County Courts. The question thereon was determined in the negative—yeas 21, nays 97. The yeas and nays moved for by Mr. Bynum.


The said bill was then put on its passage, and the question, shall the said bill pass its second reading? was determined in the affirmative—yeas 63 nays 59. The yeas and nays moved for by Mr. Stedman.


Mr. Potter moved while the House was voting on the above bill that the 10th rule for the government of the House be suspended, so as to permit a member without the bar of the House at the time the question was stated, to vote. The Speaker decided that the motion was out of order, as the 35th rule provides "that no standing rule or order shall be rescinded, altered or suspended, without one day's notice given of the motion thereof." From the decision of the Chair Mr. Potter appealed to the House; and the question, is the decision of the Chair correct? was determined in the affirmative.

The House then on the motion of Mr. Rainey, adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 19, 1828.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill to provide for the repairing of the State House and railing round the public square; a bill to appropriate eight thousand nine hundred and twenty dollars for improving the navigation of the Cape Fear river below Wilmington; in which they ask the concurrence of this House.

The bill to appropriate eight thousand nine hundred and twenty dollars for improving the navigation of the Cape Fear river below Wilmington, was read the first time, passed, and, on motion, made the order of the day for Tuesday next.

A message from the Senate, informing that Mr. Shuford and Mr. Smith of Person attend this House as a committee on their part to conduct the balloting for Major of Cavalry attached to the 8th brigade. On motion, ordered that the Senate be informed by message that Mr. Mendenhall and Mr. Gary form the committee on the part of this House to conduct the balloting for Major of Cavalry attached to the 8th brigade.

The bill to provide for the repairing of the State House and railing round the public square, was read the first time and passed.

The bill for the relief of sundry persons engaged in surveying the Cherokee lands, was read the third time, passed and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

The resignation of Lunsford W. Scott, Major of the 2d regiment of the Halifax county militia, was read and accepted.

The House, on motion, resolved itself into committee of the Whole on the bill to erect that section of country, called the Cherokee Purchase, into a separate county, Mr. Gaston in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and the Chairman. Mr. Gaston, reported that the committee of the Whole, according to order, had the said bill under consideration, and instructed him to report it to the House without amendment. The said bill, thereupon, was read the second time, and, on the motion of Mr. Gaston, amended by an additional section, "that all lands within the county hereby erected, which have been or may be purchased from the State, but not granted, shall be deemed liable to taxation in the same manner as lands entered, but not granted, are by the laws of the State." The question, shall the said bill pass its second reading, as amended? was determined in the affirmative—yeas 65, nays 62. The yeas and nays moved for by Mr. Branch.


The House then, on the motion of Mr. Vail, adjourned until to-morrow morning, 10 o'clock.

Saturday, December 20, 1828.

Mr. Spruill, from the committee of Claims, to whom was referred the resolution in favor of Isaac Baxter, sheriff of Currituck county, reported that the committee had, according to order, considered the said resolution, and instructed him to return it to the House, with an amendment, and to recommend that it be passed. The amendment was read and concurred in, and the resolution, as amended, was read the first time and passed.

Mr. Spruill, from the same committee, to whom was referred the resolution in favor of Richard Smith, reported that the committee, according to order, had considered the said resolution, and instructed him to ask that the committee be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill appointing commissioners to lay off and establish the dividing line between the first and second regiments of the militia of Cumberland county; also the engrossed resolution in favor of William Harris and James Allen, of Montgomery county; and also the engrossed resolution in favor of Calvin Blackman, sheriff of Wayne county; and asking the concurrence of this House.

The engrossed bill to incorporate the Edgecomb Manufacturing Company, was read the first time and passed.

The engrossed resolution in favor of Calvin R. Blackman, sheriff of Wayne county, was read the first time and passed.

The engrossed resolution in favor of William Harris and James Allen, of Montgomery county, was read the first time, passed, and, on motion, ordered to be laid on the table.

Mr. Mendenhall, from the committee appointed to conduct the balloting for major of cavalry attached to the 8th brigade of the militia, report-
ed that the committee had performed that duty, and that on examining the ballots, it appeared Allen Peebles had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Shipp, with leave, presented a bill to regulate the fees of clerks and sheriffs. The said bill was read the first time and passed, and, on motion, ordered to be printed, one copy for each member of the Assembly, and be referred to the Judiciary committee.

Mr. Swain, with leave, presented a bill for the better regulation of the town of Ashville, in Buncombe county; which was read the first time and passed.

The message from the Governor, relating to the account of John B. Muse, Private Secretary of Governor Iredell, for articles of furniture for the government house, was returned; from the Senate, endorsed "read and referred as by the House of Commons."

The engrossed bill appointing commissioners to lay off and establish the dividing line between the first and second regiments of the militia of Cumberland county, was read the first time and passed.

Mr. Alexander presented the following resolution:

Whereas it appears, from the books of the Comptroller, that John Sloan, sheriff of Mecklenburg, was a defaulter in the collection of the tax of 1827, and thereby incurred a penalty of four hundred dollars and his commissions and pay for settling his public tax account; and it appears also from the books of the Treasury office, that the said John paid, on the 27th of October, 1828, in the Public Treasury, the sum of 1740 dollars, 70 cents, which sum is more than he would have been liable to pay but from his failing to settle on the first of October, 1828:

Be it therefore resolved, That the said John be released from the penalty so incurred; and that he be permitted to settle his account with the Comptroller in the same manner as if the account had been settled on the first of October last.

The said resolution was read the first time and passed, and, on motion, referred to the committee of Finance.

Mr. Vail, with leave, presented a bill requiring all guardian bonds to be made payable to the Governor. The said bill was read and ordered to be laid on the table.

The resignation of Andrew Hughes, justice of the peace for Orange county, was read and accepted.

The bill to amend the law with respect to the collection of debts from the estates of deceased persons, was read the second time, amended and passed.

A message from the Senate, proposing that the two Houses ballot on Tuesday morning next for a brigadier general of the 4th brigade, to supply the vacancy occasioned by the death of General Person, and informing that the name of John A. Cameron is in nomination for the appointment. The message was concurred in, and the Senate informed by message that the name of John B. Kelly is added to the nomination.

The bill to place the class of people called Quakers, Moravians, Mennonists and Dunkards on equal footing with the other freemen of this State, was read the second time and rejected—yeas 59, nays 63. The yeas and nays moved for by Mr. Bass.


Mr. Mhoon, with leave, presented a bill for the better regulation of the fisheries on Salmon creek, in Bertie county, and amendatory of an act, passed in the year 1822, concerning the same. The said bill was read the first time and passed.

Mr. Hodges presented the certificate of the clerk of the County Court of Cumberland county, allowing Ann Morrison, widow of Alexander Morrison, deceased, a pension of forty dollars for the present year. On motion, ordered that the certificate be countersigned by the Speaker and sent to the Senate.

Mr. Hodges also presented the certificate of the clerk of the same County Court, allowing Lucy Shaw a pension of twenty pounds for the present year. The said certificate was also countersigned by the Speaker and sent to the Senate.

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

The bill to authorise the County Court of Person to establish a poor house in said county; also the bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover, Camden, Washington, and Craven counties, in granting licences to retail spirituous liquors, were respectively read the first time and passed.

The resolution in favor of William Huggins, Sheriff of Jones county, was read the first time and passed.

Mr. Gregory, with leave, presented a bill to amend the militia laws.
of this State, so far as regards the companies of Cavalry; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill in addition to the acts respecting divorce and alimony; also the engrossed bill more effectually to enforce the payment of taxes from free negroes and mulattoes, in certain cases, with amendments in each, and asking the concurrence of this House. The amendments were read and concurred in, and the Senate informed thereof by message.

The message from the Governor, relative to the accounts of Mr. Muse, Private Secretary to Governor Iredell, was returned from the Senate, endorsed, read and referred as by the House of Commons.

Mr. Mitchell, with leave, presented a bill appointing commissioners on the road from Ashe Court House to the head of the Yadkin river, and making an appropriation to the said road. Mr. Alexander presented a bill to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus counties. Mr. Baze man presented a bill to authorize the trustees of the town of Edenton to dispose of certain lots in said town. Mr. Brittain, of Burke, presented a bill to amend an act, entitled an act to establish and regulate a turnpike road in the county of Haywood, to be called "the Tennessee River Turnpike Road," passed in the year 1826, chapter 36. These bills were respectively read the first time and passed.

The bill to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Bogle, with leave, presented a bill to prevent a sacrifice of real estate, and for other purposes. The said bill was read the first time, passed, and, on motion, referred to the committee on the Judiciary.

Mr. Newland, from the select committee, to whom was referred a resolution, instructing them to inquire into the expediency of making some appropriation for improving the road from Lincolnton to Morganton, passing through the Laurel Gap of the South Mountain, reported that the committee had, according to order, considered the said resolution, and instructed him to report a bill in pursuance to the object of said resolution, entitled a bill for the improvement of the road leading from Morganton to Lincolnton, and to recommend its passage. The said bill was read the first time and passed.

The bill to declare the effect of a nolle prosequi upon an indictment, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Whiraker

Resolved, That the Public Treasurer be directed to pay to the firm of Webb & Rand the sum of twenty-four dollars and ninety-five cents, being the value of work done by them for the use of the State.

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

The resignations of Gideon Seawell, major of the 44th regiment of the 4th brigade; Calvin R. Blackman, Major of the Wayne county militia; and William Walker, justice of the peace for Rockingham county, were read and accepted.
Mr. Spruill, from the committee, to whom was referred so much of the Governor's message as relates to the Banks within this State, reported that the committee had considered the subject, and instructed him to report a bill, and to recommend its passage, imposing a penalty of per cent. on all the Banks of this State, which may after the day of next, refuse to pay specie on demand for their notes And Mr. Potter, on behalf of the minority of said committee, presented a counter report. The said reports were read, and, on motion, ordered to be printed, under the direction of the committee, with all the accompanying testimony and documents, three copies for each member of the Assembly.

Mr. Graham presented the petition of the Justices of the Peace for Rutherford county, praying to be released from the payment of a judgment obtained against them in the Superior Court of Wake county. The said petition was read and ordered to be sent to the Senate, with a message proposing to refer it to a select joint committee of three persons from each House; and on the part of this House to Messrs. Graham, Blackledge and Potter.

The bill requiring registers, clerks of the Superior and County Courts and clerks and masters in equity to keep their offices at the court houses, was read the third time and passed—yeas 66, nays 53. The yeas and nays demanded by Mr. Cox.


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

Mr. Nash, from the Judiciary committee, to whom was recommitted the bill to amend an act, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed, passed in the year 1826, reported the bill with sundry amendments. The said bill, as amended, was read the third time. Mr. Blackledge moved that it be postponed indefinitely. The question thereon was determined in the negative—yeas 24, nays 95 The yeas and nays demanded by Mr. Blackledge.


The bill was then put on its passage, and the question, shall the said bill pass its third reading? was determined in the affirmative—yeas 93, nays 50. The yeas and nays demanded by Mr. Bynum


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

The bill to vest the right of electing Sheriffs in the several counties within this State in the free white men thereof, was read the third time, amended, and rejected—yeas 53, nays 71. The yeas and nays called for by Mr. Sharpe.


The House then, on the motion of Mr. Rainey, adjourned until tomorrow morning, 10 o'clock.

TUESDAY, DECEMBER 23, 1828.

On motion of Mr. Eccles, ordered that a message be sent to the Senate, informing that the name of Henry W. Ayre is added to the nomination for Brigadier General, to supply the vacancy occasioned by the death of General Person.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill to amend an act, passed in the year 1833, entitled an act to amend an act, passed in the year 1819, to create a fund for internal improvement, and to establish a board for the government thereof; a bill to validate the grants issued by the Secretary of State on surveys made and signed by deputy surveyors previous to the
year 1820; a bill to authorise the Board of Internal Improvements to have a road made from Ebenezer Pettigrew’s Canal to Cahoon’s Lake, in Tyrrell county; a bill to regulate the damages on protested bills of exchange; a resolution in favor of Alanson Nash; and a resolution in favor of John Millivee, of Mecklenburg county; and asking the concurrence of this House.

The engrossed bill to authorise the Board for Internal Improvements to have a road made from Ebenezer Pettigrew’s Canal to Cahoon’s Lake, in Tyrrell county; also the engrossed bill to regulate the damages on protested bills of exchange; also the engrossed bill to validate the grants issued by the Secretary of State on surveys made and signed only by deputy surveyors previous to the year 1820; also the engrossed bill to amend an act, passed in 1823, chapter 1235, entitled an act to amend an act, passed in the year 1819, to create a fund for internal improvements, and to establish a board for the government thereof, were respectively read the first time and passed.

A message from the Senate, informing that Mr. M’Neill and Mr. M’Dearmid attend this House as a committee on their part to conduct the balloting for Brigadier General of the 4th brigade. On motion, ordered that the Senate be informed by message that Mr. Eccles and Mr. Walker of Wilmington form the committee on the part of this House to superintend the balloting for Brigadier General.

The engrossed resolution in favor of the State Engineer, Alanson Nash, was read the first time and passed.

The engrossed resolution in favor of John Millivee, of Mecklenburg county, was read the first time and rejected.

Mr. Wyche, from the committee of Finance, to whom was referred the message of his Excellency Governor Owen relative to the expenditure of three hundred and fifty dollars paid to the Secretary of the late Governor Iredell in pursuance to a resolution of the last General Assembly, to be laid out in the purchase of furniture for the Government House, reported that the committee had examined the account and vouchers, and found them to be correct; and that the money had been expended as directed by the resolution. The report was read, and, on motion, ordered to be laid on the table.

Mr. Spruill, with leave, presented a bill for revising, digesting and amending the laws relating to executors and administrators. The said bill was read the first time and passed.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Abraham Brandon, of Rowan county, praying to be placed on the pension list, reported favorably to the prayer of the petition, recommending the passage of a resolution placing him on the pension list, and allowing him a pension of fifty dollars annually. The question to concur with the report was determined in the negative.

Mr. Cooper, with leave, presented a bill amendatory of an act, passed in the year 1826, chapter 57, entitled an act for the better regulation of the Courts of Pleas and Quarter Sessions of Martin county; which was read the first time and passed.

The resignations of William Jackson, colonel commandant of the 44th regiment, in the 4th brigade; and Daniel Rogerson, colonel commandant of the 4th regiment of the first brigade, were read and accepted.
Mr. Eccles, from the committee appointed to conduct the balloting for brigadier general for the 4th brigade, reported that the committee had performed that duty, and that it appeared, from an examination of the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, informing that the name of Thomas Boykin is added to the nomination for brigadier general for the 4th brigade, and that of Henry W. Ayre withdrawn.

On motion, ordered that William L. Hall have leave of absence for the remainder of the session.

The bill in aid of the Clubfoot and Harlows Creek Canal Company, was read the second time. Mr. Potter moved to amend the said bill by adding the words, after the word "dollars," "upon receiving satisfactory security for the payment of the same on demand, with interest." The question thereon was determined in the affirmative—yeas 84, nays 83. The yeas and nays demanded by Mr. Dozier.


The bill thereupon was put on its passage, and the question, shall the said bill pass its second reading? was determined in the affirmative—yeas 78, nays 38. The yeas and nays demanded by Mr. Potter.


The House then, on the motion of Mr. Montgomery, adjourned until 3 o'clock, P. M.

The bill for the relief of Thomas Marshall, sheriff of Carteret county; and Stephen Owen, sheriff of Beaufort county; also the bill requiring the major general of the 4th division to review the regiments of Rowan county at the usual places of their regimental musters; also the bill for the pet-
The resolution in favor of Thomas Phillips; also the resolution in favor of W. P. Martin, were read each the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill appointing commissioners to lay off and establish the dividing line between the first and second regiments of the militia of Cumberland county; also the bill to alter the time of holding the Court of Pleas and Quarter Sessions for the county of Chowan; also the bill to repeal an act, passed in the year 1824, regulating the mode of electing wardens of the poor, and directing their duties, so far as the same relates to the county of Buncombe; also the bill appointing Solomon Graves commissioner to superintend the building a court house in Surry county; also the bill directing the manner in which wardens of the poor in the county of Cumberland shall hereafter be elected, and for other purposes, were severally read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to repeal an act, passed in the year 1826, chapter 145, entitled an act to amend the sale law in Rutherford county; also the bill concerning the poor of Moore county; also the bill to alter the names of Sidney S. Gay, Samuel C. Gay, Mary G. Gay, Fadus H. Gay, of Wake county, and to legitimize them; also the bill concerning the County Courts of Leenoir; also the bill requiring the county trustee of Chatham to pay the jurors of said county, and for other purposes, were severally read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had rejected the engrossed bill to amend an act, passed in the year 1827, chapter 72, entitled an act to compel the County Court of Nash to appoint a committee of Finance; and that the Senate concur in the proposition of this House to recommend this evening field officers and justices of the peace.

The bill to authorize the trustees of the academy in the town of Eden ton to dispose of certain lots in said town; also the bill to authorize James Bedford of Burke county, to erect two gates across the road leading from Rutherfordton, up Cane creek, to Morganton, were each read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing of their assent to refer the petition of the justices of Rutherford county to a select joint committee of three members of each House, and to Messrs. Shuford, Williams of Bertie, and Hunt, on their part.

Mr. Mitchell, with leave, presented a bill to alter the time of holding the County Court of Ashe. The said bill was read the first, second and third times, passed, ordered to be engrossed and sent to the Senate for concurrence.

