At a General Assembly, begun and held in the City of Raleigh, on the third Monday of November, in the year Lord one thousand eight hun-
dred and and thirty-one, and fifty-sixth year of the Independence of the United States of America, being the day appointed by law for the meeting
of the General Assembly, the same being the first session thereof, the fol-
lowing members appeared, produced their credentials, were qualified ac-
cording to law, and took their seats:

\begin{tabular}{ll}
\textbf{Ashe county}, William A. Morris. & \textbf{Montgomery}, George W. M'Cain, Pleasant M. Mask. \\
\textbf{Beaufort}, Richard H. Bonner, David C. Free-
man. & \textbf{Moore}, William Wadsworth, Gideon Seawell. \\
\textbf{ Bertie}, Lewis Thompson, David Outlaw. & \textbf{Nash}, Joseph Arrington, George Boddie. \\
\textbf{Bladen}, John J. M'Millan, Robert Lyon. & \textbf{New Hanover}, Wm. S. Larkin, William J. Wright. \\
\textbf{Brunswick}, John P. Gause, Sam'l A. Las-
peyre. & \textbf{Northampton}, Richard Crump, John M. Moo-
dy. \\
\textbf{Brunswick}, James Brevard, John Clayton. & \textbf{Onslow}, John B. Thompson, George A. Thompson. \\
\textbf{Burke}, Alney Burgin, Francis P. Glass. & \textbf{Orange}, James Melbane, Joseph Allison. \\
\textbf{Carteret}, & \textbf{Pangborn}, Thomas Bell, John M. Skinner. \\
\textbf{Chatham}, Joseph J. Brooks, Hugh M'Guen. & \textbf{Person}, Benjamin Sumner, Thomas M'Geechee. \\
\textbf{Columbus}, Caleb Stephens, Marmaduke Powell. & \textbf{Randolph}, Jonathan Worth, Alex'r Cunningham. \\
\textbf{Craven}, Abner Heartly, Willie M. Nelson. & \textbf{Richmond}, Walter F. Leak, Duncan M'Laurin. \\
\textbf{Cumberland}, David M'Neill, John Berech. & \textbf{Robeson}, William L. Miller, Alex't Watson. \\
\textbf{Currituck}, John B. Jones, Benj'n T. Sim-
mons. & \textbf{Rockingham}, Wilson S. Hill, Benjamin Settle. \\
\textbf{Davidson}, John A. Hogan, John W. Thomas. & \textbf{Rowan}, Thomas G. Polk, Richmond Pearson. \\
\textbf{Duplin}, William Wright, Joseph Gillespie. & \textbf{Rutherford}, James M. Webb. \\
\textbf{Edgecomb}, Redding Pittman, Hardy Flowers. & \textbf{ Sampson}, Arch'd C. Monk, Dickson Sloan. \\
\textbf{Granville}, Spencer O'Trien, James Whyche. & \textbf{Tyrrell}, Hezekiah G. Spruill, Charles M' Cleese. \\
\textbf{Guilford}, Amos Weaver. & \textbf{Warren}, John Bragg, Thomas J. Judkins. \\
\textbf{Hyde}, Thomas S. Singleton, Foster Jarvis. & \textbf{Town of Salisbury}, Charles Fisher. \\
\textbf{Iredell}, George F. Davidson, Joseph M. Bogle. & \textbf{Hillsborough}, \\
\textbf{Johnston}, Josiah Houlder, Ashley Sanders. & \textbf{Halifax}, William L. Long. \\
\textbf{Jones}, Owen B. Cox. & \textbf{Edenton}, Samuel T. Sawyer. \\
\textbf{Loudiner}, Council Wooten, A. W. Wooten. & \textbf{Newbern}, \\
\textbf{Lincoln}, Miles W. Abernathy, Henry Canandler. & \textbf{Wilmington}, Daniel Sherwood. \\
\textbf{Macon}, Thomas Tatham, James Whitaker. & \textbf{Fayetteville}, Louis D. Henry. \\
\textbf{Martin}, Joseph Robinson, John Cloman. & \\
\textbf{Mecklenburg}, James Dougharty, John Hartt. & \\
\end{tabular}

A quorum of the whole number of members being present, Mr. Singlet-
on moved that Charles Fisher, the member from the town of Salisbury, be appointed Speaker. Mr. A. W. Wooten moved that Samuel T. Sawyer, the member from the town of Edenton, be added to the nomination; and Mr. M'Millan moved that Louis D. Henry, the member representing the town of Fayetteville, be added also to the nomination. The House there-
upon proceeded to ballot under the superintendence of Mr. Singleton and
Mr. M'Millan, who, upon counting out the ballots, reported that neither of the gentlemen in nomination had a majority of the whole number of votes, and that there was no election. Mr. Sawyer, in proper person, withdrew his name from the nomination, and the House proceeded again immediately to a second balloting, under the superintendence of the same gentlemen, when it was declared, upon counting out the ballots, that Charles Fisher had received a majority of the whole number of votes, and was duly elected. The House concurring in the report, Mr. Fisher was conducted to the Chair by Mr. Singleton, from which he made his acknowledgments to the House in an appropriate address.

On motion of Mr. Cherry, Charles Manly was unanimously appointed principal clerk.

The following persons were nominated as clerk assistant: Thomas G. Stone, John C. Stedman, Henry B. Elliott, Edmund B. Freeman, Isaac C. Patridge, George W. Haywood and William Williams.

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

TUESDAY, NOVEMBER 22, 1831.

On motion of Mr. Cherry, the House proceeded to ballot for a clerk assistant, under the superintendence of Messrs. Cherry and Barringer.

Mr. Wyche moved that Richard Roberts be appointed principal doorkeeper; which was agreed to, and Messrs. Lumsden, Scarborough, Weathers, Cheek, Wilkinson, Cooper, Smith and Golding were nominated for the appointment of assistant doorkeeper. A balloting then took place under the superintendence of Messrs. Clayton and Rand.

On motion by Mr. Bragg,

Resolved, That a select committee be appointed to prepare rules for the government of this House; and that, until they report, the rules adopted at the last session be considered as in force.

Messrs. Bragg, Sawyer, Henry, Mebane, M'Lean, by appointment of the Speaker, compose said committee.

Mr. Barringer, from the committee appointed to superintend the balloting for a clerk assistant, reported that neither of the persons in nomination had received a majority of votes. The report was concurred in, and another balloting immediately had under the superintendence of the same committee.

Mr. Clayton, from the committee appointed to conduct the balloting for a doorkeeper, reported that no person had received a majority of the votes. The report was concurred in, and another balloting had immediately.

Mr. Cherry, from the balloting committee for an assistant clerk, reported that no one had received a majority of the votes.

A message from the Senate, informing of the organization of that House, and of the appointment of David F. Caldwell, Speaker; Samuel F. Patterson, principal clerk; William J. Cowan, clerk assistant; Thomas B. Wheeler, principal, and Green Hill, assistant doorkeeper; and of their readiness to proceed on public business.

On motion, the House again balloted for a clerk assistant, under the superintendence of Messrs. Webb and Larkins; the names of Messrs. Stedman and Elliott being withdrawn from the nomination.

Mr. Rand, from the balloting committee for a doorkeeper, reported that John Lumsden had received a majority of the votes and was duly elected. The report was concurred in.
Mr. Webb, from the committee of balloting for an assistant clerk, reported that there was no election. The names of Messrs. Haywood and Patridge were withdrawn from the nomination, and another balloting immediately had under the superintendence of Messrs. Cox and Glenn.

Mr. Cox, on behalf of said committee, reported that Edmund B. Freeman, of Halifax, had received a majority of the whole number of votes and was duly elected clerk assistant. The report was concurred in.

Mr. Heartly announced to the House the death of Charles G. Spaight, the member elect from the town of Newbern. Whereupon it was ordered that a writ issue to the sheriff of Craven county, commanding him to hold an election, at the usual place, on Monday, the 28th instant, for a member duly qualified to supply said vacancy.

On motion by Mr. Wyche, ordered that a message be sent to the Senate, informing them of the organization of this House, and of our readiness to co-operate with that body in the despatch of public business.

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

WEDNESDAY, NOVEMBER 23, 1831.

On motion by Mr. Wilson, ordered that a message be sent to the Senate, proposing to raise a select joint committee, whose duty it shall be to wait upon his Excellency the Governor, inform him of the organization of both branches of the Legislature, and of their readiness to receive such communication as he may see fit to make. Said committee on the part of the Commons consists of Messrs. Wilson and Davidson.

James W. Howard, one of the members elect from the county of Jones, appeared, produced his credentials, was qualified, and took his seat.

Mr. Mebane offered the following resolution, which was read and agreed to:

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee whose duty it shall be to inquire whether the house in which the Legislature is now convened is within the limits of the city of Raleigh, and, if not, whether they can hold their sessions at any place without said limits, agreeably to the provisions of the constitution and laws of the State.

Messrs. Mebane, Haywood and Crump form said committee.

A message from the Senate, proposing that the two Houses ballot immediately for three engrossing clerks, and informing that Messrs. John W. Covington, John B. Muse, Daniel Coleman, Elisha B. Smith, Charles Mock, Thomas G. Stone and Henry B. Elliott are nominated for the appointment. The proposition was agreed to, and the Senate informed that Messrs. Bogle and McMillan form the balloting committee on the part of this House. A message from the Senate, informing that Messrs. Daventry and Hill attend this House as a committee to conduct said balloting.

On motion by Mr. Glenn, Resolved, That the Speaker of this House be requested to assign seats within the bar to one or more stenographers.

Allen Peeples, one of the members from the county of Guilford, appeared, produced his credentials, was qualified and took his seat.

A message from the Senate, concurring in the proposition of this House to appoint a select joint committee to wait upon his Excellency the Governor, and informing that Messrs. M'Tarland and Boddie form said committee on behalf of the Senate.