The resolution in favor of Isaac Baxter, Sheriff of Currituck county, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resolution in favor of Calvin R. Blackman, Sheriff of Wayne county, was read the second time and passed.
On motion of Mr. Alexander,
Resolved, That William R. Hill be appointed Librarian to the State Library for the ensuing year, and that he be allowed the sum of one hundred dollars per annum, to be paid by the Public Treasurer, for his services aforesaid.

Resolved, That the said Hill add to the list deposited with the Secretary of State such Books as may hereafter be purchased.

The said resolution was read the first time and passed.

The bill for the better apprehension of runaway slaves in the county of Onslow, was read, and referred to Messrs. Foy, Cox, Borden, Nelson, Gillespie, Kerr and M'Millan.

The bill to authorize the wardens of the poor in the county of Chowan, with the consent of the County Court, to purchase lands and erect buildings for the reception of the poor thereof, and for other purposes, was read, and, on motion, ordered to be laid on the table.

The certificates of the Clerk of the County Court of Cumberland in favor of Lucy Shaw and Ann Morrison, were returned from the Senate, countersigned by the Speaker.

The House then, on the motion of Mr. Cox, adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 24, 1828.

The bill in aid of the Clubfoot and Harlows Creek Canal Company, was read the third time. Mr. Potter moved that the House resolve itself into a committee of the Whole on the said bill. The question thereon was determined in the negative. Mr. Potter moved to amend the bill by striking out the latter part thereof, and inserting the following amendment: "Be it further enacted, that before the Treasurer shall pay the said sum, it shall be his duty to take bond and sufficient security, payable to the Governor, that the said sum of six thousand dollars shall be paid in ten years with interest from the date thereof." The question thereon was determined in the affirmative. The bill was then put on its passage, and the question, shall the said bill pass? was determined in the affirmative. Ordered that it be sent to the Senate, asking the concurrence of that House with the amendment.

A message from the Senate, proposing to ballot immediately for Brigadier General of the 4th brigade, and informing that the name of John A. Cameron is withdrawn from the nomination. The message was concurred in, and the Senate informed by message that Mr. Montgomery and Mr. Bethell attend the Senate as a committee on the part of this House to conduct the balloting. A message from the Senate, informing that Mr. Royal and Mr. M'Neil form the committee on their part to conduct the balloting for Brigadier General.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill making it the duty of the officers of the second regiment of militia of Rutherford county to hold their regimental musters at the house of John Reynolds; and a bill concerning the town of Tarborough; and asking the concurrence of this House.

Mr. Watford, with leave, presented a bill for the better regulation of the town of Windsor. Mr. Swain presented a bill to prescribe the mode by which bastard children shall hereafter be legitimated. Mr. Vail presented a bill to amend the inspection laws of this State, passed in the
years 1784 and 1796. Mr. Fisher presented a bill to incorporate the Chatham Iron Manufacturing Company. Mr. Spruill presented a bill directing the time and place of selling land under execution in the county of Halifax. These bills were respectively read the first time and passed.

The engrossed resolution in favor of Calvin R. Blackman, Sheriff of Wayne county, was read the third time, passed, and ordered to be enrolled.

The engrossed bill making it the duty of the officers of the second regiment of militia of Rutherford county to hold their regimental musters at the house of John Reynolds; also the engrossed bill concerning the town of Tarborough, were read each the first time and passed.

Mr. Hampton, with leave, presented a bill to compel sheriffs and constables, whenever they shall levy an execution upon any personal property, to deliver a written notice to the defendant of the same. The said bill was read the first time, passed, and, on motion, referred to the committee on the Judiciary.

The bill requiring all guardian bonds to be made payable to the Governor, was read the first time and passed.

The engrossed bill making it the duty of the officers of the second regiment of militia of Rutherford county to hold their regimental musters at the house of John Reynolds, was read, and, on the motion of Mr. Graham, postponed indefinitely.

Mr. Stockard presented the petition of Frances H. Dilliard, praying to have property secured to her from the claim or disposition of her husband. On motion, ordered that the said petition be referred to the committee of Propositions and Grievances.

The bill to amend the laws regulating the sale of lands and slaves so far as respects the county of Montgomery, was read the second time, amended and passed.

The House resolved itself into a committee of the Whole on the bill to authorize and direct the Supreme Court to be holden in the several places therein directed, and to advance the administration of justice in the trial of Equity causes, Mr. Graham in the Chair; and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the committee, according to order, had the said bill under consideration, and directed him to report it to the House with sundry amendments. The amendments were read and concurred with, and the bill, as amended, read the second time and passed.

Mr. Montgomery, from the committee appointed to conduct the balloting for Brigadier General of the 4th brigade, reported that the committee had performed that duty, and that on examining the ballots, it appeared Thos. Boykin had a majority of the whole number, and was duly elected. The question to concur with the report, was determined in the affirmative.

The bill to erect that section of country, commonly called the Cherokee purchase, into a separate county, was read the third time and passed—yeas 63, nays 61. The yeas and nays called for by Mr. Nelson.

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The bill for the improvement of the road leading from Morganton to Lincolnton was read the second time and passed—yeas 60, nays 52. The yeas and nays called for by Mr. Nelson.


The House then, on the motion of Mr. Swain, adjourned until 4 o'clock, P. M.

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

The bill to alter the times of holding the Superior Courts of Mecklenburg and Cabarrus counties, was read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The resolution in favor of William Huggins, Sheriff of Jones county, was read the second time and passed.

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

The resolution in favor of William Harris and James Allen, of Montgomery county, was read the first time and passed.

On motion of Mr. Watson,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law, which shall secure to the Sherrifs and Jailors their fees for the arrest and imprisonment of defendants in writs of capias ad satisfaciendum, where the said defendants shall be insolvent.

The bill for the better regulation of the town of Windsor, was read the second time and passed.

The bill to restrain the justices of the Courts of Pleas and Quarter Sessions of New Hanover, Camden, Washington and Craven counties in granting licenses to retail spirituous liquors, was read the second time, amended, and passed.

Mr. Borden presented the following resolution:

Whereas, it is the duty of all Christians to attend divine worship on all occasions get a
part for the celebration of the same; but more especially on the Anniversary of the birth of the Saviour of mankind: Therefore

Resolved, That when this House adjourn, it adjourns until Friday morning, 10 o'clock.

The question thereon was determined in the negative—yeas 59, nays 59.

The yeas and nays called for by Mr. Gibson.


The House then, on the motion of Mr. Nash, adjourned until to-morrow morning, 10 o'clock.

Thursday, December 25, 1828.

Mr. Wyche, from the committee of Finance to whom was referred the resolution to exempt John Sloan, Sheriff of Mecklenburg county, from the payment of the penalty incurred for his failing to settle his accounts with the Comptroller in due time, reported that the committee had considered the resolution, and directed him to report it to the House with a recommendation that it be passed. The report was concurred in, and the resolution read the second time and passed.

Mr. Wilson, with leave, presented a bill to repeal an act, passed in 1827, chapter 37, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, so far as respects the county of Perquimans. The said bill was read the first time and passed.

Mr. Bozman, with leave, presented a bill to incorporate Zerubabel Chapter. No 11. Edenton. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resignations of S. T. Sawyer, Major of the Chowan militia; Thomas S. Hargis, of Orange county; John Holliday, of Greene county; and Nicholas Lee, of Johnston county, justices of the peace, were read and accepted.

The House then, on the motion of Mr. Bateman, adjourned until to-morrow morning, 10 o'clock.

Friday, December 26, 1828.

The engrossed bill to amend the laws regulating the sale of lands and slaves, so far as respects the county of Montgomery, was read the third time, amended and passed. On motion, ordered that the said bill be sent to the Senate, asking the concurrence of the Senate with the amendments.

The resolution in favor of William Huggins, Sheriff of Jones county, was read the third time, passed, and ordered to be enrolled.
Mr. Nash, from the Judiciary committee, to whom were referred two several resolutions, requiring them to inquire into the expediency of providing by law some mode whereby the accounts of executors, administra
tors and guardians may be finally settled, and the securities of the latter discharged and secured from further liability, reported that as there is a bill now pending before the House embracing these subjects, they pray to be discharged from any further consideration thereof.

Mr. Nash, from the same committee, to whom was referred so much of the Governor's message as relates to the inconvenience by the short-
ness of their Superior Courts in the western parts of the State, reported that the committee, according to order, had considered the subject, and as there is a bill to establish a session of the Supreme Court at Salisbury, which, if passed into a law, will in a great degree remove the grievance complained of, and therefore directed him to ask that the committee be discharged from the further consideration thereof. The questions to con-
cur with the said reports, were determined in the affirmative.

Mr. Spruill, from the committee of Claims, to whom was recommitted a resolution in favor of William Robinson, reported that the committee had the resolution under consideration, and instructed him to recommend that it be rejected.

Mr. Spruill, from the same committee, to whom was referred the reso-
lution in favor of Webb & Rand, reported that the committee had con-
sidered the said resolution, and instructed him to recommend its rejec-
tion. The questions to concur with the said reports were determined in the affirmative.

Mr. Montgomery presented the memorial of James Grant, Comptroller of the public accounts, praying, for reasons stated in his petition, to be al-
lowed a clerk. On motion, ordered that the said memorial be sent to the Senate, with a message, proposing that it be referred to a select joint committee, and informing that Messrs. Montgomery, Fisher, J. Walker and Mitchell form the committee on the part of this House.

A message from the Senate, informing that they do not agree to the amendments made in the engrossed bill, entitled a bill in aid of the Clubfoot and Harlows Creek Canal Company; and the bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county; and informing that they had passed the engrossed bill to amend an act, passed in the year 1821, entitled an act to incorporate a company entitled the Roanoke Inlet Company, and for other purposes; and also the engrossed bill to regulate the payment of salaries to the of-
fficers of State, and asking the concurrence of this House.

The engrossed bill to amend an act, passed in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes; also the engrossed bill to regulate the payment of salaries to the officers of State, were read the first time and passed.

On motion of Mr. Wyche, ordered that Mr. Bass have leave of ab-
sence from the service of this House for this day and to-morrow.

The bill for the better regulation of the fisheries on Salmons creek, in Bertie county, and amendatory of an act, passed in the year 1822, con-
cerning the same, was read the second and third times, passed, and or-
dered to be engrossed and sent to the Senate for concurrence.
The bill supplementary to the several acts now in force for the relief of insolvent debtors, and further to mitigate the severity of executions, was read the second time, amended and passed.

The bill to amend the inspection laws of this State, passed in the years of 1784 and 1796, was read the second time and passed.

Mr. Alexander moved that the House recede from their amendment made in the engrossed bill in aid of the Clubfoot and Harlows Creek Canal Company. The question thereon was determined in the affirmative—yeas 63, nays 54. The yeas and nays demanded by Mr. Cooper.


On motion, ordered that the engrossed bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county, be laid on the table.

Mr. Nash, from the Judiciary committee, to whom was referred a bill to prevent the emancipation of slaves; and also a bill to regulate the emancipation of slaves, reported that the committee had considered the said bills, and instructed him to report that it is not expedient to pass into a law the first, and to report the second to the House with several amendments. The question to concur with the first member of the report was determined in the affirmative. Mr. Bethell moved that the second, "the bill to regulate the emancipation of slaves," be postponed indefinitely. The question thereon was determined in the affirmative—yeas 68, nays 54. The yeas and nays called for by Mr. Bethell.


Those who voted in the negative, are Messrs. Ball, Barnhardt, Bogle, Borden, Boykin, M. Brittain, Bryan, Bynum, Clement, Cooper, Cox, Davenport, Ellis, Fisher, Fleming, Fo, Gary, Gaston, Gillespie, Hampton, Hancock, Harper, Kennall, Kilpatrick, D. Latham, Mitchell, Mont-
Mr. Mitchell moved that the House do reconsider the vote of rejection of the bill to prevent the emancipation of slaves. The question thereon was determined in the negative.

The House then, on the motion of Mr. Swain, adjourned until 4 o'clock, P. M.

The bill for the better regulation of the town of Windsor, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Wyche, ordered that a message be sent to the Senate, informing that Messrs. Wyche, Gary, Pierce, Nash and Spruill form the select committee on the part of this House on the memorial of the President of the Dismal Swamp Canal Company.

The bill to repeal an act, passed in 1827, chapter 56, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, as far as respects the county of Perquimons, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Mitchell, Resolved, That the Public Treasurer be directed to pay to David Sands thirty dollars, on account of the purchase money of land for that amount paid by him a second time.

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

The bill directing the time and place of selling land under execution in the county of Halifax, was read the second and third times, and amended to embrace the counties of Northampton and Hertford, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Hester, with leave, presented a bill to establish separate elections in the county of Person; which was read the first, second and third times, passed, and ordered to be sent to the Senate for concurrence.

On motion, ordered that the Senate be informed by message that this House adhere to their amendment made in the engrossed bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county.

The bill for the improvement of the road leading from Morganton to Lincolnton, was read the third time and rejected—yeas 50, nays 71. The yeas and nays demanded by Mr. Ellis.


Received from his Excellency the Governor the following communication:

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

Gentlemen,—I had the honor to transmit to you on the 16th instant a letter from the President of the Dismal Swamp Canal Company, on the subject of an alleged nuisance created by the erection of a bridge across the Pasquotank river between the counties of Pasquotank and Camden.

Since which time I have received a communication from his Excellency the Governor of Virginia, on the same subject; which I deem it my duty also to lay before you.

You will also perceive, from the communication from Governor Giles, that no time was lost in endeavoring to furnish the information asked of him by my predecessor under a resolution of the last General Assembly, relative to the two Lunatic Hospitals in the State of Virginia.

All the information received by this Department upon that subject from the Executive of Virginia, is here with transmitted.

I have also received from Doctor Mease, a distinguished philanthropist of the city of Philadelphia, as in connexion with this subject, a report on punishments and prison discipline by the commissioners appointed to revise the penal code of Pennsylvania.

I also transmit to you such resignations as have been received since the meeting of the Legislature.

I have the honor to be, gentlemen, with high consideration, your ob't servant.

John Owen.

Executive Department, Raleigh, Decr. 24, 1828.

On motion, ordered that so much of said message as relates to the erection of the Bridge across Pasquotank river, be referred to the joint select committee on that subject; and that so much thereof as relates to the Penitentiary and Lunatic Asylum, be referred to the joint select committee on that subject, and be sent to the Senate for concurrence.

The House then, on the motion of Mr. Swain, adjourned until to-morrow morning, 10 o'clock.

Saturday, December 27, 1828.

Mr. Wyche, from the committee to whom was referred the accounts of the late Governor, James Iredell, as Guardian ex officio of James Forsythe, reported that the committee had examined the accounts, and instructed him to report a resolution on the subject, and to recommend its passage. The resolution reported was read and concurred in, and ordered to be engrossed, and sent to the Senate for concurrence.

Mr. Nash, from the Judiciary committee, to whom was recommitted the bill concerning the registration of grants, reported that the committee had, according to order, the said bill under consideration, and instructed him to return it to the House without amendment. The said bill was read the second time and passed.

Mr. Nash, from the same committee, to whom were referred several resolutions requiring them to inquire into the expediency of passing a law securing to jailors and sheriffs their fees for the arrest and imprisonment of insolvent debtors; and also to compel constables to return warrants within the district in which defendants live; and also to make all debts of the same dignity in the distribution of the assets of a deceased person's estate, reported that in the opinion of the committee, it is not expedient to legislate on any of the subjects embraced in said resolutions, and pray to be discharged from the further consideration thereof. The report was read and concurred in.

Mr. Nash, from the same committee, to whom was referred the resolution directing them to inquire into the expediency of establishing separate
and distinct Courts of Equity, reported that the committee do not deem it expedient to legislate on the subject at this time, and pray to be discharged from the further consideration thereof. The report was read and concurred in.

Mr. Nash, from the same committee, to whom was referred the bill to compel Sheriffs and Constables, when they levy an execution on any personal property, to give notice thereof to the defendant, reported that, in the opinion of the committee, it is not expedient or necessary to pass said bill. The report was read, concurred in, and the bill read and rejected.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, as far as it is the dividing line between the counties of Sampson and Cumberland; also a bill supplementary to an act, passed in the year 1826, chapter 133, for the better regulation of the town of Greensborough, in Guilford county; and a bill to restore to credit Silas Bond, of Martin county; in which they ask the concurrence of this House.

A message from the Senate, informing that they had passed the engrossed bill for the relief of Thomas Marshall, Sheriff of Carteret county, and Stephen Owens, Sheriff of Beaufort county, with an amendment, and asking the concurrence of this House: and that they agree to the amendment made in this House to the engrossed bill to erect that section of country commonly called the Cherokee purchase, into a separate county. On motion, ordered that the said bill be enrolled.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill regulating the mode of trial in the Superior, and appeal to the Supreme Court; and also they had rejected the engrossed bill to declare the effect of a nolle prosequi upon an indictment; and also informing that they had passed the engrossed bill to amend an act, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed, with several amendments, and asking the concurrence of this House.

On motion, ordered that the Senate be informed by message, that this House concur in the amendments made by the Senate in the engrossed bills for the relief of Thomas Marshall, Sheriff of Carteret county, and Stephen Owens, Sheriff of Beaufort county; also in the bill to amend an act, entitled an act to prohibit the trading with slaves, except in the manner therein prescribed.

The engrossed bill to restore to credit Silas Bond, of Martin county; also the bill supplementary to an act, passed in the year 1826, chapter 133, for the better regulation of the town of Greensborough, in Guilford county; also the bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river, as far as it is the dividing line between the counties of Sampson and Cumberland; also the bill to authorize the commissioners of navigation of the port of Wilmington to regulate quarantine in said port, were respectively read the first time and passed.

Mr. Shipp, with leave, presented a bill regulating the appointment of Clerks of the County and Superior Courts, and County Solicitors within this State. The said bill was read the first time and passed.

On motion of Mr. Walker, of Wilmington,

Resolved, That the Public Treasurer pay to Gabriel Holmes, Sheriff of New Han-
over county, the amount of his milage in settling as Sheriff aforesaid, for the last fiscal year; and that the Public Treasurer be allowed for the the same in the settlement of his public accounts.

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

Mr. Spruill, from the select joint committee, to whom was recommitted the memorial of the Tuscarora Nation of Indians, with instructions to ascertain and report the nature, extent and validity of the Indian claim, reported that the committee had, according to order, reconsidered the memorial, and instructed him to report a bill in pursuance of the prayer of the memorial, entitled a bill concerning the lands formerly occupied by the Tuscarora Tribe of Indians, lying in Bertie county, on the north side of the Roanoke river. The said bill was read the first time and passed.

Mr. Nash, from the committee on the Judiciary, to whom was referred the bill to regulate the fees of Clerks and Sheriffs, reported the bill to the House, with a recommendation that it be passed into a law. The said bill was read the first time and passed.

Mr. Brittain, of Haywood, with leave, presented a bill for the relief of sundry purchasers of Cherokee lands. The said bill was read the first time and passed, and, on motion, referred to Messrs. B. S. Brittain, Swain, Spruill, Alexander and Bateman.

Mr. Nash, from the Judiciary committee, to whom was referred the bill to prevent a sacrifice of real estate, and for other purposes, reported that the committee, according to order, had considered the said bill, and instructed him to report that it is not expedient to pass it. Mr. Nash, from the same committee, to whom were referred certain resolutions requiring them to inquire into the cause of the delay of justice, and to provide a remedy for the same, and also to compel more rigidly the attendance of witnesses in such cases, reported that the committee had considered both resolutions, and instructed him to report that it is too late in the session to legislate on the first, and to ask that the committee be discharged from the further consideration of the latter. The questions to concur with the reports were determined in the affirmative.

The bill to consolidate the several Banks of this State, and to establish a new Bank, to be called the Bank of the State of North Carolina, was read the first time and passed, and, on motion, made the order of the day for Wednesday next.

The bill to amend the inspection laws of this State, passed in the years 1784 and 1796, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The resolution in favor of John Sloan, sheriff of Mecklenburg county, was read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing of the assent of that House to the reference of the memorial of James Grant to a select joint committee, and informing that Messrs. Matthews, Ruffin, Spaight and Hunt form the committee on their part; and that Messrs. Bailey, Williams of Beaufort, Askew of Bertie, Walton and Riddick form the committee on their part on so much of the Governor's message of the 16th as relates to the Dismal Swamp Canal Company; and concurring with the reference made of the Governor's message of the day before yesterday by this House.
The House then, on the motion of Mr. Underwood, adjourned until 4 o'clock P. M.

The bill supplementary to an act, passed in the year 1826, chapter 193, for the better regulation of the town of Greensborough, in Guilford county, was read the second and third times, passed, and ordered to be enrolled.

Mr. Gillespie, with leave, presented a bill to amend an act, passed in the year 1786, entitled an act to lay off the town of Serecta, on the north east branch of the Cape Fear river, and to appoint commissioners for the same. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The engrossed bill for improving the navigation of creeks and rivers in the county of Sampson, and of Black river so far as it is the dividing line between the counties of Sampson and Cumberland, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, asking the concurrence of that House with the amendment.

Mr. Spruill, from the committee of Claims, to whom was referred a resolution in favor of David Sands, reported that the committee had considered the said resolution, and instructed him to return it to the House, with a recommendation that it be passed. The said resolution was read the first time and passed.

Mr. Spruill, from the same committee, to whom was referred a resolution in favor of Gabriel Holmes, reported that its object is reasonable, and recommended its passage. The said resolution was read the first time and passed.

Mr. Spruill, from the same committee, to whom was referred the petition of Stephen Pearson, reported unfavorably to the prayer thereof, and asked to be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

The bill to restore Silas Bond, of Martin county, to credit, was read the second and third times, passed and ordered to be enrolled.

Mr. Shipp, with leave, presented a bill to amend an act to extend and improve the roads leading from Wilkesborough to the Tennessee line, passed in the year 1823. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Mitchell, with leave, presented a bill to authorise Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road. The said bill was read the first time and passed.

The bill to compel the Clerk of the Superior Court of Nash county to keep his office at the court house in said county, or within the town of Nashville, was read the first, second and third times and passed. Ordered that the said bill be enrolled.

The resolution in favor of William Harris and James Allen, of Montgomery county, was read the second time and passed.

The bill to revive an act, passed in the year 1805, chapter 36, entitled an act to amend an act of Assembly now in force, for the regulation of the town of Morganton, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Potter, ordered that the reports of the committee on the Banks be made the order of the day for Monday next, and that they have precedence of all other orders of that day.
The bill to authorise the wardens of the poor in the counties of Chow-
an and Hertford, with the consent of the County Courts, to purchase lands and erect buildings for the reception of the poor thereof, and for other purposes; also the bill amendatory of an act, passed 1826, chapter 37, entitled an act for the better regulation of the Courts of Pleas and Quarter Sessions of Martin county, were read each the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Cooper, ordered that the bill to repeal an act, passed 1826, entitled an act to dispense with the jurors at the June term of the County Courts for the county of Martin, be laid on the table without day.

The engrossed bill to secure to Mary M'Eachern, of Robeson county, such property as she may hereafter acquire; and also the engrossed bill to secure to Susannah Mary Hauser, of Stokes county, such property as she may hereafter acquire, were respectively read, and, on motion, postponed indefinitely.

The resignations of Joseph Neal, major of the third regiment of the Burke militia; Anderson Paschal, of Granville county; and James Blackman, of Columbus county, justices of the peace, were read and accepted.

A message from the Senate, proposing to raise a committee of Conference on the disagreeing votes of the two Houses on the amendment proposed to the engrossed bill to repeal an act, entitled an act for the better regulation of the town of Kenansville, in Duplin county, and informing that Messrs. Spaight and Miller form the committee on their part. The message was concurred in, and the Senate informed by message that Messrs. Gillespie and Wright form the committee on the part of this House.

A message from the Senate, proposing to refer the petition of sundry citizens of the State of Tennessee, on the subject of a silver mine, to a select joint committee of three persons from each House, and informing that Messrs. Love, Harden and Burgin, form the committee on their part. The said petition being read, the message was concurred in, and a committee appointed, consisting of Messrs. Swain, Fisher and Edmonston to join the committee appointed by the Senate.

Mr. Nash, from the Judiciary committee, to whom were referred certain resolutions requiring them to inquire what further provision ought to be made by law, in order to make it the duty of the trustees of the University to make to the Legislature an annual report of the funds of that institution, and of its situation; and also to inquire into the expediency of appropriating a part of the Literary Fund for the education of poor and indigent children in this State, reported that the committee, on examining the laws heretofore passed on the subject embraced in the first resolution, find that they are amply sufficient, and that a further legislation on the subject is unnecessary; upon the second resolution the committee had turned its attention, and instructed him to ask that they be discharged from the further consideration thereof. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing that the two Houses on Tuesday morning next, ballot for Counsellors of State for the ensuing year:
The message was concurred in, and the Senate informed thereof by mes-

A message from the Senate, informing that they do not concur in the
recommendation made in this House of Caleb R. Phillips as a justice of the
peace for Ashe county. On motion, ordered that the Senate be in-
formed by message that this House recede from the nomination of Caleb
R. Phillips as a justice of the peace for Ashe county.

Mr. Nash, from the committee on the Judiciary, to whom was referred
certain resolutions, directing them to inquire into the expediency of re-
pealing an act, passed in 1820, directing the County Courts to pay fees
to certain officers therein named; and also into the expediency of making
provision by law for the relief of insolvent debtors confined in jail for
the fine and costs, reported that the committee, after due consideration,
deem it inexpedient to repeal the said act, and pray to be discharged
from the further consideration thereof. The committee on the second
resolution directed him to report a bill, entitled a bill for the relief of in-
solvent debtors, and to recommend its passage. The report was read,
concurred in, and the bill reported read the first time and passed.

The bill to provide for the draining Mattamuskeet Lake, was read the
second time, and, on the motion of Mr. Potter, postponed indefinitely—
years 86, nays 32 The yeas and nays moved for by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Alford, Allison, Ball, Barnhardt, Bat-
tle, Blackwood, Bogle, Boykin, Bozman, Branch, M. Brittain, Bynum, Byrum, Callo-
way, Cooper, Dickinson, Dozier, Ellis, Fleming, Foy, Gary, Gibson, Gillespie, Gordon,
Hampson, Hancock, Hellen, Harper, Hester, Hodges, H. G. Jones, W. Jones, Ken-
dall, Lorett, Martin, Mendenhall, Mitchell, Montgomery, A. C. Moore, Mhoon, Mor-
ris, More, M'Keill, M'Lean, M'Neil, Nash, Nicholson, Pierce, Potter, Purcell, Rain-
ney, Ridieck, Rhodes, Rogers, Rogerson, Sasser, Sharpe, L. R. Sim-
mons, Simpson, N. G. Smith, T. B. Smith, J. Smith, Spruill, Stedman, Stephens, Stock-
ard, Tyson, Underwood, Vail, Wadsworth, R. Walker, H. Walker, Ward, Watford,
Watson, J. Webb, Webster, Whitfield, Whitaker, Wilder, A. Williams, Wilkinson,
Wilson, Wright, Wyche.

Those who voted in the negative, are Messrs. Alexander, Bateman, Bethell, Borden,
B. S. Brittain, Bryan, Clayton, Clement, Davenport, Eccles, Edmonston, Fisher, Gaston,
Graham, Jasper, H. C. Jones, Kerr, Kilpatrick, Larkins, D. Latham, T. Latham, Lilly,
M'Millan, Pool, Ruffin, Saintclair, Shipp, Styron, Swain, J. Walker, T. Webb, E.
Williams.

Mr. Spruill, Chairman of the committee of Claims, reported that they
had acted on all the business referred to them, and asked that they be
discharged. The question thereon was determined in the affirmative.

The House then, on motion, adjourned until Monday morning, 9 o'clock.

Monday, December 29, 1828.

Mr. Wyche, from the committee of Finance, to whom was referred the
report of the Governor, Public Treasurer and Secretary of State, ap-
pointed by a resolution of the last General Assembly to examine the ac-
counts relating to the expenditure for the reception of General La Fay-
ette, in the year 1825, reported that the committee, according to or-
der, had considered the said report, and directed him to report a resolu-
tion authorising the Comptroller to cancel and balance the account on
the books of his office, to Hutchins G. Burton, late Governor, for ex-
penditures incurred for the reception of General La Fayette, in the
year 1825. The report was concurred in, and the resolution reported
read and ordered to be engrossed and sent to the Senate for concurrence.

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The engrossed resolution in favor of William Harris and James Aller, of Montgomery county, was read the third time and amended. On motion, ordered that it be sent to the Senate, asking their concurrence with the amendment.

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

Whereas, as the practice of shaving notes is found to be injurious to the citizens of this State, it prevents money being loaned at lawful interest, and causes property to sell far below its value. Therefore

Resolved, That a select committee be appointed to inquire into the expediency of passing a law to prevent the same; and that they report by bill or otherwise.

The question on the above resolution was determined in the negative.

Mr. Vail presented the memorial of sundry citizens of the town of Plymouth, praying to be authorised to sell a certain lot in said town, and to apply the money in the purchase of a fire engine. Ordered that the said memorial be referred to the committee of Propositions and Grievances.

Mr. Saintclair, with leave, presented a bill to amend an act, passed in the year 1814, entitled an act concerning Divorce and Alimony. The said bill was read the first time and rejected.

The bill to authorise and direct the Supreme Court to be holden in the several places therein directed, and to advance the administration of justice in the trial of Equity causes, was read the third time. Mr. Bynum moved to amend the bill in the following words, to wit: "Be it further enacted, that a Supreme Court shall be holden in the town of Windsor, in the county of Bertie, on the first Monday in January, in each and every year, for the counties of Camden, Carteret, Currituck, Perquimons, Chowan, Gates, Hertford, Bertie, Washington, Martin, Northampton, Halifax, Hyde, Beaufort, Pasquotank and Tyrrell; which said Court shall continue in session for six weeks, if the business thereof shall so require. And be it further enacted, that it shall be the duty of the Sheriff of Bertie, either in person or by his deputy, to attend the sittings of the Supreme Court to be holden in Windsor, for which service he shall receive the sum of one dollar per day for each day he may attend said Court, to be paid by the Treasurer of the State, upon the presentation of the certificate of the Clerk of said Court." The question to concur with the amendment was determined in the negative—yeas 32, nays 90. The yeas and nays called for by Mr. Alexander.


The bill thereupon was put on its passage, and the question, shall the
said bill pass its third reading? was determined in the negative—yeas 57, nays 66. The yeas and nays moved for by Mr. Bass.


The House, on the motion of Mr. Potter, resolved itself into a committee of the Whole, on the report of the majority of the joint committee appointed on the subject of the Banks in this State, and the report of the minority of said committee on the same subject, Mr. Nash in the Chair; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Nash reported that the committee of the Whole, according to order, had the said reports under consideration, and made progress, and instructed him to ask leave to sit again. The question to concur with the report, was determined in the affirmative.

The House then, on the motion of Mr. Whitaker, adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 30, 1828.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill explanatory of an act relating to bonds given by Sheriffs, Clerks of the Superior Courts and Courts of Pleas and Quarter Sessions, passed in the year 1810; a bill to improve the navigation of Perquimons river; a bill concerning the payment of pilots in certain cases; a bill to restore Andrew Walker, of Mecklenburg county, to credit; a resolution declaring the purchase made by James F. Taylor of a tract of land sold at the sale of the late Treasurer's property, null and void; and a resolution calling on the President and the Directors of the Yadkin Navigation Company for certain information; in which they ask the concurrence of this House.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill requiring Registers and Clerks of the Superior and County Courts, and Clerks and Masters in Equity to keep their offices at the Court Houses; and that they had passed the engrossed bill directing the place where the first regiment of the militia of Davidson shall hereafter hold their musters, and asking the concurrence of this House.

The engrossed bill designating the place where the first regiment of the militia of Davidson county, shall hereafter hold their musters; also the bill explanatory of an act relating to bonds given by Sheriffs, Clerks of the Superior Courts and Courts of Pleas and Quarter Sessions, passed A. D. 1810; also the bill to restore Andrew Walker, of Mecklenburg county, to credit, were respectively read the first time and passed.
The engrossed bill concerning the payment of pilots in certain cases; and the engrossed bill to improve the navigation of Perquimons river, were read each the first time and rejected.

Mr. Wilkinson, in pursuance to a petition, presented a bill to regulate the fisheries of Tar and Pamptico rivers. The said bill was read the first time and passed.

Mr. Foy, from the select committee, to whom was referred the bill for the better apprehension of runaway slaves in the county of Onslow, reported that the committee, according to order, had considered the said bill, and instructed him to return it to the House with several amendments, and to recommend its passage. The report was read, and, on the motion of Mr. Gaston, ordered to be laid on the table.

Mr. Cox, with leave, presented a bill to amend and explain an act, passed in the year 1784, for clearing out and improving the navigation of Trent river, in Jones county. The said bill was read the first time and passed.

Mr. Vail, who voted in the majority yesterday on the rejection of the bill to authorize and direct the Supreme Court to be holden in the several places therein directed, and to advance the administration of justice in the trial of Equity causes, moved that the House do reconsider that vote. The question thereon was determined in the negative—yeas 59, nays 66.

The yeas and nays called for by Mr. Dozier.


A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill to repeal an act, passed in 1827, chapter 36, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, so far as respects the county of Perquimons; and the bill for improving the navigation of creeks and rivers, in the county of Sampson, and of Black river, so far as it is the dividing line of the counties of Sampson and Cumberland, with amendments, and asking the concurrence of this House. The said amendments were read, concurred in, and the Senate informed thereof by message.

Mr. Fleming, with leave, presented a bill to regulate the salaries of the Judges of the Supreme Court. The said bill was read the first time and passed.

The engrossed resolution declaring the purchase made by James F. Taylor of a tract of land sold at the sale of the late Treasurer's property,
null and void; and the resolution calling on the President and Directors of the Yadkin Navigation Company for certain information, were respectively read and concurred in, and, on motion, ordered to be enrolled.

The Speaker laid before the House the memorial of Charles Manly, the Clerk Assistant, praying that the House for the remainder of the Session, owing to his indisposition, should appoint an additional Assistant Clerk.

The memorial being read, on the motion of Mr. Alexander,

Resolved, That the Principal Clerk of this House be authorised to employ an additional Assistant Clerk for the remainder of the Session.

The resignations of Thomas Baykin, Colonel Commandant of the 33d regiment of militia; and L. Cogdell, justice of the peace for Wayne county, were read and accepted.

Mr. Gaston presented the following resolution:

Resolved, That a power to issue paper as a medium of circulation, and for the purpose of profit, unless restrained within narrow limits and controlled by strong checks, always has been, and always will be abused.