A message from the Senate, agreeing to appoint a select joint committee
to inquire whether the house in which the Legislature is now convened be within the limits of the city of Raleigh, &c. &c. and informing that Messrs. Seawell, Toomer and Sneed form said committee.

Mr. Wilson, from the committee appointed to wait upon his excellency the Governor, reported that the committee had discharged their duty, and that he was authorised to say the Governor would at one o'clock this day make a communication in writing.

Mr. Bogle, from the committee appointed to conduct the balloting for three engrossing clerks, reported that Daniel Coleman and John W. Covington had received a majority of the whole number of votes and were duly elected, and that no other person had received such majority. The report was concurred in.

A message from the Senate, proposing that another balloting be had immediately for one engrossing clerk. The proposition was agreed to, and the Senate informed that Messrs. Clayton and Freeman said committee on the part of this House. A message from the Senate, informing that Messrs. Bell and Montgomery, of Hertford, attend this House to conduct the balloting on their part.

On motion by Mr. Haywood, ordered that the Senate be informed that the name of Mr. Holding, of Wake county, is added to the nomination for engrossing clerk.

Mr. Clayton, from the committee appointed to conduct the balloting for an engrossing clerk, reported that no person had received a majority of the votes.

Mr. Bragg, from the committee appointed to prepare rules of order for the government of the House the present session, reported the following, which were read and adopted:

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

2. That no question on resignations shall be required to be put to the House by the Speaker, unless on motion.

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

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

5. If any member, in speaking or otherwise, shall transgress the rules of the House, the Speaker shall, or any other member may, call him to order; in which case, the member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact, or to explain; and the House shall, if appealed to, decide on the case. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

6. When two or more members rise at the same time, the Speaker shall name the member to speak.
7. No member shall speak more than twice on the same question, without leave of the House.
8. Whilst the Speaker is putting any question, or addressing the House, no person shall speak, or walk out or across the House; nor, when a member is speaking, entertain private discourse, or pass between him and the Chair.
9. No member shall vote on any question, unless within the bar of the House when the same was stated; and the railing on the right of the Speaker's Chair shall be considered the bar of the House.
10. Every member, who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.
11. When the ayes and nays are called for on any question, it shall be on motion before the question is put, and, if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.
12. When a motion is made and seconded, it shall be stated by the Speaker; or, if written, it shall be handed to the Chair, and read by the clerk before debated.
13. Every motion shall be reduced to writing, if the Speaker or any two members desire it.
14. After a motion is stated by the Speaker, or read by the clerk, it shall be deemed to be in possession of the House, but may be withdrawn before a decision or amendment.
15. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to commit or amend: which several motions shall have precedence in the order they stand arranged.
16. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.
17. Petitions, memorials and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof may verbally be made by the introducer, and to be subject to the further order of the House; and no bill, petition, memorial, resolution or other papers, that may be addressed to the House, shall be taken out of the possession of the House, or sent to the other House, until the time shall have elapsed for reconsideration.
18. Any member may call for a division of the question, when the same will admit of it, which shall be determined by the Speaker.
19. A motion for postponement or commitment, until it is decided, shall preclude all amendments of the main question.
20. Every bill shall be introduced by a motion for leave or by an order of the House.
21. Every bill shall receive three several readings in the House previous to its passage; but no public bill shall be twice read on the same day, unless otherwise ordered by two-thirds of the members present.
22. No member shall, on motion, be at liberty to withdraw a public bill for amendment; but, on motion, it may be committed for that purpose: and every public bill, on motion made and seconded upon its first reading, shall be referred to a committee of the whole House, if the House so order.
23. A bill once rejected, another on the same subject shall not be brought in again this session; but when a question has been determined, either in the affirmative or negative, it shall be in order once only for any member in the majority to move the reconsideration thereof; provided it be done on the same or succeeding day.
24. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.
25. The unfinished business in which the House was last engaged at the time of their adjournment, shall have the preference in the order of the day; and no motion or other business shall be received without leave of the House.
26. The Speaker shall direct and arrange the orders of the day, unless the House shall otherwise order.
27. No member shall be called upon for words of heat spoken in the House, but on the day on which they were spoken; and decency of speech shall be observed, and personal reflections carefully avoided.
28. Any twenty members (including the Speaker) shall be authorised to compel the attendance of absent members.
29. No member or officer of the House shall absent himself from the service of the House without leave, unless from sickness or inability to attend.
30. Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.
31. In the nomination of committees, no member shall nominate more than one person to be of a committee.
32. Select committees shall consist of five members; and it shall be the duty of the Speaker to name the members who shall compose the committee, except otherwise ordered by the House. It shall be the duty of the first person named to cause the members of the committee to convene when necessary; and when so convened, they shall appoint some one of their number Chairman.
33. In forming the committee of the whole House, the Speaker shall appoint a Chairman, and leave the Chair.
34. The rules of proceeding in the House shall be observed in the committee of the whole, so far as they are applicable, except as limiting the time of speaking.
35. Whenever the Speaker, from fatigue or other causes, shall have occasion to leave the Chair, he shall name a member who shall discharge the duty thereof during his retirement.
36. The Clerk of the House shall be deemed to continue in office until another is appointed.
37. No standing rule or order shall be rescinded, altered or suspended without one day's notice given of the motion thereof; and to sustain such motion two-thirds of the House shall be required.
38. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at each separate reading of the bill.
39. Six standing committees, two members from each Congressional district, shall be appointed at the commencement of the session, to wit: a committee of Claims, a committee of Propositions and Grievances, a committee of Education, a committee of Agriculture, a committee of Internal Improvement, and a committee of Privileges and Elections.
40. A select standing committee, consisting of nine members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the committee on the Judiciary."
41. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto; and then shall be first read for information, and afterwards paragraph by paragraph, and held open for amendment.
42. In all cases of nominations to this House, they shall be briefly made, unaccompanied with any comment by the members making the same, or any others, unless on leave first obtained of the House.
43. If any member shall be necessarily absent on a balloting committee, or attending to any other temporary business of the House, when the vote is taken upon any question, on entering the House he shall be permitted, upon motion, to have his vote recorded.

Ordered that the foregoing Rules be printed, in connexion with the Constitution of the United States, the Constitution and Bill of Rights of this State, the Rules of the Senate and the Joint Rules for the government of the two Houses.

Received from his Excellency the Governor, by his private secretary Mr. Muse, the following communication:

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

GENTLEMEN.—Among the distinguished blessings derived from the establishment of the independence of our country, may justly be enumerated the free election and constitutional meeting of the Representatives of the people. Selected from every section of the State, accurately acquainted with the occurrences which have taken place in their respective districts, familiar with the condition of their constituents, and coming to the seat of government clothed with ample powers to remedy the grievances under which the people labor, they present one of the most cheering and interesting characters of our peculiar form of government. Assembling under such circumstances, when we are assured that crops of all kind have been abundant, and that the means of subsistence and comfort are thereby secured to every citizen of the State, and when the ordinary share of health crowns our enjoyments, we have abundant reason to be thankful to the Almighty Ruler of the Universe for these inestimable blessings, and to pray that they may be continued to us and perpetuated to our children.

The satisfaction which I should have felt on meeting with the Legislature at this time, is somewhat abated by the accident that caused the destruction of the State House, which had been repaired in a faithful and masterly manner, and nearly completed, under the provisions of the act of the last session. By this casualty the State has been deprived of the convenient halls provided for the accommodation of the Legislative body, together with the adjoining offices and the public Library. The fine marble statue of Washington, by Canova, has also been much mutilated, and a considerable portion of the ornaments and furniture of the building has been de-
destroyed. The injury to the Statue is to be regretted, as it was the work of an artist of great celebrity; now no more: But the memory of Washington, the father of his country, will live in the hearts and recollections of all who love liberty, in every part of the globe, and needs no artificial monument to revive or to perpetuate the glory of his achievements.

With respect to the loss of the building itself, it is my opinion, fortified by that of better judges, that, under all circumstances, it is not to be considered as a public calamity. Such were the defects in the construction of the old walls, erected in 1794, that it is very probable that a part of the building would have fallen in a few years, and perhaps caused the death of many of the assembled Representatives.

Immediately after the destruction of the State House, the congregation of the Presbyterian Church in this city, with a public spirit which reflects great credit upon their liberality, tendered the use of their meeting house for the accommodation of the House of Commons, and their session room for the Senate. Without determining positively in this case, but leaving the members to decide hereafter for themselves, I have considered it my duty, under existing circumstances, to make a temporary preparation, and to tender the Government House to the Legislature, which, being the property of the State, may probably be so altered as to answer the purpose of holding their session, until an appropriation shall be made, and a suitable building erected. In this arrangement, my only object has been to provide for your comfort during the session. I have totally disregarded my own convenience, in order that, by tendering the Government House, I might be enabled to accommodate the Legislature in the best possible manner the nature of the case will admit.

In relation to our internal concerns, I have to observe, that it would be impossible to conceal from the world, and needless to disguise from ourselves, the fact, that a certain class of the population of the State have become more discontented and ungovernable than heretofore. Fanatics of their own complexion, and other incendiaries, have fomented these discontent, and have incited them, in many instances, to enter into conspiracies dangerous to the peace and safety of the country. To guard against these evils, which in all probability will continue, the utmost caution and prudence are necessary. Restrictive laws have been enacted without producing the desired effect; and the crimes committed in a late insurrection in an adjoining State, would seem to require further and early attention to this subject. Instead of multiplying severe and sanguinary laws to operate upon those who know little, and care less, about them, would it not be advisable to establish a more efficient and accountable police, and to arm and equip one or more companies of volunteers or detached militia, in each county, to be called out when required, and to be paid while in actual service? It is believed that such a force, in aid of the civil authority, would effectually secure the peace of the country; and the public arms belonging to the State could not be placed in safer hands. These State troops might be enrolled for one or more years, be held responsible for the arms and ammunition furnished, and not be suffered to abandon the service during the term of their engagement.