Resolved further, That in the charters of the Banks of this State, the limits imposed on such issues were too vague, and the checks too feeble—that a general readiness in the community to borrow, joined with the desire of profit on the part of the Stockholders, could not fail to produce an issue of paper out of proportion to the specie funds of the Banks, and beyond their ability promptly and regularly to redeem; and that the consequence has been a depreciation in the currency of the State, injurious to the interests of its citizens and the character of its public institutions, and leading to evasions and expedients in the managers of these institutions always disadvantageous, sometimes at variance with the provisions of their charters, and often oppressive to their customers.

Resolved further, That the Legislature of the State, by commanding the State Bank, with a capital of sixteen hundred thousand dollars and a power to contract debts not exceeding four millions eight hundred thousand dollars, to commence operations so soon as eighty-seven thousand five hundred dollars should be paid in—by authorising an extension of the capital stock of the Banks of Newbern and Cape Fear in the year 1813, when it was known that such an extension could not add to the specie in the vaults—by assigning to the State a large portion of the stock of each bank without any payment therefore—by making repeated emissions of Treasury notes not representing specie, but intended as a substitute for it in circulation—by paying these Treasury notes to the Banks as the price of a further portion of their stock, and authorising increased issues of paper on the faith thereof, has most efficaciously aided in producing the depreciation of the currency and its consequent mischiefs.

Resolved further, That every consideration of duty and of policy requires that this depreciation should be remedied as speedily as the exigencies of the country will permit—that the only effectual cure is to be found in the withdrawal from circulation of redundant issues, so that the residue shall not exceed the amount required and sustained by the business of the community—that this cure is in steady and certain progression, under the operation of powerful causes, which are beyond the control of this Legislature—that the Bank of the United States has already compelled the Bank of Cape Fear, the one more immediately within the sphere of its action, to become a specie-paying Bank—that it must shortly compel the other Banks of this State either to follow this example or to close their concerns, and that any Legislative interference to hasten either of these results is not only unnecessary, but must produce great impoverishment of debtors, a sacrifice of property, embarrassment of the public finances, and the general distress of the community.

Resolved further, That the true interests of the country demand that, instead of imposing penalties on the Banks to compel a rapid reduction of their issues, or of instituting prohibitions to effect a relinquishment of their franchises, the collection of their debts should be carried on with as much lenity and moderation as practicable; and the representatives of the State in the general meetings of the stockholders of the Banks be instructed to keep this object steadily in view, and promote it by all the means in their power.

Resolved further, That the Banks ought to be authorised to extinguish gradually such a portion of their respective capitals as is not needed for the support of a sound circulation, by receiving stock in payment of debts, upon terms which may consist with the rights of their creditors and the interests of the stockholders.

On motion, ordered that the said resolution be referred to the committee of the Whole on the subject of the Banks, and be printed, one copy for each member of this House.
Mr. Wyche presented the following resolution:

Whereas the several Banks of this State have made large issues of notes, which they were unable to pay with specie on demand, and in consequence of such issue and failure to pay, their notes have depreciated in value much to the injury of the credit of the State; and whereas the citizens of this State are now indebted to the Banks for an amount which cannot now be paid without general distress and ruin to many; and whereas the stockholders of the State Bank have determined to meet on the day of next, to decide on closing the business of said Bank without delay, which, in the present time of general depression, would be attended with ruin to many and wide spreading distress to the people generally:

Be it therefore resolved, That the officer and agent representing the State in the Board of Directors and in the meeting of Stockholders, be instructed, and they are hereby directed to use their influence to prevent the winding up the business of the State Bank too rapidly—to demand from its debtors not exceeding five per cent. at every renewal, if the safety of the Bank will permit—and to continue steadily to pursue such measures as will enable the Bank to resume specie payments without distress.

On motion, ordered that the said resolution be referred to the committee of the Whole on the subject of the Banks, and be printed, one copy for each member of the Assembly.

Mr. Wyche, with leave, presented a bill regulating the practices of the Banks in certain cases; and Mr. Potter, with leave, presented a bill concerning the Banks. The said bills were read, and, on motion, ordered to be referred to the committee of the Whole on the subject of the Banks, and be printed, one copy for each member of the Assembly.

The committee of the Whole, on motion, resumed the consideration of the report of the majority of the committee raised on the subject of the Banks in this State, and the report of the minority of said committee on the same subject; and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the committee had again the said reports under consideration, and instructed him to report that they had made progress, and to ask leave to sit again on said subject.

The question to concur with the report was determined in the affirmative.

The House then, on motion, adjourned until to-morrow morning, 9 o'clock.

**Wednesday, December 31, 1823.**

Mr. Brooks, with leave, presented a bill to compel the clerk of the County and Superior Courts, and register of the county of Chatham to keep their respective offices at Pittsborough in said county. Mr. Latham, of Beaufort, presented a bill to prevent the hauling of seines in Tranters creek. These bills were read the first time and passed.

Mr. Clayton presented the following resolution:

Resolved, That this House dispense with the rule requiring all public bills to be read on three several days.

On motion, ordered that the resolution be laid on the table for one day.

The Principal Clerk, in obedience to the resolution directing him to appoint an additional Clerk Assistant, reported that he had appointed George W. Haywood.

On motion of Mr. Jones, of Warren, ordered that Ransom Walker have leave of absence after this day, until the end of the session.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill to amend the practice in Courts of Equity; a bill to authorise the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient; a bill to compel the County Court of Lenoir to appoint a committee of Finance;
a bill to incorporate a Light Infantry Company in the town of Washington; a resolution appropriating a room opposite the Comptroller's room to the Adjutant General; and a resolution in relation to the documents of the Penitentiary and Lunatic Asylum; in which they ask the concurrence of this House.

The engrossed bill to incorporate a Light Infantry Company in the town of Washington; also the bill to compel the County Court of Lenoir to appoint a committee of Finance; also the bill to authorise the County Court of Stokes to interfere in behalf of Leonard Aust, if they deem it expedient, were respectively read the first time and passed.

On motion, ordered that Mr. Watford and Mr. Jarman have leave of absence from the service of the House after to-morrow, until the end of the session.

The engrossed resolution in relation to documents of the Penitentiary and Lunatic Asylum; also the resolution appropriating the room opposite the Comptroller's room to the Adjutant General, were read, concurred in, and ordered to be enrolled.

The engrossed bill to amend the practice in Courts of Equity, was read, and on motion, referred to Messrs. Gaston, Shipp, Nash, Alexander and Bynum.

Mr. Bozman, with leave, presented a bill to cede to the United States, an Island of Marsh for the purpose of erecting thereon a Light House. Mr. Potter, with leave, presented a bill for the relief of the people of North Carolina. These bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to repeal in part the 3rd section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State, relative to the Infantry, and to repeal the 9th and 10th sections of an act, passed in the year 1813, entitled an act to amend the militia laws of this State; also the engrossed bill directing the time and place of selling land under execution in the counties of Halifax, Northampton and Hertford, with amendments, and asking the concurrence of this House; and informing that the Senate concur in the amendment made by the House of Commons in the engrossed resolution in favor of William Harris and James Allen, of Montgomery county, and that they do not agree to the amendments made by this House in the engrossed bill to amend the laws regulating the sale of lands and slaves so far as respects the county of Montgomery. On motion, ordered that the engrossed resolution in favor of William Harris and James Allen, of Montgomery county, be enrolled.

On motion, ordered that the Senate be informed by message that this House concur in the amendments made by the Senate in the engrossed bills to repeal in part the 3rd section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State relative to the Infantry, and to repeal the 9th and 10th sections of an act, passed in 1813, entitled an act to amend the militia laws of this State; and in the engrossed bill directing the time and place of selling land and slaves under execution in the counties of Halifax, Northampton and Hertford, and informing the Senate, that this House recede from their amendment made in the engrossed bill to amend the laws regulating the sale of lands and slaves so far as respects the county of Montgomery.
The Speaker laid before the House the following message from his Excellency the Governor:

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

GENTLEMEN,—As President ex officio of the Board of Trustees of the University of North-Carolina, I have the honor to submit the annual report of the Treasurer of that institution, made to the board at their late annual meeting.

I have the honor also to inform you that there are at present five vacancies in the Board of Trustees, occasioned by the death of Bartlett Yancey and James F. Taylor, the resignations of Nathaniel Macon and Leonard Henderson, and the removal of Francis L. Hawks.

With the highest consideration, your ob't servant.

JOHN OWEN.

Executive Office, Dec'r 30, 1828.

On motion, ordered that the said message and report be sent the Senate, with a proposition that the report be printed, one copy for each member of the Assembly.

Mr. Ball, with leave, presented a bill to amend the 12th section of an act, passed in the year 1818, entitled an act supplemental to an act concerning the Supreme Court. The said bill was read and ordered to be laid on the table.

Mr. Eccles, with leave, presented a bill to incorporate the Grand Royal Arch Chapter of North Carolina. The said bill was read the first time and passed.

Mr. Fisher presented the following resolution:

Resolved by the General Assembly, That the Governor of the State be, and is hereby requested to address a letter to the President of the United States, respectfully asking that he would order to this State a detachment from the corps of Topographical Engineers, for the purpose of making a survey, with a view of ascertaining the best line for a rail road from the town of Fayetteville to some point on the Yadkin above the Narrows, and from the Yadkin to the Catawba, so as to connect the valleys of the Catawba and Yadkin with the Cape Fear; and also to make an estimate of the cost of erecting such rail road.

On motion of Mr. Fisher, ordered that the said resolution be laid on the table.

Mr. Gillespie, from the committee of conference on the disagreeing votes of the two Houses on the bill to repeal the act, passed in the year 1827, entitled an act for the better regulation of the town of Kenansville, in the county of Duplin, reported that the committee, according to order, had met the conferees on the part of the Senate, and could not come to any agreement.

Mr. M. Brittain, from the select committee to whom was referred the bill for the relief of sundry purchasers of Cherokee lands, reported that the committee, according to order, had considered the said bill, and instructed him to report it to the House without amendment. The said bill was read the second time and passed.

Mr. Gregory, from the committee to whom was referred the memorial of James Grant, Comptroller of Public Accounts, reported that the committee had, according to order, considered the said memorial, and instructed him to report a bill in pursuance of the object of the memorial, entitled a bill to provide for the appointment of a clerk in the Comptroller's Department. The said bill was read the first time and, on motion, postponed indefinitely.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the petition of Frances M. Dilliard, reported that the committee had considered the said petition, and instructed him to recommend
that it be rejected. The question to concur with the report, was determined in the affirmative.

The bill concerning the registration of grants, was read the third time, and, on motion, postponed indefinitely.

The bill supplementary to the several acts now in force for the relief of insolvent debtors; and further, to mitigate the severity of executions, was read the third time. Mr. Gaston moved to amend the third section of said bill, by diminishing one half of the allowance made in beef, pork or bacon. The question thereon was determined in the affirmative. Mr. Webb, of Person, moved to amend the bill, by striking out the third section. The question thereon was determined in the negative. The bill was then put on its passage, and the question, shall the said bill pass its third reading? was determined in the affirmative—yeas 111, nays 9. The yeas and nays moved for by Mr. Sharpe.


Those who voted in the negative, are Messrs. Bryan, Clement, Gillespie, Kerr, Mendenhall, Ruffin, Sharpe, H. Walker, T. Webb.

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

The House then, on the motion of Mr. Clayton, adjourned until 4 o'clock, P. M.

The bill to compel the Clerks of the County and Superior Courts, and Register of the county of Chatham, to keep their respective offices at Pittsborough, in said county, was read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The Engrossed bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate a Light Infantry Company in the town of Washington, was read the second and third times, passed and ordered to be enrolled.

The bill to restore to credit Andrew Walker, of Mecklenburg county, was read the second time and rejected.

Mr. Swain, who voted in the majority in the vote of rejection of the bill to restore to credit Andrew Walker, of Mecklenburg county, moved that the House do reconsider that vote. The question thereon was determined in the affirmative. The said bill was then put on its passage, and the question, shall the said bill pass? was determined in the negative.

The bill to incorporate the Edgecomb Manufacturing Company, was read the second time. Mr. Potter moved to amend the bill, by adding a
The bill to provide for obtaining statistical information, as to the resources of North Carolina, was read the third time, amended, and rejected — yeas 58, nays 64. The yeas and nays moved for by Mr. Ellis.


Those who voted in the negative, are Messrs. Allison, Ball, Battle, Bethell, Bogle,
Mr. Potter moved to amend the bill, by adding an additional section, in the following words: "And be it further enacted, that the individual property of the Stockholders and other members of the said corporation shall be bound by all contracts and engagements made and entered into by the said corporation, and it shall be in the option of persons contracting with said corporation, to proceed against the members of the corporation either as corporators or individuals." The question thereon was determined in the negative—yeas 36, nays 79. The yeas and nays called for by Mr. Brooks.


Mr. Calloway moved to amend the bill by inserting the following section: "That the private property of each and every stockholder shall be bound for the debts of the corporation to the amount of the stock which each and every stockholder shall hold in the corporation." The question to concur with the amendment was determined in the negative. Mr. Vail offered the following section as an amendment to the bill: "And be it further enacted, that if the said corporation shall trade, deal or traffic in any article, or in any way not allowed by their charter, such corporators shall be liable to indictment in the Superior or County Court, and upon conviction, shall be imprisoned not less than sixty days, nor more than six months, and fined at the discretion of the Court." The said amendment was read and rejected. Mr. Bynum moved to limit the existence of the corporation to fifteen years. The question thereon was determined in the negative. Mr. Potter moved to amend the bill in the following words: "That if the corporation shall contract debts over the amount of their capital stock, that then and in that case the private property of the stockholders shall be bound for such debts, to be collected from the stockholders in proportion to the stock which each and every stockholder shall have vested in the company." The said amendment was read and rejected. Mr. Potter then moved that the further consideration of said bill be postponed indefinitely. The question thereon was determined in the negative—yeas 39, nays 78.


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

The House then, on the motion of Mr. Jones, of Rowan, adjourned until to-morrow morning, 10 o'clock.

Thursday, January 1, 1829.

On motion of Mr. Gary, ordered that Mr. Kilpatrick have leave of absence, after to-morrow, until the end of the session.

The bill to amend an act, entitled an act to amend the acts respecting lands sold for taxes, passed in the year 1819, chapter 1006 of the public laws; and the bill to incorporate the Edgecomb Manufacturing Company, were read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill to ratify and confirm the sale of the land and negroes conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Roberts, commissioners on behalf of the State; a bill to appoint commissioners on the road from the Watauga, in Ashe county, to the head of John's river, in Burke county; a bill to establish Sandy Creek Academy, in Randolph county, and to incorporate the same; a bill to provide for the final settlement of executors and administrators; a bill to regulate the finances of Craven county; a bill to open a road from Lee's mills to the head of the New Land, in Washington county; a bill to authorise the payment of the purchase money on entries of land made in the year 1826, in all cases where surveys have been made and returned to the office of the Secretary of State; also a resolution instructing the Governor to make certain inquiries in relation to Miss Blakely; also a resolution in favor of John Barnett, sheriff of Person county; also a resolution in favor of Edward Griffin and his securities; and also a resolution in favor of William Roberts, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property; in which they ask the concurrence of this House.

The engrossed bill to authorise the payment of the purchase money on entries of land, made in the year 1826 in all cases where surveys have been made and returned to the office of the Secretary of State; also the bill to regulate the finances of Craven county; also the bill to appoint commissioners on the road from Watauga, in Ashe county, to the head of
John's river, in Burke county; also the bill to ratify and confirm the sale of land and negroes conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Robards, commissioners on behalf of the State; also the bill to establish Sandy Creek Academy, in Randolph county, and to incorporate the same, were read the first time and passed.

A message from the Senate, informing of the assent of that House to have printed the report of the Treasurer of the Board of Trustees of the University, one copy for each member of the Assembly.

The resignation of John Carrington, brigadier general of the sixth brigade of the militia, was read and accepted.

A message from the Senate, proposing to ballot immediately for a brigadier general of the 13th brigade of the militia, and informing that the name of Thomas Sanderson is in nomination for the appointment; and proposing further, to ballot immediately for brigadier general for the 6th brigade, and informing that the name of John Woods is in nomination for the appointment. On motion, ordered that the said message be laid on the table.

The resignation of James Somerville, justice of the peace for Warren county, was read and accepted.

The engrossed bill to establish a manufacturing company in Randolph county, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, asking their concurrence in the amendment.

The engrossed bill to provide for the final settlement of executors and administrators, was read the first time and passed.

The resolution instructing the Governor to make certain inquiries in relation to Miss Blakely, was read and concurred in, and ordered to be enrolled.

The resolution in favor of John Barnett, sheriff of Person county; also the resolution in favor of Edward Griffin and his securities, were read the first time and passed.

The resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property, was read the first time and passed.

The engrossed bill to open a road from Lee's mills to the head of the New Land, in Washington county, was read the first time and rejected.

The House, on the motion of Mr. Potter, resolved itself into a committee of the Whole, on the several reports and papers in relation to several Banks; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Nash, the Chairman, reported that the committee of the Whole had again under consideration the several matters referred to them, and had made progress, and instructed him to ask leave to sit again on the said subjects. The question to concur with the report was determined in the affirmative.

The House then, on the motion of Mr. Branch, adjourned until to-morrow morning, 9 o'clock.

Friday, January 2, 1829.