Among the subjects requiring your notice and attention, is the law appropriating funds for Internal Improvements, and the situation of those funds. The act of 1819, relative to that subject, is still in force, and it directs that
the fund for Internal Improvements shall be subject to the order of the President and Directors of the Board, and shall be paid out by the Treasurer of the State to the order of the Board, certified and subscribed by the Secretary and countersigned by the President." The last General Assembly having failed to elect a Board for Internal Improvements, there is no authority for drawing out any part of the fund. The payment of the subscription on behalf of the State to the Cape Fear Navigation Company, the Catawba Navigation Company, and some others, has been demanded. The instalments on these subscriptions have heretofore been paid from this fund, but as there was no authority for disbursing the money, I have refused to grant warrants for the sums so due. These subscriptions, however, are debts voluntarily contracted by the State, and their payment should be provided for.

Another subject demanding your attention is the situation of the funds of the State, invested in the Banks. The time is near at hand when the charters of the several Banks in this State will expire. The stock held by the State in the State Bank of North Carolina, has, for some time past, only yielded an interest of four per cent. per annum; the stock held by the State in the Bank of Cape Fear has, for the last two years, yielded an interest of only three per cent. per annum; whilst the stock held by the State in the Newbern Bank has not, for nearly three years, yielded any interest. The period will shortly arrive when all these Banks are authorised by law to make a division of part of their capital stock. The funds vested by the State in these Banks amount to seven hundred and twelve thousand seven hundred dollars, (§12,700.) This amount of stock, at the common interest of six per cent., ought to produce forty-two thousand six hundred and seventy-two dollars (§42,672) annually; whereas, in fact, it produces only eighteen thousand five hundred and sixty-two dollars, (§18,562,) not equal to three per cent.

The Treasurer's Report, which will be laid before you, will show that owing to the large amount of Treasury notes redeemed this year, the taxes collected will fall short of meeting the current expenses of the Government. Under these circumstances, would it not be advisable to provide for the establishment of a new Bank, in which the funds of the State may be invested, under such regulations as to your wisdom and experience shall be deemed safe and proper? Or shall the State rely, for the accommodation of its citizens and for a circulating currency, upon that portion of the capital of the United States' Bank which has already, or may hereafter be allotted to their office of discount in North Carolina?

I would willingly bring to your notice the important object of opening a navigable communication between the waters of the Albemarle Sound and the Atlantic Ocean, north of Cape Hatteras, and would recommend the application of all the means in your power towards its accomplishment; but believing that, without the aid of the General Government, the resources of the State are inadequate to the undertaking at this time, and the last General Assembly having urged upon our members of Congress the propriety of claiming that aid, we must console ourselves with the hope that this great national work will receive the sanction and support of the National Legislature. Having bestowed such immense sums towards the construction of roads and canals in other States, it is believed that this desirable object, so essential to the interests of North Carolina and of the Union, will not long be overlooked or neglected.
The Literary Fund will claim and receive your favorable attention. The Report of the Public Treasurer will afford you precise information with regard to the amount of cash in his hands, and the situation of that portion of the fund which is not available. It is probably known to all of you that the Trustees of the University did not accept the loan offered them by the last Legislature from this source, so that the whole remains subject to future legislative disposition. The most important item of property transferred by the Legislature to the corporation to whose management the Literary Fund has been committed, are the swamp lands belonging to the State. These lands are believed by many intelligent individuals to be of immense value, and their improvement to be an object second only in importance to the opening and improvement of Roanoke Inlet. It is unnecessary, I am certain, to dwell upon the advantages which would result from the former. They are apparent to all. To convert a dreary waste of waters and marshes into a habitable and fertile region, to insure the means of sustenance and comfort for an immensely increased population, and to give health to a section of country which needs no other blessing, are the certain rewards of a successful attempt at improvement. To your wisdom it is submitted, whether such advantages, which, if attained, do not end with themselves, but tend to the enlargement of a fund which may justly be regarded as the orphan's legacy, will not justify, and does not demand a full and early experiment to test the practicability of the measure.

To provide for the improvement of the State, and for the convenience and prosperity of its citizens, by the construction of roads and canals and the opening of rivers, by all practical means, is so obviously the duty of the representatives of the people, and has been so often noticed by my predecessors in office, that I deem it unnecessary to make any further and special recommendation on that subject; and I am pleased to see that individual enterprize is taking that direction, which, I have no doubt, will be properly encouraged.

It is to me a source of much gratification to have observed, and to have it in my power to state, that the excitement which seems to pervade a sister State, upon the subject of the Tariff, has effected little change in the opinions of the citizens of North Carolina. With regard to the policy of that measure, there is, so far as my information extends, a perfect union of sentiment. All depurate it, as unequal in its operation, and destructive of the interests of the southern planter. The period, however, has not yet arrived, which, in the judgment of this community, authorises the adoption of doctrines, subversive in their nature of all order, and manifestly tending to weaken, if not destroy, our whole system of government. This State is justly proud of having given the first legislative sanction to the spirit of the Revolution. The same love of rational liberty which prompted this high example, induced our revolutionary statesmen to consider attentively and anxiously the form of government proposed for their adoption. Satisfied, after full investigation by successive conventions, that no powers were delegated but such as were essential to the existence and preservation of the Union, it is no matter of surprise that they and their children should support and defend the compact, and neither seek nor desire a remedy beyond it. A new Congress is about to assemble. The same spirit of compromise which adopted the Constitution, must preserve it, or the question whether man is worthy and capable of self-government, remains yet to be
solved. The patriotism of the country looks with confidence to the councils of the nation for a wise and liberal system of policy, and will not hastily arrive at the conclusion that the perils of the Revolution were fruitless and vain.

A resolution of the last General Assembly directed the Governor to "cause to be published in pamphlet form a Report relative to the Declaration of Independence by a Committee of Mecklenburg county, with the documents accompanying the same; and also the Journal of the Provincial Assembly of 1776; together with the Proceedings of the Cumberland Association." This publication has been made in a manner that, I trust, will meet with the approbation of the Legislature; and the copies have been distributed in the manner directed.

The agency for adjusting and settling the claim of North Carolina upon the General Government, for expenditures made during the late war in defence of the country, was discontinued by a resolution of the last General Assembly, and our Senators in Congress instructed to urge the speedy payment of the said claim. As this is a matter of considerable importance to the State, I addressed a letter to the Secretary of War, requesting information on the subject, and have received his assurance that the business shall be duly attended to.

I have received from the State of New York an elegant map of that State, accompanied by a splendid atlas, descriptive of each county. Several of my predecessors in office having recommended a suitable return for similar friendly donations, I have only to add, that a map of North Carolina being nearly completed, an opportunity will be afforded for this State to cancel these obligations in the manner they deserve.

Since the adjournment of the last Assembly, I have received communications from the Governors of several States, with a request that they should be submitted for your consideration. Those from Maine relate to the North Eastern boundary of the United States; to the Tariff of 1828; and the power of the General Government to make appropriations for internal improvements. Those from Vermont relate to an amendment of the Constitution of the United States, proposed by other States. Those from New Hampshire relate to the organization of the militia. Those from Massachusetts, relate to the organization of the militia, and to the proceedings of the government of Georgia. Those from Connecticut relate to an amendment of the Constitution of the United States, proposed by other States; to the power of the General Government to make appropriations in aid of the Colonization Society; and to the judicial power of the United States. Those from Ohio relate to the power of the General Government to make appropriations in aid of the Colonization Society. Those from Delaware relate to the public lands of the United States; to the surviving officers and soldiers of the Revolution; to the Tariff and Internal Improvements; and to the nomination of a President of the United States. These several communications will be found, with their appropriate endorsements, in a file now laid before you, marked A.

The resignations of justices of the peace and militia officers, received during the recess of the Legislature, are also laid before you, and will be found in the file marked B.

The file marked C, contains two incendiary publications, received through the medium of the post office.
Believing that this Assembly will have much to do in providing for the security of the people; in providing for its own future accommodation; and for the establishment of a new Bank, or so directing the application of banking capital, as to secure a sound circulating currency; and in preventing the injury to individuals, which must otherwise follow, when the charters of the present banks shall expire, these being primary objects for the consideration of the Legislature, I have declined making recommendations, which I had contemplated, relative to the situation of the University and the establishment of common schools, and to the condition of that portion of the Cherokee nation of Indians, that remain within the limits of North Carolina. I am unwilling, however, to close this communication without adverting to the administration of the General Government of the United States, and congratulating you upon the prosperous condition of our national concerns. Our foreign negociations have been fortunate and successful beyond all former example—our differences with other Powers have been settled—our commerce is uninterrupted—our flag respected—our commercial intercourse with the West Indies restored—new sources are opened for mercantile enterprise; and large sums of money secured, or received from foreign nations, as indemnification to our merchants for property unlawfully seized. Many of the Indian tribes are peaceably removing to places, whence they cannot annoy us, and will not themselves be injured or interrupted. We are at peace with the world, and our national debt nearly paid off. Secure in such inestimable advantages, I would ask, for what purpose are we urged to change an administration, that has been so beneficially employed for our common welfare? Of what consequence is it to the people of the United States, that some of the subordinate officers of government have been dismissed by General Jackson, provided the duties required are faithfully performed by their successors? Then let us not rashly aid in the attempt to disturb this prosperous condition of our affairs, by endeavoring to place them in untried hands.

I have the honor to be, gentlemen,

Your obedient servant,

Executive Office, N. C.  
November 22d, 1831.

Montfort Stokes.

The foregoing message was, on motion by Mr. Barringer, ordered to be sent to the Senate, with a proposition that it be printed, one copy for each member of the Legislature.

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

Thursday, November 24, 1831.

On motion by Mr. Cherry, ordered that a message be sent to the Senate, proposing another balloting immediately for one engraving clerk yet to be elected.

Mr. Wyche moved that the 30th rule of order for the government of the House be so amended that "three members from each of the judicial circuits shall be appointed on each of the six standing committees;" which was lost, and, on motion by Mr. Mebane, the said rule was amended by striking out the word "two," in the first line, and inserting "one."

The Speaker laid before the House the annual report of the Public Treasurer; which, on motion of Mr. Barringer, was ordered to be sent to the Senate, with a proposition that it be printed, one copy for each member of the General Assembly.
A message from the Senate, agreeing to the proposition of this House to ballot immediately for an engrossing clerk, and informing that Messrs. Moye, of Greene, and Simmons are appointed their superintendents; and informing further that the name of Charles Mock is withdrawn from the nomination. On motion, ordered that the Senate be informed that Messrs. Harper and Abernathy attend the Senate as the superintendents on the part of this House.

Mr. Mebane with leave presented a bill to extend to teachers and scholars of all schools within this State, the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law. The said bill was read the first time and passed.

Mr. Harper, from the committee appointed to conduct the balloting for one engrossing clerk, reported neither of the persons in nomination had received a majority of the votes. The report was concurred in.

A message from the Senate, proposing another balloting for an engrossing clerk, and informing that the names of Henry B. Elliott and Elisha B. Smith are withdrawn from the nomination. The proposition was agreed to, and the Senate informed that Messrs. Emmett and Flowers attend the Senate as a committee of superintendence on the part of this House. A message from the Senate, informing that Messrs. Lindsay and Parham form said committee on the part of the Senate.

A message from the Senate, agreeing to print the message of his Excellency the Governor and the annual report of the Public Treasurer, as proposed by this House.

Mr. Emmett, from the balloting committee for an engrossing clerk, reported that Thomas G. Stone had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Haywood with leave presented a bill to protect honest debtors from imprisonment for debt; which was read the first time and passed, and, on motion by Mr. O'Brien, ordered to be printed.

Mr. Polk presented the following resolutions:

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of five members on the part of each House, on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications.

Resolved, That so much of said message as relates to the subject of Internal Improvements and the manner of drawing out any part of the fund for Internal Improvement, be referred to the committee on that subject.

That so much of said message as relates to banks, the circulating medium, and the proper disposition and investment of the funds of the State in bank stock, be referred to a select joint committee of five on the part of each House.

That so much thereof as relates to the Literary Fund, be referred to the committee on Education; and that so much thereof as relates to the communications from the Governors of sundry States, on the subject of the powers of the General Government in relation to the Tariff and Internal Improvement, be referred to a joint select committee; and that said committees have leave to report by bill or otherwise.

These resolutions were, on motion by Mr. Sawyer, ordered to lay on the table.

The House proceeded, on motion of Mr. Long, under the rules of order to the appointment of the following standing committees, viz.


Propositions and Grievances, Messrs. Townsend, Outlaw, Toole, Cox, M'Millan, Bragg, Bogle, M'Cain, M'Gehee, Hill, Polk, Canaler, Webb.
Education, Messrs. Sawyer, Thompson, Freeman, Sanders, Monk, Glenn, Courts, Miller, Summer, Gwyn, McQueen, McLean, Bargain.

The certificates of the County Court of Warren, in favor of Elizabeth Harris, widow of Burwell Harris, a revolutionary soldier, allowing her a pension of ninety dollars, was received from the Senate countersigned by the Speaker. On motion, ordered that it be countersigned also by the Speaker of this House, and returned to the Senate.

The certificate of the County Court of Cumberland, in favor of Sherwood Fort, allowing him a pension of fifty dollars, received from the Senate countersigned by the Speaker, was also ordered to be countersigned by the Speaker of this House, and returned to the Senate.

Mr. Henry presented the certificate of the County Court of Cumberland, in favor of Izabella Campbell, allowing her a pension of forty dollars; which, on his motion, was ordered to be countersigned by the Speaker of the Commons, and transmitted to the Senate.

Received from the Senate the following resignations, viz. The resignation of Lewis Parham, as col. com’d’t of the south regiment of Granville county militia; of Nathan Smith, as lient. col. of the Macon regiment of militia; of Peter H. Dillard, as col. com’d’t of the Rockingham regiment of militia; which were read and accepted.

The resignations of John M’Murray, major of the Macon regiment of militia, and of Wm. Paxton, as a justice of the peace of the county of Buncombe, were presented, read and accepted.

The resignation of Aaron Pinson, as col. com’d’t of the Macon regiment of militia, was presented, read and accepted.

Whereupon the House adjourned until to-morrow morning, 10 o’clock.

Friday, November 25, 1831.

Mr. Polk moved that the resolutions by him submitted on yesterday be now taken up and considered. The same were accordingly read & adopted.

Mr. Weaver presented the following resolution:
Resolved, That a select committee be appointed to whom shall be referred so much of the documents referred to by his Excellency the Governor as relates to the Colonization Society.

The resolution was read, and, on Mr. Sawyer’s motion, postponed indefinitely.

On motion by Mr. Arrington,
Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, consisting of five members from each House, on so much of the Governor’s message as relates to the militia and the better defence of the State.

On motion by Mr. Wyche,
Resolved, That the committee of Finance be authorised and instructed to burn such Treasury notes as are now in the office of the Public Treasurer, and report the amount to this Legislature.

A message from the Senate, informing that they had passed the engrossed bill to incorporate Harvey’s Neck Academy in the county of Perquimons, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Cherry with leave presented a bill to prohibit the justices of the County Court of Pleas and Quarter Sessions for the county of Pitt from
allowing extra service money to county officers; which was read the first time and passed.

The resignations of William Cherry, as major of the Pitt regiment of militia; of James Davis, of Lenoir county; of T. Terrill, of Nash county; of Kennith M'Pleannan, of Montgomery county, justices of the peace, received from the Senate, were read and accepted.

The resignations of James Watt, as lieut. col. of the first regiment of Rockingham militia; of John Burgin, of Burke county; and of Francis Morrison, of said county, justices of the peace, were presented, read and accepted.

Mr. Pearson with leave presented a bill to provide for the collection of debts where there is no visible property; which was read the first time and passed.

Mr. A. W. Wooten presented the following resolution, which was read and adopted:

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee to inquire whether any amendments are necessary to be made relative to the laws on the subject of roads.

Mr. Cherry offered the following resolution:

Resolved, That no private bill be introduced into this House after the 15th day of December next.

This resolution was, on motion of Mr. Outlaw, postponed indefinitely.

The bill to provide for the collection of debts where there is no visible property, was, on Mr. Long's motion, ordered to be printed.

The engrossed bill to incorporate Harvey's Neck Academy in the county of Perquimons, was read the second and third times, passed, and ordered to be enrolled.

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

Saturday, November 26, 1831.

On motion by Mr. Clayton, ordered that a message be sent to the Senate, proposing that the two front rooms on the second floor of the Government House be assigned to the engrossing clerks during the present session of the Legislature.

The following gentlemen were appointed to compose the Judiciary committee: Messrs. Henry, Sawyer, O'Brien, Bragg, Haywood, Sumner, Daniel, Pearson and Barringer.

The following to compose the committee of Finance: Messrs. Wyche, Arrington, Singleton, Townsend, Leak, Laspeyre, Webb, Courts.

The following to compose the committee on Military Affairs: Messrs. Arrington, Polk, Nelson, Burgin and Allison.

Mr. Bragg with leave presented a bill to authorise the filing of petitions in vacation to hold defendants in petitions to bail, and authorise the County Courts to issue process to several counties at the same time. The said bill was read the first time and passed, and, on motion of Mr. Bragg, referred to the Judiciary committee.

Mr. Sawyer with leave presented a bill to incorporate a light infantry company in the town of Edenton; which was read the first time and passed.

A message from the Senate, proposing that a joint select committee, consisting of five members on the part of each House, be raised on so much of the Governor's message as relates to a communication from the waters of the Albemarle Sound to the Ocean; and informing that Messrs. Montgo-
mery, of Hertford, Bell, Bateman, Skinner and Lindsay form said committee on the part of the Senate. The proposition was concurred in, and the Senate informed that Messrs. Beckwith, Toole, Settle, Lewis Thompson and J. F. Jones form the committee on the part of this House.

Mr. Haywood with leave presented a bill to limit the time within which actions may be brought against bail; Mr. Sunner a bill to provide for the collection of costs in certain cases; Mr. Allison a bill to repeal part of an act, passed in the year 1800, chapter 708, entitled an act to revise the militia laws of this State relative to the infantry; Mr. Cox a bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside; Mr. Petty a bill to appoint commissioners to lay off a road from Neill Howard's mills, in Wilkes county, up Elk creek, to Ashe county line; and Mr. Emmett a bill to incorporate the Wilkes County Volunteer Artillery. These bills were severally read the first time and passed.

Mr. Peeples with leave presented a bill to re-enact a part of the first section of an act, passed in the year 1787, chapter 11th, entitled an act for hiring out persons convicted on indictment or presentment, not being able or willing to pay the fees of office and jailor's fees; which was read the first time and passed, and, on motion of Mr. Polk, referred to the committee on the Judiciary.

The certificate of the County Court of Cumberland, in favor of Izabella Campbell, a pensioner of the State, was received from the Senate countersigned by the Speaker of that body.

On motion by Mr. Cherry,

Resolved, That the Speaker be authorised to appropriate suitable seats for the accommodation of such ladies as may honor the House of Commons by their attendance.

The resignation of Etheldred Bozman, of Brunswick county, and of Thomas Gunn, of Caswell county, justices of the peace, were presented, read and accepted.