On motion, ordered that Mr. Ellis have leave of absence after Monday next, and Mr. Sasser after this day, to the end of the session.
Mr. Wyche, from the select joint committee, to whom was referred the message of the Governor communicating the remonstrance of the President of the Dismal Swamp Canal Company; and also another message communicating a letter from the Governor of Virginia on the same subject, reported that the committee, according to order, had considered the subject, and instructed him to report a bill to provide for the removal of an obstruction to the passage of masted vessels from the Dismal Swamp Canal to Albemarle Sound and to recommend its passage. The said bill was read the first time and passed.

Mr. Gary, from the committee of Propositions and Grievances, to whom was referred the memorial of sundry citizens of Plymouth, reported unfavorable to the prayer of the memorial, and asked to be discharged from the further consideration thereof. The report was read and concurred in.

Mr. Potter, from the committee, to whom was referred the bill to reduce and fix the salaries of certain officers therein named reported the said bill with sundry amendments. The said bill then upon was read the second time. Mr. Rogerson moved that it be postponed indefinitely. The question thereon was determined in the affirmative—yeas 66, nays 55. The yeas and nays called for by Mr. Bass.


Mr. Gaston, from the select committee, to whom was referred the bill to amend the practice in Courts of Equity, reported the bill without amendment. On motion of Mr. Gaston, ordered that the said bill be made the order of the day for to morrow.

The House then, on the motion of Mr. Wyche, adjourned until 8 o'clock, P. M.

The engrossed bill to appoint commissioners on the road from the Watauga, in Ashe county, to the head of John's river, in Burke county, was read the second and third times, passed, and ordered to be enrolled.

Mr. Webb, of Person, with leave, presented a bill supplemental to an act, passed this present Assembly, entitled an act to authorize the County Court of Person to establish a poor house in said county. The said bill was read the first and second times and passed.

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

The engrossed bill to amend an act, passed in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes, was read the third time. Mr. Bynum moved to amend the bill by striking out the third section, and inserting in lieu the following amendment: "Resolved, that principles of justice require
that the expenditures made out of the Federal Treasury for objects of internal improvement, must and ought to be extended to all the States and proportioned among them in fair and just proportion, according to some uniform apportionment, and that each State in proportion to its relative size is justly entitled to have as much of the Federal revenue expended within its limits for purposes of internal improvement, as has or may be expended within any other of the States for the above mentioned purpose."

Resolved therefore, That our Senators and Representatives in Congress be instructed and required to demand of that body that proportion of the Federal revenue which has been set aside for the purposes of internal improvement to which the State of North-Carolina is entitled.

Resolved furthermore, That this General Assembly, in behalf of the people and Government of this State, do further instruct and request their Senators and Representatives in Congress assembled, most solemnly to protest against the claims or exercise of any power whatsoever on the part of the General Government to make internal improvements within the limits and jurisdiction of the several States, and particularly within the limits of the State of North-Carolina, and also against the claim or exercise of any power whatever, asserting or involving a jurisdiction over any part of the territory within the limits of this State, except over the objects and in the mode specified in the Constitution of the United States.

The question thereon was determined in the negative—yeas 17, nays 98. The yeas and nays moved for by Mr. Bynum.


The bill was then put on its passage, and the question, shall the said bill pass? was determined in the affirmative—yeas 94, nays 24. The yeas and nays moved for by Mr. Bynum.


On motion, ordered that the said bill be enrolled.

Mr. Wyche gave notice that he should move to-morrow for the suspen-
sion of the rule requiring public bills to be read on three several days, so far as the said rule applies to the bill relative to the bridge on Pasquotank river.

On motion of Mr. Alexander, the House resolved itself again into a committee of the Whole on the several bills and papers referred to them in relation to the Banks, Mr. Nash in the Chair; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Nash reported that the committee of the Whole, according to order, had considered the several papers submitted to them, and directed him to report to the House the resolution of the minority of the select joint committee on the Banks, and the bill offered by Mr. Potter, directing a prosecution against the several Banks of this State, and regulating the proceedings therein, and to restore and preserve the character of the circulating medium, with several amendments. The said amendments were read and concurred in. Mr. Rainey then moved that the said bill be indefinitely postponed. The question thereon was determined in the negative. The said bill, as amended, was then put on its passage, and the question, shall the said bill pass its first reading? was determined in the affirmative—yeas 66, nays 54. The yeas and nays moved for by Mr. Simpson.


On motion, ordered that the said bill be printed and made the order of the day for Monday next.

Whereupon the House, on the motion of Mr. Saintclair, adjourned until to-morrow morning, 10 o'clock.

Saturday, January 3, 1829.

Mr. Battle, with leave, presented a bill to establish Rocky Mount Academy, in the county of Nash, and to incorporate the trustees thereof. Mr. Walker, of Wilmington, presented a bill to regulate the granting bridges by the commissioners of Wilmington, to restrain slaves to whom badges may have been, or may hereafter be granted for working in improper places, and for other purposes. Mr. Saintclair presented a bill to amend an act, passed in the year 1825, entitled an act to amend the several acts of Assembly, passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's Ford, in the county of Wilkes, and for other purposes; and also to amend an act of the General Assembly now in force, relative to the public
roads in the county of Wilkes. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill to provide for the protection of the arsenal, and safe keeping of the public arms, and for other purposes; a bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned; a bill more effectually to punish persons who may attempt to poison others; a resolution in favor of Benjamin Brittain and Isham Matthews; a bill to lay out and improve a road from Nicholas Nalls, in Moore county, to Wilkesborough; a bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes; a bill to amend the laws regulating the inspection of flour in the town of Fayetteville; a bill to amend an act, passed in the year 1784, chapter 221, concerning inspectors and unmerchantable commodities; and a resolution in favor of James Bryson, jun'r; in which they ask the concurrence of this House.

The bill more effectually to punish persons who attempt to poison others; the bill to appoint commissioners in the county of Chowan, for the purposes hereafter mentioned; the bill supplemental to the act erecting the county of Macon; a bill to provide for the protection of the Arsenal and safe keeping of the public arms, and for other purposes; the bill to amend an act, passed in 1784, chapter 221, concerning inspectors and unmerchantable commodities; and the resolution in favor of Benjamin Brittain and Isham Matthews, were respectively read the first time and passed.

The resolution in favor of James Bryson, jun'r, was read, concurred in, and ordered to be enrolled.

The bill to amend the laws regulating the inspection of flour in the town of Fayetteville, was read the first time, amended and passed.

The bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, was read the first time and passed.

A message from the Senate, informing of their concurrence with the amendment made in the engrossed bill to establish a manufacturing company in Randolph county. On motion, ordered that the said bill be enrolled.

On motion of Mr. Alexander, ordered that a message be sent to the Senate, proposing to ballot immediately for five Trustees of the University, and informing that Hugh Waddell, John Giles, John L. Bailey, Hardy Croom, William S. Moone, David Outlaw, Cadwallader Jones and John M. Morehead are in nomination for the appointments.

On motion of Mr. Fisher,

Resolved by the General Assembly, That the Public Printer is hereby required annually to deposite in the Library ten copies of the Acts of Assembly, five copies of the Comptroller's Report, and twenty copies of all other Reports printed by either House; and that it shall be the duty of the Librarian to cause the same to be bound in volumes of convenient size, for the use of the General Assembly.

Resolved, That the board of accounts, appointed by the act of the last General Assembly, chapter 29, be, and they are hereby authorised and directed to make a fair and equitable allowance to said printers for printing reports for the use of the two Houses, and for the purpose aforesaid.

The House, on motion of Mr. Wyche, proceeded to consider his mo-
tion of yesterday, to suspend the rule directing that all public bills be read on three several days, as it applies to the bill for the removal of an obstruction to the passage of masted vessels from the Dismal Swamp Canal to Albemarle Sound. The question, two thirds of the House concurring, was determined in the affirmative. The said bill thereupon was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

A message from the Senate, proposing to strike out from the recommendation for Justices of the Peace for the county of Hertford the names of John G. Wilson and Elisha H. Sharpe, and to add thereto the name of Kensey Jordan. The message was concurred in, and the Senate informed thereof by message.

Mr. Newland, with leave, presented a bill to appoint commissioners on the road leading from Morganton to Avery's turnpike road, in Burke county. The said bill was read the first time and passed.

Mr. Harper, with leave, presented a bill to alter the name of Blake Ballard, of Greene county, and to legitimate him. The said bill was read the first time and rejected.

The resignations of Benjamin W. Murphey, major of the 27th regiment of the militia; W. C. Cole, major of the 1st regiment of the Stokes county militia; and Horace B. Satterwhite, justice of the peace for the county of Wilkes, were presented, read and accepted.

The bill to incorporate Horney's Gold Mines, in the county of Guilford; also the bill to incorporate the Chatham Iron Manufacturing Company, were read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The House then, on the motion of Mr. Wheeler, adjourned until 3 o'clock, P. M.

The bill to incorporate the Richmond Rockingham Manufacturing Company, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

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

The bill to authorise Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road, was read the second time and passed.

The bill supplemental to an act, passed this present General Assembly, entitled an act to authorise the County Court of Person to establish a poor house in said county, was read the third time, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

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

The bill for the better apprehension of runaway slaves in the county of Onslow, was read the second time, and, on the motion of Mr. Pool, postponed indefinitely.

On motion of Mr. Potter, the name of Willis W. Boddie, of Nash county, was withdrawn from the nomination for Trustee of the University.

Mr. Clayton moved that the House do now consider the resolution offered by him on the 31st December, to dispense with the rule requiring all public bills to be read on three several days. The said resolution was accordingly considered, and rejected.
Mr. Wright, with leave, presented a bill to amend an act, passed A. D. 1827, entitled an act for the better regulation of the town of Kenansville, in Duplin county. The said bill was read the first, second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

The bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of the Roanoke river, was read the second time and passed.

The resolution in favor of Edward Griffin and his securities, was read the second time and passed.

The engrossed bill to regulate the finances of Craven county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to establish Sandy Creek Academy, in Randolph county, and to incorporate the same, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to lay out and improve a road from Nicholas Nalls, in Moore county, to Wilkesborough, was read the first time. Mr. Ellis moved that the said bill be indefinitely postponed. The question thereon was determined in the affirmative—yeas 59, nays 40. The yeas and nays called for by Mr. Hampton.


Whereupon, on the motion of Mr. Bass, the House adjourned until Monday, 10 o'clock.

MONDAY, JANUARY 5, 1829.

On motion, ordered that Mr. Ball and Mr. B T. Simmons have leave of absence from this day, until the end of the session.

The bill respecting mistrials in criminal cases, was read the second time, and, on the motion of Mr. Gaston, ordered to be laid on the table without day.

The resolution in favor of Edward Griffin and his securities, was read the third time and passed. Ordered that the said resolution be enrolled.

The bill to regulate the fees of clerks and sheriffs was read the third time, amended and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

A message from the Senate, informing of the assent of that House to the amendment made in the engrossed bill to amend an act, passed in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills and a resolution, to wit: a bill to settle and declare
what buildings and out houses are, and shall be deemed to be parcel of the dwelling house; a bill for the purpose of collecting of matter connected with the Penitentiary system and Lunatic Asylum, and with other purposes; a bill for the limitation of writs of error for matters of fact, and bills of review; and a resolution in favor of Archibald Lamon, late Sheriff of Nash county; in which they ask the concurrence of this House.

The engrossed bill for the limitation of writs of error for matters of fact and bills of review; also the bill for the purpose of collecting information of matters connected with the Penitentiary system and Lunatic Asylum, and with other purposes, were read the first time and passed.

Mr. Wyche presented the following resolution:

Whereas, it appears from the arrangement made between the executors of the late John Haywood, Esquire, and the Attorney General, there is among the bonds and demands which the Executor George W. Haywood has assigned to the State and reported as being filed in the Treasury a demand against Doctor Fabius Haywood, on account of money paid by said Executors on a note to which his testator was security for said Fabius Haywood.

Be it resolved, That the said demand be referred to a select committee of three, with instructions to inquire and to report what proceedings shall be taken towards the collection of the same.

The question to concur with the resolution, was determined in the affirmative. Ordered that the said resolution be referred to Messrs. Wyche, Swain and Spruill.

The engrossed resolution in favor of Archibald Lamon, late Sheriff of Nash county, was read the first time and passed.

The engrossed bill to settle and declare what buildings and out houses are, and shall be deemed to be parcel of the dwelling house, was read the first time and rejected.

The resignation of Thomas Person, justice of the peace for the county of Wayne, was read and accepted.

A message from the Senate, informing that they had passed the engrossed resolution concerning the adjournment of the two Houses. The resolution being read, Mr. Fisher moved that it lie on the table. The question thereon was determined in the affirmative—yeas 68, nays 44. The yeas and nays moved for by Mr. Bethell.


A message from the Senate, informing that they had rejected the engrossed bill to incorporate Horney's Gold mines in the county of Guilford; and proposing that the two Houses ballot to morrow morning for Counsellors of State for the ensuing year, and informing that George W. Jeftreys, Isaac T. Avery, William B. Lockhart, Gideon Alston,
Archibald M'Bride, George L. Davidson, Nathan B. Whitfield, Thomas Kenan, Alexander Gray and Alfred Jones are in nomination for the appointments. The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing of their assent to ballot for Trustees of the University, and that Messrs. Scott and Alexander attend this House as a committee on their part to conduct the ballotting. On motion, ordered that the Senate be informed by message that Mr. Ruffin and Mr. Montgomery form the committee to conduct the ballotting for Trustees of the University on the part of this House.

The engrossed bill to incorporate the Belfont Cotton Manufacturing Company, in the county of Beaufort, was read the third time and passed. Ordered that the said bill be sent to the Senate, asking their concurrence with an amendment made by this House therein.

The engrossed bill to appropriate eight thousand nine hundred and twenty dollars for improving the navigation of the Cape-Fear river below Wilmington, was read the second time and passed. Ordered that the said bill be read the third time. The question, shall the said bill pass its third reading? was determined in the affirmative—yeas 75, nays 41. The yeas and nays moved for by Mr. Cooper.


On motion, ordered that the said bill be enrolled.

The House then, on the motion of Mr. Alexander, adjourned until 3 o'clock, P. M.

Mr. Montgomery, from the committee appointed to conduct the ballotting for Trustees of the University, reported that the committee had performed that duty, and that it appeared, on examining the ballots, John L. Bailey, John M. Morehead, Hugh Waddell, William L. Mhoon and John Giles had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The bill to establish Rocky Mount Academy, in the county of Nash, and to incorporate the trustees thereof, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The House again resolved itself into a committee of the Whole, Mr. Spruill in the Chair, on the bill directing a prosecution against the several
Banks of this State, and regulating the proceedings therein, and to restore and preserve the character of the circulating medium; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Spruill reported that the committee of the Whole, according to order, had considered the said bill, and directed him to report it to the House, with amendments. The amendments were read and concurred in, and the title amended to read "a bill to direct a prosecution against the State Bank, and regulating the proceedings therein, and to restore and preserve the character of the circulating medium." Mr. Nash moved that the further consideration of said bill be postponed until to-morrow. The question thereon was determined in the negative. The bill, thereupon, as amended, was put on its passage, and the question, shall the said bill pass its second reading? was determined in the affirmative—yeas 62, nays 54. The yeas and nays moved for by Mr. Gary.


On motion of Mr. Potter, ordered that the said bill be printed, one copy for each member of the Assembly, and made the order of the day for to-morrow.

The bill to regulate the granting of badges by the commissioners of Wilmington, to restrain slaves to whom badges may have been, or may hereafter be granted for working in improper places, and for other purposes; also the bill to alter and amend the act of 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, were read the second and third times, passed, and ordered to be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Wyche, ordered that the report of the select committee on the memorial of the representatives of the Tuscarora nation of Indians, be entered on the Journals.

The bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of the Roanoke river; also the bill to amend an act, entitled an act to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee river turnpike road, passed in the year 1826, chapter 56; also the bill to authorize Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road, were respectively read the third time, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to appoint commissioners on the road leading from Morganton to Avery's turnpike road, in Burke county; also the bill to amend an act,
passed in the year 1825, entitled an act to amend the several acts of
Assembly, passed to extend and improve the State road leading from Wilkes-
borough to the foot of the Laurel Hill, by the way of Holman’s Ford,
in the county of Wilkes, and for other purposes; and also the bill to amend
an act, passed in the year 1826, entitled an act to amend the several acts
of the General Assembly now in force, relative to the public roads in
the county of Wilkes; also the bill to amend the militia laws of this State,
so far as regards the companies of cavalry, were respectively read the se-
cond and third times, passed, and ordered to be engrossed and sent to the
Senate for concurrence.

The engrossed bill to appoint commissioners in the county of Chowan,
for the purposes hereafter mentioned, was read the second and third
times, amended and passed. Ordered that the said bill be sent to the Se-
ate, asking the concurrence of that House with the amendment.

The engrossed bill to authorise the payment of the purchase money on
entries of land made in the year 1826, in all cases where surveys have
been made and returned to the office of the Secretary of State, was read
the second and third times, amended and passed. Ordered that the said
bill be sent to the Senate, asking the concurrence of that House with the
amendment.

The resolution in favor of John Gambell, sheriff of Ashe county, was
read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to validate the grants issued by the Secretary of
State on surveys made and signed only by deputy surveyors, previous to
the year 1829, was read the second and third times, amended and passed.
Also the engrossed bill to restrain the justices of the County Courts of
Pleas and Quarter Sessions of New-Hanover, Camden, Washington and
Craven counties, in granting licenses to retail spirituous liquors, was read
the third time, amended and passed. Ordered that the said bills be
sent to the Senate, with a message, asking the concurrence of that House
with the amendments.