Mr. Sawyer with leave presented a bill to insure the fair valuation of lands in this State, when the same shall be given in for taxation; which was read the first time and passed, and, on motion by Mr. Outlaw, referred to the committee on the Judiciary, and, on motion of Mr. Freeman, ordered to be printed. The order of reference of the foregoing bill was, on Mr. Sawyer's motion, reconsidered; and, on motion of Mr. Bragg, it was ordered that a message be sent to the Senate, proposing that said bill be referred to a select joint committee, on the part of each House, consisting of one member from each Congressional district.

A message from the Senate, agreeing to the several propositions of reference contained in the message of this House on the 25th instant, and informing that Messrs. Seawell, Spaight, Moye, of Greene, Rencher and M'Entire compose the committee on the part of the Senate on so much of the Governor's message as relates to slaves, free persons of color and incendiary publications; that Messrs. Toomer, Martin, of R., Marshall, of A., Thomson and Boddie compose the committee on so much thereof as relates to banks and the circulating medium, and the proper disposition and investment of the funds of the State in bank stock; and that Messrs. Mosely, Dick, Martin, of Wilkes, Kerr and Gilmore form their committee on so much thereof as relates to the communications of the Governors of several States on the subject of the powers of the General Government in relation to the Tariff and Internal Improvement. The committee on the part of this
John F. Jones, one of the members elect from the county of Carteret, appeared, produced his credentials, was qualified, and took his seat.

On motion by Mr. Singleton, ordered that a message be sent to the Senate, proposing that the two Houses ballot to-morrow for a solicitor in the second judicial circuit, and informing that Stephen Miller, the present incumbent, is in nomination for the appointment. The name of John Singleton, of Beaufort county, was, on motion of Mr. Toole, added to the nomination.

Mr. Heartly with leave presented a bill to incorporate a light infantry company in the county of Craven; Mr. Toole a bill to incorporate Jordan Plain Academy in the county of Pitt; and Mr. Emmett a bill to repeal an act, passed at the session of the Legislature in the year 1850, entitled an act to prohibit the circulation in this State, after the time therein specified, of bank notes under the denomination of five dollars, issued by the banks of other States. These bills were severally read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to repeal part of an act, passed in the year 1827, prescribing the manner in which lands should thereafter be advertised for sale for taxes, in the counties of Anson and Surry, and the engrossed resolution directing the clerks of the two Houses to purchase certain books. The said bill was read, and, on motion by Mr. Wyche, laid on the table; and the said resolution was read, amended and adopted. Ordered that the concurrence of the Senate be asked in said amendment.

On motion by Mr. Hogan, ordered that a message be sent to the Senate, proposing that the two Houses ballot on Friday next for a solicitor general
in the fourth judicial circuit, and informing that Richmond Pearson is nominated for the appointment. The name of Hugh Waddell was, on motion by Mr. Thompson, of Bertie; of Spencer O'Brien, on motion by Mr. Sumner; and the name of John Scott, on motion by Mr. Settle, added, to the nomination.

Mr. Bell presented the petition of Alfred A. Turner, of Pasquotank county, praying to be divorced from his wife Susannah. The petition was read, and Mr. Bell moved that it be referred to the committee of Propositions and Grievances; which was refused, and leave granted Mr. Bell, on his motion, to withdraw said petition from the records of the House.

Mr. Heartly with leave introduced the following resolution:
Resolved, That the Public Treasurer pay Isaac Golding twenty-five dollars, for carrying a writ of election to elect a member for the town of Newbern in the place of Charles G. Spaight, Esq. deceased, and that he be allowed the same in his settlement.

The resolution was read the first, second and third times, passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Haywood moved that the bill to protect honest debtors from imprisonment for debt, and the bill to limit the time within which actions may be brought against bail, be referred to the committee on the Judiciary; and Mr. Pearson moved that the bill to provide for the collection of debts where there is no visible property, be also referred to the same committee. These motions were agreed to.

Mr. Polk with leave presented the petition of John S. Russwurm, of Tennessee, praying to have issued to him a military land warrant for the revolutionary services of his deceased father, William Russwurm; which was read, and, on Mr. Polk's motion, referred to the committee on the Judiciary.

Mr. Singleton with leave presented a bill to prevent summoning grand jurors to attend the County Courts in Hyde county; Mr. Courts a bill to regulate costs in certain cases; Mr. Whitaker a bill to amend the 10th section of the act of Assembly, chapter 997, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians; and Mr. Gause a bill to alter the location of the register and entry taker's office in the county of Brunswick. These bills were severally read the first time and passed.

On motion by Mr. Thomas,
Resolved, That the committee on Internal Improvements be instructed to inquire whether the Cape Fear Navigation Company have not forfeited their charter, by a neglect to do what is required of them, by an abuse of the privileges granted to them by the State; and that they have leave to report by bill or otherwise.

Mr. Thompson with leave presented a bill to authorise the sheriff of Bertie county to collect arrearrages of taxes; which was read the first time and passed.

The resignation of Lemuel Riddick, lieut. col. of Gates county militia, and of Duncan Sykes, a justice of the peace for the county of Columbus, received from the Senate, were read and accepted.

Mr. Monk with leave presented a bill to prevent protracted and vexatious litigation by enlarging the jurisdiction of justices of the peace out of court; which was read the first time and passed, and, on motion by Mr. Edmonston, ordered to be printed, and referred to the committee on the Judiciary.

The resignations of Jonathan Horton, major of the Ashe county regiment of militia; of Robert Pinnen, of Orange; of Foster Jarvis, of Hyde;
of Jonathan B. Lindsay, of Currituck county, justices of the peace, were presented, read and accepted.

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

Tuesday, November 29, 1831.

Mr. Barringer with leave presented a bill to incorporate the Mecklenburg Gold Mining Company; which was read the first time and passed, and referred, on Mr. Barringer's motion, to a select committee, consisting of Messrs. Barringer, Doherty, Henry, Garland, C. Wooten.

Mr. Robertson with leave presented a bill to authorise the County Court of Martin county to appoint a committee of Finance; which was read the first time and passed.

On motion by Mr. Freeman,

Resolved, That a select committee be appointed to inquire if any, and, if so, what amendments are necessary to be made in the laws regulating pilotage over Ocracook Inlet.

Said committee consists of Messrs. Freeman, Singleton, Heartly, Mc Cleese, Howard.

A message from the Senate, agreeing to the amendment proposed by the Commons to the engrossed resolution directing the clerks of the two Houses to purchase certain books. Ordered that the said resolution be enrolled.

The certificate of the County Court of Craven in favor of John Rhem, a pensioner of the State, allowing him the sum of one hundred dollars, and the certificate of said court, in favor of Thomas Ewell and Christopher Bexley, allowing them each a pension of forty dollars, were received from the Senate countersigned by the Speaker of that body. The same were, on motion of Mr. Heartly, countersigned by the Speaker of this House, and returned to the Senate.

A message from the Senate, agreeing to ballot this day for a solicitor in the second judicial circuit, as proposed by this House, informing that the name of Watras Beckwith is added to the nomination, and informing further that Messrs. Mosely and McEntire form their balloting committee. Ordered that the Senate be informed that Messrs. Worth and Heartly form said committee on the part of the Commons.

Mr. C. Wooten with leave presented a bill to prevent obstructions to the passage of fish up Neuse river; which was read the first time and passed.

On motion by Mr. Freeman,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law relating to slaves hiring their own time, as to increase the penalty and render the fact more susceptible of proof; and that they report by bill or otherwise.

Mr. Gause presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the laws of this State, so as more effectually to prevent persons from hunting with dogs or guns on the lands belonging to this State and her citizens; and that they report by bill or otherwise.

The said resolution was read and rejected.

Mr. Whitaker with leave presented a petition from sundry citizens of Macon county, asking an appropriation in favor of the Tennessee River Road; which was referred to the committee on Internal Improvements.

Mr. A. W. Wooten with leave presented a petition from sundry citizens of the county of Lenoir, praying to be empowered to erect a free bridge across Neuse river at or near the place where Cox's bridge is now situated. Said petition was, on motion by Mr. Wooten, referred to the committee of Propositions and Grievances.
Mr. Sawyer with leave presented a bill for the better regulation of the town of Edenton; which was read the first, second and third times, passed, and ordered to be engrossed.

The bill to incorporate the Wilkes County Volunteer Company of Artillery, was read the second and third times, passed, and ordered to be engrossed.

The bill to provide for the collection of costs in certain cases, was, on motion by Mr. Sumner, referred to the committee on the Judiciary.

The bill to prohibit the justices of the County Court of Pleas and Quarter Sessions of the county of Pitt from allowing extra service money to county officers, was read the second time and rejected.

Mr. Worth, from the committee appointed to conduct the balloting for a solicitor in the second judicial circuit, reported that neither of the persons in nomination had received a majority of the whole number of votes. The report was concurred in.

A message from the Senate, proposing that another balloting be had immediately for that officer. The proposition was agreed to, and the Senate informed that the name of Watrus Beckwith is withdrawn from the nomination, and also informing that Messrs. Monk and Weaver compose the balloting committee on the part of the Commons. A message from the Senate, informing that Messrs. Marshall, of Carteret, and Moye, of Greene, attend this House as a committee of balloting on their part.

A message from the Senate, agreeing to the proposition of this House to ballot on Friday next for a solicitor in the fourth judicial circuit.

The bill to alter the location of the register and entry taker's office in the county of Brunswick; also the bill to incorporate a light infantry company in the county of Craven; and the bill to incorporate the trustees of Jordan Plain Academy in the county of Pitt, were severally read the second and third times, passed, and ordered to be engrossed.

Mr. Monk, from the committee appointed to conduct the balloting for a solicitor in the second judicial circuit, reported that Stephen Miller had received a majority of the whole number of votes. The report was concurred in.

The bill to authorise the sheriff of Bertie county to collect arrearages of taxes, was read the second and third times, amended and passed, and ordered to be engrossed.

Mr. Sasser with leave presented a bill to incorporate the Wayne County State Guards; Mr. Bell a bill to amend an act, entitled an act for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes; and Mr. Watson a bill to establish Cool Spring Academy in the county of Robeson, and to appoint the trustees thereof. These bills were severally read the first time and passed.

The bill to prevent summoning grand jurors to attend the County Courts in Hyde county, was read the second time and passed, and ordered to lie on the table.

Mr. Haywood with leave presented a bill to amend an act, passed in 1822, chapter 1, entitled an act to provide a revenue for the payment of the civil list and contingent charges of Government; which was read the first time and passed, and referred, on Mr. Haywood's motion, to the committee of Finance.

Mr. Calloway submitted the following resolutions:
 Whereas many of the new States, through the medium of their Representatives in the Congress of the United States, have made, and are still making great and unreasonable requests for donations and appropriations of the public lands of the United States; and as some of the States have been so extravagant in their requests as to ask Congress to grant them all the public lands within their limits, without offering any compensation to the Government for such donations or cessions of the public domain, and others, through their Executive Magistrates, have been so vociferous as to declare all the lands within their limits to be theirs; and whereas it is a fact, and must be conceded by all, that the public domain is the common property of all the States, and the people thereof, and of course ought to be regarded as a common fund for the benefit of all, and for the support and disbursement of our common Government; and whereas our public domain was achieved in common with our other blessings and liberties by our memorable revolution, and originally belonged to the old States, and was by them ceded to the General Government for the purpose of paying the national debt and the common expenditures of Government, as declared in the cession acts of the State Governments, and in which they have retained their inclusive benefit, and whereas no State in this Union has been more liberal in its course towards this Government than the State of North Carolina; and whereas she ceded to the General Government that fertile region now the State of Tennessee, which now ranks high in the scale of this Union, for the purposes hereinafter mentioned and expressly enumerated in ours and the other cession acts of the different States; and whereas the Congress of the United States has made frequent and large appropriations of the public lands of the United States for works of internal improvement and education, partial and local in their character and operations, believed by many to be impolitic, and by others to be unconstitutional, thereby subverting the meaning and intent of the cession acts, and especially that made by North Carolina: therefore,

Resolved, That it is the deliberate opinion of this General Assembly that the public domain or lands belonging to the General Government are, and of right ought to be the common property of all the States and the people respectively.

Resolved further, That it is the opinion of this Legislature that the public lands of the United States ought to be held and considered as a common fund for the use and benefit of the United States; and it is further the opinion of this General Assembly that such parts of the public domain as have been ceded to the General Government by the different States, and especially that by North Carolina, ought to have been and should be applied in accordance with the cession acts.

Resolved further, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use their best exertions to have a fair and equal application of the public lands, or the proceeds thereof, in the manner herein directed; and that they be instructed to consider the public lands as the common property of the people of these United States, and therefore should be applied to their common benefit, and that they be duly apprised of all unreasonable applications of any State or District for cessions, donations or appropriations of the public land for local or sectional purposes.

Resolved, That the Executive of this State transmit to each of our Senators and Representatives in Congress a copy of these resolutions and preamble as soon as convenient.

The foregoing resolutions were read, and, on motion of Mr. Calloway, referred to a select committee, composed of Messrs. Calloway, Worth, Seawell, Miller and Thomas; and, on motion of Mr. Long, ordered to be printed.

The resignation of Samuel Stanford, a justice of the peace for the county of Duplin, was presented, read and accepted.

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

**Wednesday, November 30, 1831.**

Alexander Little, one of the members elect from the county of Anson, appeared, produced his credentials, was qualified, and took his seat.

Mr. Henry, from the committee on the Judiciary, prayed to be discharged from the consideration of the petition of John S. Russwurm, heretofore referred to that committee, and moved that said petition be referred to the committee of Claims. The motion was agreed to.
Mr. Henry, from said committee, to which was referred the bill to authorise the filing of petitions in vacation to hold defendants in petitions to bail, and authorise the County Courts to issue process to several counties at the same time, reported the same with an amendment. The amendment was concurred in, and the bill read the second time and passed.

Mr. Whitaker presented the petition of the Tennessee River Turnpike Company, asking a loan from the State of two thousand dollars to aid them in the completion of their road. The said petition was, on motion by Mr. Whitaker, referred to the committee on Internal Improvements.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill to prevent the falling of timber in, or otherwise obstructing the channel of the South Yadkin river, in the county of Iredell; a bill for the better regulation of the courts of the county of Gates; a bill to give exclusive jurisdiction to the Superior Courts for the county of Moore; resolutions directing the disposition of the maps, drafts, &c. in the late engineer's office, and the arranging and filing of the papers belonging to the offices of the General Assembly; and asking the concurrence of this House. The said bills and resolutions were severally read the first time and passed.

A message from the Senate, proposing that a joint select committee be raised to take into consideration that part of the Treasurer's report which relates to the repairs of the State House, and that they report what disposition shall be made of the contractor's bond for said work, and whether payment shall be made according to the terms of the contract; and informing that Messrs. Askew, Hoover, Ray, Martin, of Rockingham, and Marshall, of Carteret, compose their committee. The proposition was concurred in, and Messrs. M'Gehee, Little, Judkins, Houlder and Smith appointed the committee on the part of this House.

Mr. Skinner with leave presented a bill to appoint lay days for fishing with seine, nets, &c. at New Inlet, in the counties of Currituck and Hyde; and Mr. Clayton a bill allowing compensation to jurors in the county of Buncombe. These bills were read the first time and passed.

The bill to repeal part of an act, passed in 1827, prescribing the manner in which lands should thereafter be advertised for sale for taxes in the counties of Anson and Surry, was read and passed its first reading.

The resignation of Matthew Brickhouse, a justice of the peace of the county of Tyrrell, received from the Senate, was read and accepted.

The bill to establish Cool Spring Academy in the county of Robeson, and to appoint the trustees thereof; and the bill to incorporate the Wayne County State Guards, were severally read the second and third times, passed, and ordered to be engrossed.

The bill to amend an act, entitled an act for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes, was read the second and third times, amended and passed, and ordered to be engrossed.

Mr. Beckwith with leave presented a bill to provide for the collection of demands against ships and vessels; which was read the first time and passed, and, on motion by Mr. Beckwith, referred to the committee on the Judiciary.

Mr. Powell with leave presented a petition from sundry citizens of the county of Columbus, praying an appropriation to aid them in opening and rendering navigable the White Marsh creek in said county; which was read and referred to the committee on Internal Improvements.
Mr. Bonner with leave presented the petition of sundry merchants and mariners of the town of Washington and its vicinity, praying that the pilots of and near Ocracoke may not be restricted in their cruising ground; and Mr. Jones the petition of many citizens of Carteret county, praying some alteration or amendment of the laws respecting pilotage over Ocracoke bar. These petitions were severally read, and referred to the select committee raised on the subject of pilotage.

On motion by Mr. Sawyer,

Resolved, That the select committee raised on the subject of pilotage be instructed to inquire into the expediency of preventing persons on the sea coast from holding out false lights, and that they report by bill or otherwise.

Mr. Moore with leave presented a bill to prevent slaves or free persons of color from preaching within the bounds of this State; which was read the first time and passed, and, on motion by Mr. Barringer, referred to the joint select committee heretofore raised on the subject of slaves, free negroes, &c.

The bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside, was, on motion by Mr. Wyche, referred to the same committee.

The bill for the better regulation of the town of Edenton, and the bill to authorise the County Court of Martin county to appoint a committee of Finance, were severally read the second time and passed.

The bill to prevent obstructions to the passage of fish up Neuse river, was read the second time, amended on Mr. Cox's motion, and passed.

The bill to extend to the teachers and scholars of all the schools within this State, the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law, was read, and, on motion by Mr. Sawyer, referred to the committee on Military Affairs.

Mr. McQueen with leave presented a bill providing for the organization of the militia of Chatham county; which was read the first time and passed, and referred, on Mr. Wyche's motion, to the committee on Military Affairs.

Mr. Tatham with leave presented a bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Macon; which was read the first time and passed.

Mr. Leak moved that the order of reference heretofore made by this House in regard to the bill to extend to the teachers and scholars of all the schools within this State, the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law, be now reconsidered. The motion was agreed to, and the said bill, on motion by Mr. Leak, referred to the committee on Education.

The bill to appoint commissioners to lay off a road from Neill Howard's mills, in Wilkes county, up Elk creek, to Ashe county line, was read, and, on motion by Mr. Haywood, laid on the table.

A message from the Senate, agreeing to the proposition of this House to refer to a joint select committee, composed of one member from each Congressional district, the bill to insure the fair valuation of lands in this State, when the same shall be given in for taxation, and informing that Messrs. Allen, Dobson, Massey, Hill, Elliott, Seawell, Tyson, Dishongh, Spaight, Moye, of Pitt, Sneed, Askew and Skinner form said committee on the
part of the Senate. Ordered that the Senate be informed that Messrs. Sawyer, Cloman, Sasser, Flowers, Powell, Wyche, Morris, Mebane, Ziglar, Brooks, Abernathy, Brevard and Fleming form said committee on the part of the Commons.

The bill to regulate costs in certain cases, was read, and, on motion by Mr. Sumner, referred to the committee on the Judiciary.

The bill to amend the 10th section of the act of Assembly, chapter 997, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, was read the second time and passed.

The bill to repeal part of an act, passed in the year 1806, chapter 708, entitled an act to revise the militia laws of this State relative to the infantry, was, on motion by Mr. Clayton, referred to the committee on Military Affairs.

The bill to repeal an act, passed at the session of the Legislature in the year 1830, entitled an act to prohibit the circulation in this State, after the time therein specified, of bank notes under the denomination of five dollars, issued by the banks of other States, was read, and, on motion by Mr. Webb, referred to the committee on Finance.