The bill to prescribe the mode by which bastard children shall hereafter:
be legitimated; also the bill requiring all guardian bonds to be made pay-
able to the Governor; also the bill authorising the Court of Equity to grant
administration in certain cases; also the bill empowering the County Courts
to regulate the fees of jailors, were respectively read the second and third
times, passed, and ordered to be engrossed, and sent to the Senate for con-
currence.

The bill to amend the act, passed in the year 1825, entitled an act to
amend and extend the provisions of an act to promote agriculture and
family domestic manufactures; also the bill to regulate costs in petitions
for dower and partition, were read the second and third times, passed, and
ordered to be enrolled.

The bill in relation to justices’ executions, was read the second and third
times, amended and passed. Also the bill regulating the inspection of
fish for the town of Murfreesborough, in the county of Hertford, was read
the second and third times and passed. Ordered that the said bills be en-
grossed and sent to the Senate for concurrence.

The bill appointing commissioners on the road from Ashe court house to
the head of the Yadkin river, and making an appropriation to the said
read; also the bill to prevent free negroes, mulattoes and other free persons of color from having guns and ammunition, except under certain circumstances, were read each the second time, the former rejected, and the latter postponed indefinitely.

Mr. Saintclair suggested that there was not a quorum of the House in attendance, and that fact being ascertained, a call of the House was commanded, for the purpose of compelling the attendance of absent members; but before the call and subsequent proceedings therein were gone through, with, Mr. Alexander moved that, as a majority of the House were now in attendance, further proceedings under the call be dispensed with. The question thereon was determined in the affirmative.

And the House then, on motion, adjourned until to-morrow morning, 10 o'clock.

Tuesday, January 6, 1829.

On motion of Mr. Newland, ordered that Mr. Gordon have leave of absence after this day, until the end of the Session.

Mr. Walker, of Warren, who had leave of absence for the remainder of the Session, returned, and took his seat.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: a bill concerning the wardens of the poor of the county of Lincoln; a bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions of Duplin county, and for other purposes; a bill to authorise and direct the Supreme Court to be holden in the several places therein directed; and a resolution instructing the Board of Internal Improvement to make certain inquiries; in which they ask the concurrence of this House.

A message from the Senate, informing that Mr. Smith, of Davidson, and Mr. Patterson attend this House as a committee on their part to conduct the balloting for Counsellors of State for the ensuing year. On motion, ordered that the Senate be informed by message, that Mr. Pierce and Mr. Newland form the committee on the part of this House to conduct the balloting for Counsellors of State for the ensuing year; and that the name of William Dickson is added to the nomination.

The resolution instructing the Board of Internal Improvement to make certain inquiries, was read, concurred in, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to provide for the removal of an obstruction to the passage of mast ed vessels from the Dismal Swamp Canal to Albemarle Sound, with an amendment, and asking the concurrence of this House. The amendment was read, concurred in, and the Senate informed thereof by message.

The bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of Duplin county, and for other purposes; also the bill concerning the wardens of the poor of the county of Lincoln, were read the first time and passed.

A message from the Senate, proposing to ballot immediately for a Board of Internal Improvements for the ensuing year, and informing that Messrs. Marsden Campbell, Cadwallader Jones, James Mebane, Andrew Joiner and Otway Burns are in nomination for the appointments. On motion, ordered that the said message be laid on the table.
The engrossed bill to authorise and direct the Supreme Court to hold
en in the several places therein directed, was read the first time. Mr.
Cooper moved that the further consideration of the said bill be postponed
indefinietly. The question thereon was determined in the negative—
years 55, nays 56. The yeas and nays moved for by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Bass, Borden, Boykin, Branch, Bryan,
Bynum, Byrum, Cox, Dickinson, Dozier, Eccles, Fo,j, Gary, Gaston, Gillespie, Harper,
Hester, Jasper, W. Jones, D. Latham, T. Latham, Montgomery, Mhoon, M'Keill,
M'Neil, Nelson, Potter, Parrel, Riddick, Rhodes, Rogers, Roger, Ruffin, Sharpe,
L. R. Simmons, T. B. Smith,Spruill, Stedman, Stephens, Stockard, Styron, Under-
Williams, Wilkinson, Wilson, Wright.

Those who voted in the negative, are Messrs. Alexander, Allison, barnhardt, Bateman,
Bethell, Blackledge, Blackwood, Bogle, Boykin, B. S. Brittain, M. Brittain, Callaway, Clayton,
Clement, Davenport, Edmonston, Fisher, Fleming, Graham, Gregory, Hampton, Hancock,
Hodges, W. G. Jones, H. C. Jones, Kendall, Kerr, Larkins, Lilly, Loretz, Martin, Mitchell,
G. T. Moore, A. C. Moore, Morris, M'Lean, M'Millan, Nash, Nicholson, Pool, Rainey,
Saintclair, Shipp, Simpson, N. G. Smith, T. B. Smith, Swain, Tyson, Vail, H. Waddell,
A. Waddell, Wadsworth, J. Walker, H. Walker, J. Webb, Whitaker, A. Williams,
Wyche.

The bill was then put on its passage, and the question, shall the said
bill pass its first reading? was determined in the negative—years 57, nays
59. The yeas and nays moved for by Mr. Rogerson.

Those who voted in the affirmative, are Messrs. Alexander, Alford, Allison, Barn-
hardt, Bateman, Bethell, Blackledge, Blackwood, Bogle, Boykin, B. S. Brittain, M.
Brittain, Callaway, Clayton, Clement, Davenport, Edmonston, Fisher, Fleming, Graham,
Gregory, Hampton, Hancock, Hodges, W. G. Jones, H. C. Jones, Kendall, Kerr,
Larkins, Lilly, Loretz, Martin, Mendenhall, Mitchell, G. T. Moore, A. C. Moore, Morris,
M'Lean, M'Millan, Nash, Nicholson, Rainey, Shipp, Simpson, N. G. Smith, J. Smith,
Swain, Tyson, Vail, H. Waddell, A. Waddell, Wadsworth, J. Walker, H. Walker,
J. Webb, A. Williams, Wyche.

Those who voted in the negative, are Messrs. Bass, Battle, Borden, Boykin, Branch,
Brooks, Bryan, Bynum, Byrum, Cooper, Cox, Dickinson, Dozier, Eccles, Foy, Gary,
Gillespie, Harper, Hester, Jasper, W. Jones, D. Latham, T. Latham, Montgomery,
Mhoon, M'Keill, M'Neil, Nelson, Potter, Parrel, Riddick, Rhodes, Rogers,
Roger, Ruffin, Sharpe, L. R. Simmons, T. B. Smith, Spruill, Stedman, Stephens,
Stockard, Styron, Underwood, R. Walker, Ward, Watson, T. Webb, Webster, Wheeler,
Whitfield, Whitaker, Wilder, E. Williams, Wilkinson, Wilson, Wright.

The bill directing a prosecution against the State Bank, and regulating
the proceedings therein, and to restore and preserve the character of the
circulating medium, was read the third time. Mr. Wyche moved to
amend the bill by striking out all after the words "a bill," and inserting
"regulating the practices of the Banks in certain cases," and inserting
the following, to wit:

Whereas, it appears to the General Assembly, that some of the Banks of this State
have traded in articles not permitted by the charters; that some have required, as a condition of
new loans, or more favorable terms of renewal, that the applicant should exchange an equal
amount of the notes of other Banks, or pay in the notes of other Banks, and by other shifts
and devices have attempted to make those indebted to the Banks, or those obtaining dis-
counts from them bear the loss occasioned by the depreciation of their notes; which practices
have operated much to the injury of the citizens of this State: for remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby
enacted by the authority of the same, That if any President, Director, Cashier, or other of-
ficer of the State Bank, or any Bank of North Carolina, or the Bank of Cape Fear, the Bank of Newbern, or any
of such Branches or agencies of either of them shall directly or indirectly, for or on ac-
count of such Bank, branch or agency, buy, sell or trade in any Bank Stock, or other
Stock, or articles of stock, or articles not authorised by the charter of such Bank, every such President,
Director, Cashier, or other officer so offending, shall be deemed and taken to be guilty of a
misdemeanor, and shall be liable to be prosecuted by indictment in any Court having com-
petent jurisdiction, and on conviction, shall be fined in a sum not exceeding the value of the
stock, or other article so bought, sold, or traded in; one half of which shall be to the use of
the informer, and the other half to the use of the State; and shall moreover be imprisoned
for a term not exceeding three months: Provided nevertheless, that nothing herein contained shall be so construed, as to prohibit any Bank, or any of its officers, from making sale of property fairly pledged to it, to secure any debt justly due to such Bank.

And be it further enacted, That if any President, Director, Cashier, or other officer of any of said Banks, or either of the branches or agencies thereof, shall presume to ask, receive, or demand of any person applying to get a note discounted, or to exchange the notes of other Banks, as a condition on which such note shall be discounted, or shall require any installment to be paid in the notes of any other Bank upon any renewal, the President, Director, Cashier, or other officer making such demand or requisition, shall be deemed and taken to be guilty of a misdemeanor, and may be prosecuted by indictment in any Court having competent jurisdiction, and upon conviction, shall be fined in a sum not exceeding five hundred dollars, and may be imprisoned at the discretion of the Court, for a term not exceeding three months.

And be it further enacted, That neither of the said Banks shall hereafter purchase any of its own notes at a price below their nominal amount, either in this State or elsewhere; and if the President, Directors and Company, or the Cashier, or other officer of any of the said Banks, for, or on account of any of said Banks, shall by themselves, or by any agent or agent, presume to purchase the notes of such Bank, or either, in this State or elsewhere, at a price below the nominal value thereof, it shall and may be lawful for any person or persons to sue for and recover, in any court having competent jurisdiction, from such President, Directors and Company, or such Cashier, or other officer so offending, a sum equal to the full amount of such note or notes so purchased, at a rate below the nominal amount thereof; one half of which shall be to the use of the person suing for the same, and the other half to the use of the State.

And be it further enacted, That from and after the first day of January, 1850, the several Banks shall, on demand, pay in specie the amount of every note now in circulation, or which may be hereafter issued, which may be presented, and payment demanded, after the same become due and payable at the place where it shall appear on its face to be payable; and if such Bank shall fail so to pay such note or notes, it shall and may be lawful for the person presenting such note for payment, forthwith to have the same protested for non-payment, and to sue for and recover, in any Court having competent jurisdiction, from the Bank so failing to pay the full amount of such note or notes, together with damages, at the rate of ten per cent, per annum, on the amount thereof, from the time of such protest until the same be paid.

The question to concur with the amendment, was determined in the negative—yeas 52, nays 97 The yeas and nays moved for by Mr. Wyche.


The bill thereupon was put on its passage, and the question, shall the said bill pass its third reading? was determined in the negative—yeas 59, nays 58 The yeas and nays called for by Mr. Gaston.


The Speaker, under a rule of the House, exercised his right of voting, and voted in the minority; and the bill thereupon was rejected.

The House then, on the motion of Mr. Alexander, adjourned until 5 o'clock, P. M.

The engrossed bill to provide for the repairing of the State House, and railing round the Public square, was read the second and third times; and the bill to amend an act, passed in the year 1819, to appoint commissioners for the town of Chapel Hill, in Orange county, was read the first, second and third times, and passed, and the former ordered to be enrolled, and the latter engrossed and sent to the Senate concurrence.

Mr. Stedman, with leave, presented a bill concerning Internal Improvement in this State, which was read the first time and passed.

On motion, ordered that Mr. Bateman have leave to withdraw from the files the papers of Ebenezer Pettigrew.

Mr. Brittain, of Burke, with leave, presented a bill to incorporate the Swanano and Laurel River Turnpike Company. The said bill was read the first and second times and passed. Ordered that the said bill be read the third time, and the question, shall the said bill pass its third reading? was determined in the affirmative—yeas 82, nays 28. The yeas and nays moved for by Mr. Stedman.


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

Mr. Pierce, from the committee appointed to conduct the ballot for Counsellors of State for the ensuing year, reported that the committee had performed that duty, and that, on examining the ballots, it appeared William B. Lockhart, George W. Jeffries, Alexander Gray. Archibald M'Bride, Thomas Kenan, Nathan B. Whitfield and Gideon Alston had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The engrossed bill concerning the wardens of the poor of the county of Lincoln; also the bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions of Duplin county, and for other purposes, were read each the second and third times, amended, and passed.
Ordered that the said bills be sent to the Senate, with a message, asking their concurrence with the amendments.

The bill compelling Sheriffs to advertise the several elections in this State, was read the second time and rejected.

The House then, on the motion of Mr. Alexander, adjourned until tomorrow morning, 10 o'clock.

**Wednesday, January 7, 1829.**

On motion, ordered that a message be sent to the Senate, proposing to ballot for Brigadier General for the 6th brigade, and informing that the name of Charles Lutterloh is added to the nomination, and that Mr. Smith, of Chatham, and Mr. Hancock attend the Senate as a committee on the part of this House to conduct the balloting; and proposing further, that a balloting for Brigadier General for the 15th brigade succeed immediately the balloting for Brigadier General for the 6th brigade, and informing that Mr. Nelson and Mr. Wilkinson form the committee to conduct the balloting on the part of this House. A message from the Senate, informing that Mr. Harrell and Mr. Beasley attend this House as a committee on their part to conduct the balloting for Brigadier General for the 6th brigade, and agreeing to ballot for Brigadier General for the 15th brigade, and informing that the name of Thomas Sanderson is in nomination for the appointment.

Mr. Clayton presented the following resolution:

Resolved, That the Legislature adjourn sine die on Friday next, and that a message be sent to the Senate to that effect.

The resolution was read and rejected.

A message from the Senate, informing that Mr. Davenport and Mr. Leonard form the committee on their part to conduct the balloting for Brigadier General for the 15th brigade, and informing that the name of Richard Bainer is added to the nomination.

Mr. Eccles, in pursuance to a memorial, presented the following resolution:

Resolved, That the time of payment of that part of the loan of five thousand dollars, herebefore made by the State to John M'Raie, for the purpose of enabling him to publish a map of the State, which becomes due on the 14th April, 1829, be deferred until the 14th April, 1830; and that the Public Treasurer be authorised to take a renewal of his bonds as heretofore for the faithful compliance with the terms of his contract.

On motion of Mr. Stedman, the resolution was amended by adding a proviso, "that the said John M'Raie pay interest on the said deferred instalment for the time so postponed." The question, shall the said resolution, as amended, pass? was determined in the affirmative—yeas 70, nays 27.

The yeas and nays moved for by Mr. Brooks.


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

Mr. Smith, of Chatham, from the committee appointed to conduct the balloting for Brigadier General for the 6th brigade, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Charles Lutterloh had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing that they had passed the following engrossed bills and a resolution, to wit: a bill to incorporate a company to improve the navigation of Tranter's creek from Myers' mill, in Beaufort county, to its head waters; a bill directing the manner in which the acts of Congress and other public documents shall be distributed in future, and for other purposes; a bill concerning the action of replevin; a bill to change the time of holding the Supreme Court of this State; and a resolution relative to Mrs. Lucy Shaw; in which they ask the concurrence of this House.

The bill to change the time of holding the Supreme Court of this State, was read the first time and passed, and made the order of the day for to-morrow.

The resolution relative to Mrs. Lucy Shaw, was read and ordered to be laid on the table.

Mr. Nelson, from the committee appointed to conduct the balloting for Brigadier General for the 13th Brigade, reported that the committee had performed that duty, and that, on counting the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. Latham, of Beaufort, ordered that a message be sent to the Senate, proposing to ballot again immediately for Brigadier General for the 13th brigade.

A message from the Senate, informing that they concur in the amendment made by this House in the engrossed bill, entitled a bill to validate the grants issued by the Secretary of State on surveys made and signed only by deputy surveyors previous to the year 1830. Ordered that the said bill be enrolled.

The bill directing the manner in which the acts of Congress and other public documents shall be distributed in future, and for other purposes, was read the first time and passed.

Mr. Allison, with leave, presented a bill to repeal, so far as relates to the county of Iredell, an act directing the County Courts to pay fees to certain officers therein named in certain cases. The said bill was read the first time and passed.

Mr. Gary, with leave, presented a bill to compel the several Banks of the State to redeem their notes in specie, and for other purposes. The said bill was read the first time and passed, and, on motion, made the order of the day for to-morrow.

The bill concerning the action of replevin, was read the first time and passed, and, on motion, made the order of the day for to-morrow.

A message from the Senate, agreeing to ballot for Brigadier General for the 18th brigade; and informing that Mr. Bell and Mr. Davenport
attend this House, as a committee on their part to superintend the balloting. On motion, ordered that the Senate be informed by message that Mr. Latham, of Beaufort, and Mr. Montgomery form the committee on the part of this House to conduct the balloting.

The bill to incorporate a company to improve the navigation of Tran-
ters creek from Myres's mill, in Beaufort county, to its head waters, was read the first time and passed.

Mr. Graham, from the select committee to whom was referred the memorial of the Justices of Rutherford county, reported a bill, in pursu-
ance to the prayer of the memorialists, entitled a bill to exonerate the jus-
tices of Rutherford county from the payment of a certain judgment re-
covered against them in Wake Superior Court, and recommended its passage. The said bill was read the first time and passed.