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

---

**THURSDAY, DECEMBER 1, 1831.**

Mr. Mebane, from the committee on Internal Improvements, to which was referred that part of the Governor's message relative to the Board for Internal Improvements, and the several Navigation Companies in which the State is interested, reported a bill to appoint a superintendent of Public Works, and to repeal in part an act, passed in the year 1819, entitled an act to create a fund for Internal Improvements and to establish a Board for the management thereof. The said bill was read the first time and passed, and, on motion by Mr. Bragg, ordered to be printed.

A message from the Senate, informing that they had passed the engrossed bill to repeal an act, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, passed in the year 1827, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Daniel with leave presented a bill to amend an act, passed in the year 1820, entitled an act to repeal an act, passed in the year 1796, entitled an act to punish persons for removing debtors out of one county to another, and out of the State, and for other purposes; which was read the first time and passed, and referred, on Mr. Daniel's motion, to the committee on the Judiciary.

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

The resignations of Reuben Dever, as lieut. col., and of John L. Dillard, as major, of the 1st regiment of the militia of Haywood county, were presented, read and accepted.

Mr. Morris with leave presented a petition from sundry citizens of the county of Anson, praying that a new county may be established from a portion of the counties of Anson and Mecklenburg. The said petition was, on motion by Mr. Morris, referred to the committee of Propositions and Grievances.
Mr. Whitaker with leave presented a bill to extend the laws of the State over that part of territory now occupied by the Cherokee nation of Indians, and included in the chartered limits of this State; which was read the first time and passed, and, on motion by Mr. Whitaker, referred to the committee on the Judiciary.

Mr. Henry with leave presented a bill to prevent frauds in packing cotton; which was read the first time and passed.

The bill to authorize the County Court of Martin county to appoint a committee of Finance, was read the third time, amended on Mr. Spruill's motion, by extending its provisions to the county of Tyrrell, and passed, and ordered to be engrossed.

The bill allowing compensation to jurors in the county of Buncombe, and the bill to prevent the falling of timber in, or otherwise obstructing the channel of the South Yadkin river, in the county of Iredell, were several read the second time and passed.

The bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Macon, was read the second time and passed.

The bill to amend the 10th section of the act of Assembly, chapter 997, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, was read the third time and passed, and ordered to be engrossed.

The bill to prevent obstructions to the passage of fish up Neuse and Trent rivers, was read the third time and passed—yeas 91, nays 80. The yeas and nays demanded by Mr. Hearty.


Ordered that said bill be engrossed.

The bill to prevent summoning grand jurors to attend the County Courts in Hyde county, was read the third time, amended and passed, and ordered to be engrossed.

The bill to authorize the filing of petitions in vacation to hold defendants in petitions to bail, and authorise the County Courts to issue process to several counties at the same time; also the bill allowing compensation to jurors in the county of Buncombe, were read the third time and passed, and ordered to be engrossed.

The engrossed bill to prevent the falling of timber in, or otherwise obstructing the channel of the South Yadkin river, in the county of Iredell, was read the third time and passed, and ordered to be enrolled.

Received from his Excellency the Governor, by his private secretary, Mr. Muse, the following communication:
To the honorable the General Assembly of the State of North Carolina:

Gentlemen,—I herewith transmit the resignation of William Bethell, brigadier general of the 8th brigade in the fourth division of the militia of this State; together with such resignations of justices of the peace as have been received since the meeting of the General Assembly.

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

M. STOKFS.

The said communication was read, and, on motion by Mr. Sumner, ordered to be transmitted, with the accompanying documents, to the Senate.

Mr. Bragg with leave presented a bill to render persons whose names are forged competent witnesses in prosecutions for such forgeries; which was read the first time and passed, and, on motion by Mr. Bragg, referred to the committee on the Judiciary.

Mr. Edmonston with leave presented a bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations, or lay out new roads in said county; which was read the first time and passed.

On motion by Mr. Hartt,

Resolved, That a select committee be appointed to take into consideration the patrol laws of this State, and to inquire whether any amendments are necessary to the same; and that they have leave to report by bill or otherwise.

The bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Macon, was read the third time and passed, and ordered to be engrossed.

Mr. Townsend with leave presented a bill to provide for the compensation of certain jurors for the county of Perquimons; which was read the first time and passed.

A message from the Senate, proposing that a bill therewith transmitted, entitled a bill more effectually to suppress and prevent the running away of slaves in this State, should be referred to the joint select committee on the subject of slaves, free persons of color, &c. The reference was concurred in; and

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

Friday, December 2, 1831.

Thomas J. Faddis, the member elect from the town of Hillsborough, and James W. Hunt, one of the members of the county of Carteret, appeared, produced their credentials, were qualified, and took their seats.

A message from the Senate, informing that Messrs. Dobson and Skinner attend this House to conduct the balloting on the part of the Senate for a solicitor general of the fourth judicial circuit, herefore agreed on to take place this day. Ordered that the Senate be informed that Messrs. Simmons & Petty form the balloting committee on the part of the Commons.

Messrs. Hartt, Cansler, Winston, Jackson and Barclay were appointed the select committee on the patrol laws, under the resolution of yesterday.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to authorise the sheriff of Bertie to collect arrearages of taxes.

Mr. Freeman, from the select committee, to which was referred the inquiry whether any, and, if any, what amendments are necessary to be made in the laws regulating pilotage over Ocracock bar; and to which were also referred the petitions of sundry inhabitants of the counties of Beau-
fort and Carteret on that subject, reported that, in the opinion of the committee, no amendment is at this time necessary in the said laws. The report was concurred in.

Mr. Settle with leave presented a bill to exempt from execution a certain portion of the land of the citizens of North Carolina; and Mr. Tat-tham a bill to alter the time of holding two of the terms of the Court of Pleas and Quarter Sessions for the county of Macon, and for the better regulation of the same. These bills were severally read the first time and passed.

Mr. Henry, from the Judiciary committee, to which was referred the bill to provide for the collection of costs in certain cases, and the bill to limit the time within which actions may be brought against bail, reported the same with sundry amendments, and recommended their passage. The amendments were concurred in, and the said bills read the second time and passed.

Mr. Simmons, from the committee appointed to conduct the balloting for solicitor general of the fourth judicial circuit, reported that neither of the persons in nomination had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message from the Senate, proposing another balloting immediately for solicitor general. The proposition was agreed to, and Messrs. J. M. Skinner and Gause appointed to conduct the balloting on the part of this House. A message from the Senate, informing that Messrs. Hoke and Williams compose their committee on said balloting.

Mr. Barclay with leave presented the petition of sundry citizens of the county of Cumberland, praying that a certain portion of the territory of said county be attached to the county of Wake. Said petition was referred, on Mr. Barclay’s motion, to the committee of Propositions and Grievances.

The bill to exempt from execution a certain portion of the land of the citizens of North Carolina, was, by motion of Mr. Cox, ordered to be printed, and, on motion by Mr. Beckwith, referred to the committee on the Judiciary.

Mr. Worth with leave presented a bill to authorise the County Courts of this State to appoint committees of Finance; which was read the first time and passed.

Mr. Gause, from the committee appointed to superintend the balloting for a solicitor general, reported that neither of the persons in nomination had received a majority of the votes. The report was concurred in, and, on motion by Mr. Barringer, ordered that a message be sent to the Senate, proposing another balloting immediately for this officer. A message from the Senate, concurring in this proposition, and informing that Messrs. Martin, of Rockingham, and Howell attend as their balloting committee. Ordered that the Senate be informed that Messrs. Dozier and A. W. Wooten compose said committee on the part of the Commons.

Mr. Wyche, from the committee of Finance, to which was referred the bill to repeal an act, passed at the session of the Legislature in the year 1830, entitled an act to prohibit the circulation in this State, after the time therein specified, of bank notes under the denomination of five dollars, issued by the banks of other States, reported unfavorably to said bill, and recommended its rejection. The report and bill were, on motion by Mr. Webb, laid on the table.
A message from the Senate, proposing that the two Houses ballot on to-morrow for a solicitor in the 5th judicial circuit, and informing that Alexander Troy and Walter F. Leak are nominated for the appointment. The proposition was agreed to.

The bill to provide for the compensation of certain jurors of the county of Perquimons, was read the second time and passed.

The bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations, or lay out new roads in said county, was, on motion by Mr. Sawyer, referred to the committee on Roads.

Mr. Calloway with leave presented a bill declaring in what manner notes or bonds, given for trade or specific articles, shall be collected; which was read the first time and passed, and, on motion by Mr. Calloway, referred to the committee on the Judiciary.

The bill to appoint commissioners to lay off a road from Neill Howard's mills, in Wilkes county, up Elk creek, to Ashe county line, was, on motion by Mr. Petty, referred to the committee on Roads.

Mr. Cherry with leave presented a bill to repeal an act, passed in the year 1817, chapter 25, to increase the salary of the Governor. Said bill was read the first time and rejected.

Mr. Smith with leave presented the petition of Pleasant M. Wear, of Tennessee, praying a repeal of a part of the act of Assembly, passed in the year 1824, relative to the Smoky Mountain Turnpike Company; which was, on motion by Mr. Smith, referred to the committee on Internal Improvements.

On motion by Mr. Arrington,

Resolved, That the joint select committee on Military Affairs be instructed to inquire into the propriety of revising and amending the militia laws of this State; and that they report by bill or otherwise.

Mr. A. W. Wooten, from the committee appointed to conduct the ballotting for a solicitor general, reported that no one had received a majority of the votes. The report was concurred in.

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

Saturday, December 3, 1831.

On motion by Mr. Whitaker, leave of absence from the service of this House, from and after yesterday, was granted to Mr. Fleming.

Ordered that a message be sent to the Senate, informing that Messrs. Stallings and Stephens attend the Senate as superintendents of the ballotting for a solicitor of the 5th judicial circuit.