A message from the Senate, informing that they concur in the amend-
ments made in this House in the following engrossed bills, to wit: the bill
to appoint commissioners in the county of Chowan for the purposes here-
after mentioned; the bill to incorporate the Belfont Cotton Manufactu-
ing Company, in the county of Beaufort; the bill to authorise the pay-
ment of the purchase money on entries of land made in the year 1826, in all cases where surveys have been made and returned to the office of the Secretary of State; the bill to alter and amend the act of 1819, entitled an act prescribing the mode of surveying and selling the lands lately ac-
quired by treaty from the Cherokee Indians; and the bill to restrain the jus-
tices of the Courts of Pleas and Quarter Sessions of New Hanover, Cam-
den, Washington and Craven counties in granting licenses to retail spirit-
uous liquors. On motion, ordered that the said bills be enrolled.

A message from the Senate, informing that they had rejected the fol-
lowing engrossed bills, to wit: the bill to regulate the fees of Clerks and Sheriffs; the bill requiring all guardian bonds to be made payable to the Governor; and also a resolution concerning the Comptroller's statements.

Mr. Eccles, from the committee on Internal Improvements, to whom was referred the petition of the Buncombe Turnpike Company, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is not expedient to legislate on the sub-
ject, and to ask that the committee be discharged from the further consi-
deration thereof. The question thereon was determined in the affirma-
tive.

Mr. Eccles, from the same committee, to whom was referred the bill to repeal certain acts therein mentioned, concerning Internal Improvements; a resolution referring so much of the Governor's message as relates to the outlet of the Albemarle Sound; and a resolution referring the petition of sundry citizens of the county of Wilkes, praying an appropriation for a road, reported that the committee, according to order, had the subjects before them, and instructed him to ask that they be discharged from the further consideration thereof. The questions to concur with said reports were determined in the affirmative.

Mr. Eccles, from the same committee, to whom was referred the reso-
lution instructing them to inquire into the expediency of constructing a rail road from the town of Fayetteville to the Cambleton landing, on Cape Fear River, reported that the committee had considered the subject, and
instructed him to report a bill to provide for constructing a rail road from the town of Fayetteville to the Cape Fear River, and to recommend its passage. The said bill was read the first time, and, on the motion of Mr. Stedman, postponed indefinitely.

The House then, on the motion of Mr. Wyche, adjourned until 3 o'clock P. M.

The bill to repeal, so far as relates to the counties of Iredell and Anson, an act, entitled an act directing the County Courts to pay fees to certain officers therein mentioned, in certain cases, passed in the year 1820, was read the second and third times, amended and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

On motion of Mr. Rogerson,

Resolved, That no new bill, public or private, shall be introduced from and after this day, during the present session of this General Assembly.

The bill to repeal certain acts therein mentioned, concerning Internal Improvements, was read the first time and rejected.

Mr. Mendenhall, who voted in the majority on the rejection of the bill to compel the sheriffs to advertise the several elections in this State, moved that the House do reconsider that vote. The question thereon was determined in the negative.

The bill to incorporate a company to improve the navigation of Tranter's creek from Myers's mill, in Beaufort county, to its head, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendment.

The resolution in favor of David Sands, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Bass, in pursuance to a petition, presented a bill to authorise Alexander Tucker to sell spirituous liquors by the small measure without tax. The said bill was read the first time and postponed indefinitely.

Mr. Montgomery, from the committee appointed to conduct the balloting for brigadier general of the 15th brigade, reported that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative. On motion of Mr. Gaston, ordered that a message be sent to the Senate, proposing to ballot again for brigadier general for the 15th brigade.

The bill for the relief of sundry purchasers of Cherokee lands, was read the third time, amended and passed. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

Mr. Newland, with leave, presented a bill repealing the several acts establishing and regulating the separate County Court of Burke county. The said bill was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill for the better regulation of the County Courts of Burke, was read the second time and rejected.

The bill to regulate the fisheries of Tar and Pamptico rivers, was read the second time and passed, and, on the motion of Mr. Blackledge, referred to Messrs. Blackledge, T. Latham, Dickinson, Moya, Sharpe and Wilkinson.
The resignation of James Whitley, justice of the peace for the county of Johnston, was presented, read and accepted.

The bill regulating the appointment of clerks of the County and Superior Courts, and county attorneys, within this State, was read, and, on motion, ordered to be laid on the table.

The bill for revising, digesting and amending the laws relating to executors and administrators, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

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

Mr. Bass, with leave, presented a bill to amend an act, passed 1827, entitled an act for the payment of jurors in the county of Nash. The said bill was read the first time, and, on motion, postponed indefinitely.

On motion of Mr. Potter,

Resolved by the General Assembly of the State of North Carolina, That the Treasurer of the State be, and he is hereby directed to make no further investments of the funds of the State in the stock of either of the Banks of the State; any law to the contrary notwithstanding.

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

The bill to amend an act, passed in the year 1821, entitled an act to promote the administration of justice in this State, by requiring the production of papers in certain cases, was read the second and third times, passed, and ordered to be enrolled.

The bill to regulate the damages on protested bills of exchange, was read the second time and passed.

The bill to authorise the Commissioners of Navigation of the port of Wilmington to regulate quarantine in said port; also the bill to cede to the United States an island of marsh, for the purpose of erecting thereon a light house, were read the second and third times and passed. On motion, ordered that the former be enrolled, and the latter engrossed and sent to the Senate for concurrence.

The resolution in favor of Archibald Lamon, late sheriff of Nash county; and the resolution in favor of Gabriel Holmes, sheriff of New Hanover county, were read the second and third times and passed. Ordered that the former be enrolled, and the latter engrossed and sent to the Senate for concurrence.

The bill for the relief of insolvent debtors under State prosecutions; also the bill to ratify and confirm the sale of the land and negroes conveyed to the Governor for the use of the State, as made by Joseph Pickett, James F. Taylor and William Robards, commissioners on behalf of the State, were read the second and third times. On motion, ordered that the former be engrossed and sent to the Senate for concurrence, and the latter enrolled.

The resolution appointing a Librarian, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill to amend an act, passed in the year 1784, chapter 221, concerning inspectors and unmerchantable commodities, was read the second time and rejected.
The bill supplemental to the act erecting the county of Macon, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, with a message asking the concurrence of that House with the amendment.

The bill to provide for the protection of the Arsenal and safe keeping of the public arms, and for other purposes, was read the second and third times and passed. Ordered that the said bill be enrolled.

The resolution in favor of Benjamin Brittain and Isham Matthews; also the resolution in favor of John Barnett, sheriff of Person county, were read the second and third times and passed. Ordered that the said resolutions be enrolled.

The bill explanatory of an act relating to bonds given by sheriffs, clerks of the Superior Courts and Courts of Pleas and Quarter Sessions, passed 1820, was read the second and third times, passed, and ordered to be enrolled.

The bill to regulate the payment of salaries to the officers of State, was read the second and third times and passed. Ordered that the said bill be enrolled.

The bill to amend an act, passed in 1823, chapter 1235, entitled an act to amend an act, passed in the year 1819, to create a fund for Internal Improvement, and to establish a Board for the government thereof, was read the second and third times, passed and ordered to be enrolled.

The bill to provide for the final settlement of executors and administrators, was read the second time, and, on the motion of Mr. Alexander, postponed indefinitely.

The bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, was read the second time, amended and passed.

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

Thursday, January 8, 1829.

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

The bill to authorise the Board for Internal Improvements to have a road made from Ebenezer Pettigrew's Canal to Cahoon's Lake, in Tyrrell county, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendment.

Mr. Wyche, from the committee, to whom was referred the resolution relative to the claim on Doctor Fabius J. Haywood, which was transferred to the State by the executors of the late John Haywood, deceased, reported that the committee had considered the case, and instructed him to report a resolution in pursuance to the object of the resolution submitted to their consideration, and to recommend its passage. The said resolution was read and concurred with. On motion, ordered that the said resolution be engrossed and sent to the Senate for concurrence.

The engrossed bill supplemental to the act erecting the county of Macon, was read the second and third times, amended, and passed. Ordered
that the said bill be sent to the Senate, with a message, asking their concurrence with the amendment.

Mr. Shipp, from the select committee, to whom was referred the bill allowing patrollers compensation, returned the bill, and asked that the committee be discharged from the further consideration thereof. The question thereon was determined in the affirmative.

The bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, was read the third time, amended, and passed. Ordered that the said bill be sent to the Senate, with a message, asking their concurrence with the amendment.

Mr. T. Latham, from the select committee to whom was referred the bill to regulate the fisheries of Tar and Pamlico rivers, reported the bill, and recommended its passage. The said bill was read the third time, amended, and passed. Ordered that it be engrossed, and sent to the Senate for concurrence.

On motion of Mr. Fisher,
Resolved, That the bill shall only be rung as a call of the House, by order of a majority of the House.

The bill to compel the several Banks of this State to redeem their notes in specie, and for other purposes, was read the second time. Mr. Alexander moved that the further consideration of said bill be postponed indefinitely. The question thereon was determined in the affirmative—yeas 70, nays 38. The yeas and nays moved for by Mr. Gary.


A message from the Senate, informing that they had passed the following engrossed bills and resolutions, to wit: a bill explanatory of an act, passed in the year 1821, entitled an act to annex part of Bladen to Columbus county; a bill to provide for the gradual diminution of the Capiral stock of the Banks of the State, by the purchase and extinguishment of shares; a bill to repeal an act, passed in 1826, chapter 159, entitled an act to repeal an act of the General Assembly, passed in 1820, entitled an act to order the payment of fees to certain officers therein named, so far as it affects the county of Lincoln; a resolution in favor of Alexander L. Harvey, sheriff of Bladen; and a resolution for procuring candles; in which they ask the concurrence of this House.

On motion, ordered that a message be sent to the Senate, informing that Mr. Alexander and Mr. Shipp attend that House as a committee to conduct the balloting for a Board of Internal Improvements; and informing that the name of D. L. Swan is added to the nomination.

The bill to repeal an act, passed in 1826, chapter 159, entitled an act to
repeal an act of the General Assembly, passed 1820, entitled an act to order the payment of fees to certain officers therein named, so far as it affects the county of Lincoln; also the bill explanatory of an act, passed 1821, entitled an act to annex part of Bladen to Columbus county, were read the first time and passed.

The resolution in favor of Alexander L. Harvey, Sheriff of Bladen; also the resolution for procuring candles, were read the first time and passed.

A message from the Senate, informing that Mr. Miller and Mr. Wilson attend this House, as a committee on their part to conduct the balloting for a Board of Internal Improvements; and informing that the name of James J. M’Kay is added to the nomination. On motion of Mr. M’Millan, the name of James J. M’Kay was withdrawn from the nomination, and the Senate informed thereof by message.

A message from the Senate, informing that they concur in the amendments made by this House in the engrossed bill for the more convenient administration of justice in the Court of Pleas and quarter Sessions of Duplin county, and for other purposes. Ordered that the said bill be enrolled.

On motion of Mr. Fisher, ordered that a message be sent to the Senate, proposing to raise a joint select committee of three members of each House to confer immediately upon the subject of the finances of the State; and that Messrs. Fisher, Eccles and Potter form the committee on the part of this House.

A message from the Senate, informing of their concurrence with the amendment made in the engrossed bill concerning the wardens of the poor for the county of Lincoln, by this House. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed in 1827, entitled an act for the better regulation of the town of Kenansville, in Duplin county, with an amendment; and asking the concurrence of this House. The said bill was read, and, on the motion of Mr. Gillispie, ordered to be laid on the table without day; and that the Senate be informed thereof by message.

A message from the Senate, proposing to amend the recommendation, made in this House for justices of the peace for the county of Martin, by adding thereto the name of Peter Madry. The amendment was concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had rejected the engrossed bill to revive an act, passed in the year 1805, chapter 36, entitled an act to amend an act of Assembly now in force for the regulating of the town of Morganton.

The resolution in favor of Alanson Nash, was read the second time and rejected.

The engrossed bill to provide for the gradual diminution of the capital stock of the Banks of the State by the purchase and extinguishment of shares; also the bill to punish persons who attempt to poison others; also the bill for the relief of the people of North Carolina, were respectively read, the two former indefinitely postponed, and the latter rejected.

The bill to regulate the salaries of the Supreme Court Judges was read the second time. Mr. Potter moved that the said bill be indefinitely
postponed. The question thereon was determined in the negative—
years 43, nays 55. The yeas and nays moved for by Mr. Stockard.

Those who voted in the affirmative, are Messrs. Allison, Bogle, Bozman, M. Brit-
tain, Bryan, Clayton, Cooper, Eccles, Fisher, Fay, Gaston, Gillespie, Gregory, Hellen, Hester, W. G. Jones, Kendall, Larkins, D. Latham, T. Latham, Menden-
hall, Montgomery, Mhoon, M'Neill, Nash, Nelson, Pierce, Potter, Rainey, Riddick,
Rhodes, Ruffin, Saintclair, Sharpe, Spruill, H. Waddell, J. Walker, Ward, T. Webb,

Those who voted in the negative, are Messrs. Alford, Barnhardt, Bass, Battle,
Bethell, Boykin, Branch, B. S. Brittain, Brooks, Byrum, Callaway, Clement, Cox,
Davenport, Dickinson, Dozier, Edmonston, Fleming, Hampton, Hancock, Harper,
Hodges, W. Jones, Lilly, Loretz, Mitchell, G. T. Moore, Moye, M'Neill, Newland,
Nicholson, Pool, Purcell, Shipp, L. R. Simmons, Simpson, N. G. Smith, J.
Smith, Stedman, Stephens, Stockard, Styrnon, Swain, Tyson, Underwood, Vail,
Wadsworth, R. Walker, H. Walker, J. Webb, Webster, Whitaker, Wilder, A.
Williams, Wright.

Mr. Vail moved to amend the bill by adding the following section:

"Be it further enacted, that this act shall not affect the judges now in office,
but those only who may be hereafter elected." The question there-
on was determined in the negative. The bill thereupon was put on its
passage, and the question, shall the said bill pass? was determined in the
negative—years 52, nays 64. The yeas and nays moved for by Mr.
Hancock.

Those who voted in the affirmative, are Messrs. Alford, Barnhardt, Bass, Battle,
Bethell, Boykin, B. S. Brittain, Brooks, Byrum, Callaway, Clement, Cox, Davenport, Dozier,
Edmonston, Fleming, Hampton, Hancock, Harper, Hodges, W. Jones, Lilly, Loretz,
Mitchell, G. T. Moore, A. C. Moore, Morris, Moye, Newland, Nicholson, Purcell,
Shipp, L. R. Simmons, Simpson, N. G. Smith, T. B. Smith, J. Smith, Stedman,
Stephens, Stockard, Styrnon, Tyson, Underwood, Wadsworth, R. Walker, H. Walker,
J. Webb, Webster, Whitaker, Wilder, A. Williams, Wright.

Those who voted in the negative, are Messrs. Alexander, Allison, Bogle, Borden, Boz-
man, Branch, M. Brittain, Bryan, Bynum, Clayton, Cooper, Eccles, Fisher, Fay, Gary,
Gaston, Gillespie, Graham, Gregory, Hellen, Hester, Jasper, W. G. Jones, H. C.
Jones, Kendall, Kerr, Larkins, D. Latham, T. Latham, Martin, Mendenhall, Montgo-
mery, Mhoon, M'Neill, M'Millan, M'Neill, Nash, Nelson, Pierce, Pool, Potter, Rainey,
Riddick, Rhodes, Rogers, Ruffin, Rogers, Saintclair, Sharpe, Spruill, Swain, Vail,
E. Williams, Wilkinson, Wilson, Wyche.

The House then, on the motion of Mr. Spruill, adjourned until 3 o'clock, P. M.

The engrossed bill for the limitation of writs of error for matters of
fact and bills of review, was read the second and third times, amended
and passed. Ordered that the said bill be sent to the Senate, with a
message, asking the concurrence of that House with the amendment.

The bill concerning the action of replevin, was read the second and
third times, passed, and ordered to be enrolled.

Mr. Alexander, from the committee appointed to conduct the bal-
loting for a Board of Internal Improvements, reported that the committee
had performed that duty, and that it appeared, on examining the ballots,
C.dwallader Jones, only, had a majority of the whole number, who was
duly elected. The question to concur with the report were determin-
ed in the affirmative.

A message from the Senate, proposing to ballot for two members of the
Board of Internal Improvements immediately, and informing: that the
names of Otway Burns and James Mebane are withdrawn from the nom-
ination. The message was concurred in, and the Senate informed by
message that Mr. H. Waddell and Mr. Shipp attend the Senate as a committee to conduct the balloting on the part of this House.

Mr. H. Waddell, from the committee appointed to conduct the balloting for two members of the Board of Internal Improvements, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Marsden Campbell and Andrew Joiner had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

The bill to exonerate the justices of Rutherford county from the payment of a certain judgment, recovered against them in Wake Superior Court, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

The bill for the purpose of collecting information of matter connected with the Penitentiary system and Lunatic Asylum, with other purposes, was read the second time and rejected.

The resolution in favor of Alexander Harvey, Sheriff of Bladen, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing of the assent of that House to the amendments made in the engrossed bill to incorporate a company, entitled the Mattamuskeet Lake Canal Company, and for other purposes, ordered that the said bill be enrolled.

The engrossed resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property, was read the second and third times, amended and passed. Ordered that the said resolution be sent to the Senate, with a message, asking the concurrence of that House with the amendments.

A message from the Senate, informing that they concur with the amendment made in the engrossed bill to incorporate a company to improve the navigation of Tranters creek from Myers's mill, in Beaufort county, to its head waters. Ordered that the said bill be enrolled.

A message from the Senate, informing that they recede from their amendment to the engrossed bill in relation to justices' executions.

A message from the Senate, informing of their assent to the proposition of this House to raise a joint select committee of three members of each House to confer upon the subject of the Finances of the State, and informing that Messrs. Spaight, Davidson and Thompson form the committee on their part.

The bill directing the manner in which the acts of Congress and other public documents shall be distributed in future, and for other purposes, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, with a message asking their concurrence with the amendment.

A message from the Senate, informing that they had rejected the engrossed resolution in favor of John McRae.

The bill explanatory of an act, passed A. D. 1821, entitled an act to annex part Bladen to Columbus county, was read the second and third times, passed, and ordered to be enrolled.

The resolution for procuring candles; and the resolution in favor of William H. Haywood, junior, were read the second and third times and passed. Ordered that the former be enrolled, and the latter engrossed and sent to the Senate for concurrence.
The bill to change the time of holding the Supreme Court of this State, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, with a message asking their concurrence with the amendment.

The resolution in favor of Mrs. Lucy Shaw, was read the first, second and third times, passed, and ordered to be enrolled.

The bill to regulate the damages on protested bills of exchange, was read the third time, amended and passed. Ordered that the said bill be sent to the Senate, with a message asking their concurrence in the amendment.

On motion, ordered that Mr. Boykin, Mr. Underwood, Mr. Rhodes and Mr. Wilson have leave of absence after to-morrow for the remainder of the session.

A message from the Senate, informing that they agree with the amendments made in the engrossed bill supplemental to the act erecting the county of Macon. On motion, ordered that the said bill be enrolled.

The engrossed bill to regulate the damages on protested bills of exchange, was read the third time, and, on the motion of Mr. Gaston, amended and passed. Ordered that the said bill be sent to the Senate, asking their concurrence with the amendment.

The bill to amend the practice in Courts of Equity, was read, and, on motion, ordered to be laid on the table without day.

On motion, ordered that the report of the committee on the message of his excellency Governor Owen, relative to the expenditure of a certain sum of money for furniture for the use of the Governor's house, be sent to the Senate.

The resolution on the subject of a rail road, presented the 31st of December, was read, and, on motion, postponed indefinitely.

The bill regulating the appointment of Clerks of the County and Superior Courts and County Attorneys within this State; also the bill to amend the 12th section of an act, passed in the year 1818, entitled an act supplemental to an act concerning the Supreme Court, were read, and, on motion, postponed indefinitely.

The bill concerning Internal Improvements in this State, was read and rejected.

The resolution, presented the 18th day of December, relative to the confirmation of grants for lands to surveyors issued on surveys made by deputy surveyors; and the resolution for the purpose of dispensing with the rule of the House prohibiting the introduction of more than one bill on the same subject during the same session, so far as relates to the bill proposing to lay an additional tax of one dollar on suits brought in certain counties, were read, and, on motion, postponed indefinitely.

On motion of Mr. H. Waddell,

Resolved, That the resolution passed by the General Assembly, appropriating the room opposite the Comptroller's office, in the State House, to the use of the Adjutant General, &c., and the same is hereby repealed.

The said resolution was read the first time and passed.

On motion of Mr. Jones, of Rowan,

Resolved, That a message be sent to the Senate, directing the Clerks of both Houses to make up the estimates of pay to members and officers, to include Saturday next.

On motion, ordered that the bill to repeal an act, passed in 1826, chap-
ter 159, entitled an act to repeal an act of the General Assembly, passed 1830, entitled an act to order the payment of fees to certain officers there- in named, so far as it affects the county of Lincoln, be laid on the table.

The resolution in relation to the Banks, laid on the table the 24th November, on motion, was postponed indefinitely.

On motion of Mr. Fisher, ordered that the bill to consolidate the several Banks of the State, and to establish a new Bank, to be called the Bank of the State of North Carolina, be laid on the table without day.

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

FRIDAY, JANUARY 9, 1829.

On motion, ordered that Mr. Wright, Mr. Whitfield, and Mr. Potter have leave of absence after this day for the remainder of the session.

The engrossed resolution in favor of John Hollaway, was read, concurred in, and ordered to be enrolled.

The engrossed resolution in favor of the doorkeepers, was read, concurred in, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to provide for the representation of the State in meetings of the Stockholders of the Banks of this State; also the engrossed resolution concerning accounts in the Comptroller's office; also a resolution in favor of John Hollaway; also a resolution relative to the books containing the accounts of sales of the Cherokee lands, &c. In which they ask the concurrence of this House.

On motion, ordered that Mr. Walker, of Wilmington, have leave of absence for the remainder of the session.

A message from the Senate, informing of their agreement with the amendments made in the engrossed bill to amend the laws regulating the inspection of flour in the town of Fayetteville. Ordered that the said bill be enrolled.

On motion, ordered that Mr. Lilly and Mr. Fleming be added to the committee on Enrolled Bills; and that they be authorised to examine the bills during the sitting of the House.

A message from the Senate, informing that they had passed the engrossed bill concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of Roanoke river, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing of their assent to the proposition to amend the recommendation for justices of the peace for Haywood county, by striking out the name of Lewis Smith, jun. and informing also that they had indefinitely postponed the bill to incorporate the Swanano and Laurel Turnpike Company; and also the bill for the relief of insolvent debtors under State prosecutions.

The engrossed bill to repeal an act, passed A. D. 1826, chapter 159, entitled an act to repeal an act of the General Assembly, passed 1820, entitled an act to order the payment of fees to certain officers therein named, so far as it affects the county of Lincoln, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, asking their concurrence with the amendment.
The engrossed resolution concerning accounts on the Comptroller's books, was read, concurred in, and, on motion, ordered to be enrolled.

Mr. Fisher, from the select joint committee appointed to examine the state of the Finances of the State which may be considered available during the ensuing fiscal year, and to confer with the Public Treasurer, reported that the committee had performed that duty, and instructed him to report a resolution on the subject, and to recommend its passage. The said resolution was read and concurred in, and, on motion, ordered to be engrossed and sent to the Senate for concurrence.

The resolution to repeal the resolution appropriating the room opposite the Comptroller's office to the Adjutant General, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to provide for the representation of the State in meetings of the stockholders of the Banks of this State, was read the first time and passed.

On motion of Mr. Alexander, ordered that a message be sent to the Senate, proposing to ballot immediately for Brigadier General for the 15th Brigade, and informing that the name of William A. Bozman is added to the nomination.

On motion of Mr. Cox:

Resolved, That this House, when it adjourns this day, it shall adjourn to meet to-morrow morning at seven o'clock, and then adjourn sine die; and that the Senate be informed thereof by message.

The bill to exempt from execution a certain part of the estate of debtors, was read the second and third times. Mr. Graham moved that the said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 50, nays 63. The yeas and nays called for by Mr. Cooper.


The bill was then put on its passage, and the question, shall the said bill pass its second and third reading? was determined in the affirmative—yeas 63, nays 29.


On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.
The engrossed bill to provide for the representation of the State in meetings of the Stockholders of the Banks of this State, was read the second and third times, amended and passed. Ordered that the said bill be sent to the Senate, with a message, asking their concurrence with the amendments.

The House then, on the motion of Mr. Alexander, adjourned until 5 o'clock, P. M.

A message from the Senate, informing that they had passed the engrossed resolution relative to the books presented by the Reverend Josiah Crudup to the State, and asking the concurrence of this House. The said resolution was read, concurred in, and ordered to be enrolled.

A message from the Senate, informing that they concur in the amendments made by this House in the following engrossed bills and a resolution, to wit: the bill for the limitation of writs of error for matters of fact and bills of review; the bill to change the time of holding the Supreme Court of this State; the bill directing the manner in which the acts of Congress and other public documents shall be distributed in future, and for other purposes; the bill to regulate the damages on protest ed Bills of Exchange; the bill to provide for the representation of the State in meetings of the Stockholders of the Banks of this State; and a resolution relative to furniture for the Governor's House. On motion, ordered that the said bills and resolution be enrolled.

A message from the Senate, informing that they concur with the amendment made by this House in the engrossed bill to repeal an act, passed in the year 1826, chapter 139, entitled an act of the General Assembly, passed in the year 1820, entitled an act directing the County Court to order the payment of fees to certain officers therein named so far as it affects the county of Lincoln. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to authorise Ashe County Court to keep in repair the road by Jefferson, by the imposition of tolls on said road, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they concur in the amendment made by this House in the engrossed resolution in favor of William Robards, Joseph Pickett and James F. Taylor, commissioners for the sale of the late Treasurer's property. Ordered that the said resolution be enrolled.

A message from the Senate, informing of their assent to the proposition to adjourn sine die to-morrow morning at 7 o'clock, and that the Clerks make up the estimates to include to morrow.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to regulate the sale of lands; and to protect from execution a certain portion of the freehold of the citizens of North Carolina.

On motion of Mr. Nash, the House, two thirds concurring, suspended the 22d rule, requiring all public bills to be read three times on three several days, as it applies to the bill to carry into effect a contract entered into by Romulus M. Saunders, commissioner on the part of the State, with
certain Indians of the Cherokee tribe in said contract named, and for other purposes.

The engrossed bill to carry into effect a contract entered into by R hemulus M. Sanders, commissioner on the part of the State, with certain Indians of the Cherokee tribe in said contract named, and for other purposes, was read the first time and rejected—yeas 38, nays 46. The yeas and nays moved for by Mr. Simpson.


The House then adjourned, on the motion of Mr. Alexander, until tomorrow morning, 7 o'clock.

SATURDAY, JANUARY 10, 1829.

Mr. Wyche, who voted in the majority last evening on the rejection of the bill to carry into effect a contract entered into by R hemulus M. Sanders, commissioner on the part of the State, with certain Indians of the Cherokee tribe, in said contract named, and for other purposes, moved that the House do reconsider that vote. The question thereon, was determined in the affirmative. Mr. Brittain, of Burke, moved that the said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 45, nays 49. The yeas and nays moved for by Mr. Cox.


The bill was then put on its passage, and the question, shall the said bill pass its second reading? was determined in the affirmative. On motion, the said bill was read the third time, and the question, shall the said bill pass? was determined in the negative—yeas 45, nays 46.


Those who voted in the negative, are Messrs. Bass, Battle, Bateman, Branch, Byrum, Cooper, Cox, Dickinson, Dozier, Eccles, Foy, Gay, Gillespie, Harper, Hodg

On motion of Mr. Wyche ordered that the report of the select committee to whom was referred the memorial of the Tuscarora nation of Indians, with instructions to ascertain and report the nature, the extent and validity of the Indian claim, was ordered to be inserted in the Journal, to wit:

That in the discharge of the duty assigned to them, they have inquired, first, as to the nature of the Indian title in general.

It was a principle uniformly asserted by Great Britain, that the ultimate dominion of newly discovered countries belonged to the discoverer. The colonial charters were made while the country was yet occupied by Indians. Most of these contain a grant of the soil, as well as the powers of government; and they all proceed on the principle that the crown alone had a right to grant the soil; that the Indians had only a temporary right of occupancy; and that a good title might be acquired by individuals under the grants, subject to the Indian right of occupancy, and to be enjoyed when that right should be extinguished.

While the title remained in the crown, the Indians were allowed to occupy and hunt on the lands; but could not sell or lease without consent of the government. The same principles in relation to the Indian title were recognised and adopted by the American States when they became independent.

The committee are of opinion that, both by the British Government and by the American States since their independence, the Indian title in general has been considered merely as an unalienable interest, a right to hunt on and enjoy their lands as long as they actually occupied them, but without any dominion over the soil.

Such was the general rule in regard to Indian titles. It appears, however, that, at a very early period after the settlement of this State, reservations of lands were made to the Indians by treaty. To the Tuscaroras, the only powerful nation with whom the whites had then intercourse, a grant was made in 1717 of the lands now in dispute. This grant of 1717, has few of the requisites of a regular technical grant. If its character were now to be ascertained, your committee would have great hesitation in saying it conveyed, or was intended to convey any other than an Indian title—a title to enjoy and occupy the land only. But your committee believe they are not now at liberty to speculate as to the legal effect of the grant of 1717.

In a solemn decision of the Supreme Court of this State, made in January, 1816, and reported, 2d Carolina Law Repository, 451, with a copy of the grant of 1717 to the Tuscarora Indians before them, the Court say "that the grant of 1717 is a conveyance, in substance, in fee simple, by those having power to convey to persons capable of taking and holding lands in fee." At June term, 1824, of the Supreme Court, the case of Eiu-che-lah against Welch, reported 5d Hawks, 153, involving an inquiry into the Cherokee Indian title, was decided. In this case the Court cite and recognize the decision in 2d Law Repository, as settling the law in relation to the Tuscarora grant of 1717. In the same case, speaking of the act of 1793, chapter 155, the Court say, "by this act it is declared the Cherokee Indians shall have and enjoy all the tract of land therein described; and that it is reserved to them and their nation forever. The effect of this grant was to vest the land in the nation in fee simple. It conveyed to them a specific and definite right, according to which they could no longer be considered as tenants at sufferance, but as holding under the faith of the State and the guarantee of the declaration of rights."

Whatever then might be the opinion of the committee on the Tuscarora grant of 1717, if the question was now open for discussion, they believe it has been adjudicated and settled by the highest judicial tribunal in the State; first, in the case in Carolina Law Repository, and next, in the case 3d Hawks, where the first decision is cited with approbation. Nor are your committee aware of any decision in the Federal Courts in conflict with the decision of our own Courts.

Taking it then, as settled, that by the grant of 1717, a fee simple was vested in the Tuscarora Indians to the lands thereby granted, your committee have inquired whether by the agreement and act of 1802, of which the memorialists complain, the reversion of the Indians was transferred to the State.

The committee have no hesitation in saying that the agreement of 1802 was fairly entered into; that the Indians were fully apprised of their rights as they were then understood; and that no advantage whatever was taken of them. The high character of the gentlemen concerned in making the agreement of 1802, conducted as it was under the superintendence and with the advice of General Davie, United States' Commissioner, are pledges of the fairness of the proceedings.
While, however, the committee bear testimony to the integrity and intelligence of the gentlemen concerned in the proceedings of 1802, they are bound to say, that they believe the law affecting the Tuscarora claim was not then understood as it has been since settled. At that time no adjudication had taken place on the grant of 1717. It was a matter of much doubt, about which the most learned Jurists might differ, whether the grant of 1717 conveyed anything more than a title of occupancy. The only consideration received by the Indians for the surrender of their reversion, was permission to extend their short leases and liberty to lease the undeveloped part of their lands, and the aid of the Legislature in collecting their rents. Upon the supposition that the grant of 1717 conveyed only a title of occupancy, then were these privileges an ample compensation for the surrender of the reversion.

It, however, the Indians were in fact entitled to the fee simple in their lands, your committee ask what was the favor extended to the tribe in allowing them to lease the undeveloped part of their lands, to extend their short leases, and to reap the fruits of their long leases? Was it doing for them any thing more than they were entitled to as tenants in fee simple, under the grant of 1717?

Your committee believe the privileges granted to the tribe by the act of 1802, were not a matter of favor, but of right; that in the surrender of their reversion they acted in ignorance of the law, not as then understood, but as since explained and settled. The memorialists, in the opinion of the Committee, have no claim which they can assert in a court of law. They are concluded by the agreement of 1802.

The committee believe the law, as then understood, in relation to the grant of 1717, was fully explained to the Indians; but they think the law, as then understood, is not the law as now decided; and however unwise it may be to interfere with contracts made in ignorance of the law generally, your committee believe this is a case forming an exception to the general rule, and one so particularly situated as not likely to form a precedent in future.

It has been the object of this State to regulate its intercourse with the Indians, not by any speculative notions of legal right, but by the dictates of just, humane and liberal policy.

The same policy, in the opinion of your committee, requires that some compensation shall be made to the memorialists for the surrender of their reversion to the State by the agreement of 1802. In making compensation, there is difficulty, both as to the amount and the manner in which it is to be paid. To give them a gross sum would be acting without information necessary to show whether it was too much or too little, depending on the present value of the reversionary interest. The committee believe it will be less objectionable to sell the reversion of the State in the lands, and give the proceeds of the sale to the Indians. It would then be in the power of the present lessees to become the fee simple owners of their lands.

If the lands continue to be held by lease holders until the expiration of the present leases, their value must be greatly diminished by a constant succession of exhausting crops, especially towards the latter part of the leases. The holders will have no inducement to improve the lands. On the contrary, as the period approaches for the State to take possession, the sole object of the lessees will be, to make the largest possible profit in the shortest time, without any regard to the deterioration of the soil.

Your committee believe that sound policy requires that the State should before very many years sell out its interest; and if the Legislature believe the memorialists are entitled to compensation, then the committee recommend that the reversion be sold so soon as it can be done with advantage to all parties; and for that purpose they herewith report a bill.

Submitted

GEO. E. SPRUILL, Chairman.

A message from the Senate, notifying this House that they were ready to adjourn sine die. On motion, ordered that the Senate be informed by message that this House is ready to adjourn without day.

On motion of Mr. Swain,

Resolved, That the thanks of this House are due to the Hon. Thomas Settle, Speaker thereof, for the able, impartial and dignified manner in which the duties of the Chair have been discharged during the present Session.

The question to concur with the resolution, put by the Clerk, was unanimously concurred with. The Speaker thereupon made his acknowledgments to the House, and adjourned it sine die.

By order.

THOMAS SETTLE, S. H. C.

P. HENDERSON, CLERK.