On motion by Mr. Townsend,

Resolved, That the committee on the Judiciary be instructed to examine the laws on the subject of bastardy, and report whether any, and, if any, what amendments or modifications are necessary, in order to render the same more perfect and effectual.

On motion by Mr. Whitaker,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of five on the part of each House, to be entitled the committee on incorporations, to whom may be referred all bills of incorporation and all questions connected therewith.

Mr. Outlaw with leave presented a bill to repeal an act, passed in the year 1827, entitled an act to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters; which was read the first time and passed, and, on Mr. Outlaw's motion, referred to the committee of Propositions and Grievances.
The bill to authorise the County Courts of this State to appoint committees of Finance, was, on motion by Mr. Cunningham, ordered to be printed.

Mr. Howard with leave presented a bill to authorise Daniel Smith to erect two gates in the county of Jones; which was read the first time and passed.

A message from the Senate, informing that Messrs. Sherard and Hill attend this House to conduct the balloting on their part for solicitor of the fifth judicial circuit.

Mr. Barclay with leave presented a bill to vest the election of clerks of the courts of Cumberland county in the free white men of said county. The said bill was read the first time and rejected—ayes 25, nays 106. The ayes and noes called for by Mr. Barclay.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Barclay, Bell, Bogle, Broadhurst, Brooks, Cansler, Cloman, Glass, Houl-der, J. B. Jones, Laspeyre, Powell, Stephens, Swanner, Tatham, J. B. Thompson, G. A. Thompson, Watson, Weaver, Webb, W. J. Wright—23.


Mr. Stephens, from the committee appointed to conduct the balloting for a solicitor in the fifth judicial circuit, reported that Alexander Troy had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

A message from the Senate, proposing another balloting immediately for a solicitor general of the 4th judicial circuit. The proposition was agreed to, and the Senate informed that Messrs. J. H. Skinner and Sloan attend the Senate as superintendents. A message from the Senate, informing that Messrs. Davenport and Askew attend this House as superintendents of said balloting on behalf of the Senate.

On motion by Mr. Cox,

Resolved, That the joint select committee raised on so much of his Excellency the Governor's message as relates to the militia be instructed to inquire into the expediency of so amending or repealing the law, passed in the year 1827, restricting company musters to two in the year, as to compel the commanding officer of each company to muster his company at least once in three months, or oftener if necessary; and that they report by bill or otherwise.

Mr. Abernathy with leave presented the petition of Thomas Yarborough, of Lincoln county, praying to be restored to the privileges of a citizen, heretofore forfeited by his conviction and punishment for the crime of petit larceny. The said petition was, on motion by Mr. Abernathy, referred to the committee of Propositions and Grievances.
Mr. Stallings with leave presented a bill to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes; Mr. Smith a bill to subject to entry certain lands in the county of Haywood; and Mr. Singleton a bill to authorise the justices of the peace of Hyde county to purchase a tract of land and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of said county. These bills were severally read the first time and passed.

Mr. Bragg with leave presented the memorial of the Roanoke Navigation Company, claiming interest on certain deferred payments for stock due by the State; which was read and referred to the committee on Claims.

Mr. Freeman, from the select committee appointed to inquire into the subject, reported a bill to prevent persons on the sea coast from holding out false lights. The said bill was read the first time and passed.

Mr. Webb moved that the bill to repeal an act, passed at the last session of the Legislature, entitled an act to prohibit the circulation in this State, after the time therein specified, of bank notes under the denomination of five dollars, issued by the banks of other States, be now taken up and considered. The motion was agreed to. Mr. Webb proposed an amendment to said bill; and, after discussion, Mr. O'Brien moved that the same be postponed indefinitely. The question on Mr. O'Brien's motion was determined in the affirmative—yeas 85, nays 45. The yeas and nays demanded by Mr. Clayton.


Mr. Sloan, from the committee appointed to conduct the balloting for a solicitor general, reported that no person had received a majority of the whole number of votes.

The House then adjourned until Monday morning, 10 o'clock.
MONDAY, DECEMBER 5, 1831.

William Gaston, the member elect from the town of Newbern, appeared, produced his credentials, was qualified, and took his seat.

Mr. Whitaker with leave presented the petition of the Smoky Mountain Turnpike Company, praying an alteration of their charter; which was referred, on Mr. Whitaker's motion, to the committee on Internal Improvements.

Mr. W. J. Wright with leave presented a bill to repeal an act, passed in the year 1823, entitled an act to increase constables' fees in the county of New Hanover; which was read the first time and passed.

On motion by Mr. Wilson,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of repealing, altering or amending the law, passed in the year 1823, providing for the collection of debts out of deceased persons' estates; and that they report by bill or otherwise.

On motion by Mr. Barringer, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for solicitor general. A message from the Senate, agreeing to this proposition, and informing that Messrs. Kendall and Bell form their balloting committee. Ordered that Messrs. W. J. Wright and Hunt compose said committee on the part of this House.

Mr. Townsend with leave presented the petition of Wilson Reed, of Perquimons county, praying permission to erect two gates on the road passing through his plantation; which was referred to the committee on Roads.

Mr. Polk with leave presented the petition of sundry citizens of Rowan and Iredell counties, praying that a law be passed making it an indictable offence to fell timber in Hunting creek; Mr. M'Cain the petition of Selah Smith, of the county of Montgomery, praying to have secured to her such property as she may hereafter acquire; and Mr. Burgin the petition of Samuel Turner, of Burke county, praying to be allowed to retail spiritous liquors by the small measure, free of tax. These petitions were referred to the committee of Propositions and Grievances.

Mr. W. J. Wright, from the committee appointed to conduct the balloting for solicitor general, reported that no person had received a majority of the votes. On motion by Mr. Barringer, ordered that a message be sent to the Senate, proposing another balloting immediately for this officer.

Mr. Henry gave notice that he should, on to-morrow, move that another member of this House be added to the committee on the Judiciary.

A message from the Senate, agreeing to the proposition of this House to raise a joint select committee, to be entitled the committee on Incorporations, to whom may be referred all bills of incorporation and all subjects connected therewith; and informing that Messrs. Toomer, Martin, of Wilkes, Miller, Sneed, Montgomery, of Hertford, form said committee on their part. Ordered that Messrs. Whitaker, O'Brien, Leak, Faddis and Hunt form said committee on the part of the Commons.

A message from the Senate, informing that Messrs. Dick, Spaight and Brownrigg have been appointed, on the part of the Senate, the joint Library committee.

A message from the Senate, disagreeing to the proposition of this House to appropriate the two front rooms on the second floor of the Government House to the use of the engrossing clerks; and proposing that said rooms be appropriated to the use of the engrossing clerks and principal doorkeepers. The proposition of the Senate was concurred in.
A message from the Senate, transmitting the report of the joint select committee on the resolution respecting the present place of the sitting of the Legislature. The report was read, and, on motion by Mr. Wilson, laid on the table.

A message from the Senate, agreeing to ballot immediately for solicitor general, and informing that Messrs. Marshall and Moye, of Pitt, form their balloting committee. Ordered that a message be sent to the Senate, informing that the name of Spencer O’Brien is withdrawn from the nomination, and that Messrs. Cunningham and Lyon form the committee to conduct the balloting on the part of the Commons.

On motion by Mr. Wilson, ordered that a message be sent to the Senate, proposing that the two Houses ballot, on Wednesday next, for a Public Printer; and informing that Messrs. Ransom & Potter are nominated for the appointment.

Mr. Cunningham, from the balloting committee for solicitor general, reported that no person had received a majority of the votes. The report was concurred in; and, on motion by Mr. Polk, ordered that a message be sent to the Senate, proposing that another balloting be immediately had for that officer. A message from the Senate, agreeing to this proposition, and informing that Messrs. Selby and Underwood form their balloting committee. Messrs. Hill and Wadsworth were appointed to conduct the balloting on behalf of the Commons.

Mr. Sloan presented the petition of Stephen Fleming, praying compensation for ammunition, provisions and forage, by him furnished a portion of the militia of Sampson county, while engaged in the suppression of an insurrection of the slaves of said county. The said petition was read, and, on Mr. Sloan’s motion, referred to the committee of Claims.

On motion by Mr. Wyche,Resolved, That the committee of Finance be directed to inquire into and ascertain the amount annually received by the clerk of the Supreme Court for fees from suitors in said court; and whether the sums now paid to the clerk of said court out of the Public Treasury ought not to be reduced; and that said committee report by bill or otherwise.

Mr. Moore with leave presented a bill to alter the time of holding elections in the county of Hertford; Mr. M’Neill a bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Cumberland; Mr. Brevard a bill to alter the time of holding two of the Courts of Pleas and Quarter Sessions for Buncombe county; and Mr. Cox a bill to authorise the justices of the peace in the several counties in this State to hold a court in the respective counties, if necessary, to try all slaves that may be hereafter concerned in any conspiracy within this State. These bills were severally read the first time and passed, and the last mentioned bill ordered to be printed.

Mr. Hill, from the committee appointed to conduct the balloting for solicitor general, reported that no person had received a majority of the votes. The report was concurred in; and, on motion by Mr. Calloway, a message ordered to be sent to the Senate, proposing that another balloting be had immediately for solicitor general.

The Speaker laid before the House a communication from the Public Treasurer, transmitting certain documents showing the result of an investigation instituted in obedience to a resolution of the last session instructing the Public Treasurer, under the direction of the Governor and Attorney General, to investigate the facts connected with the drawing, accept-
ance and paying of sundry checks, purporting to be drawn by John Hay-wood, Public Treasurer, by John S. Haywood, on the State Bank of North Carolina. The said communication and documents were, on motion by Mr. Thompson, ordered to be sent to the Senate, proposing to refer them to a joint select committee.

The bill to authorize the justices of the peace of Hyde county to purchase a tract of land and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of said county, was read the second time and passed.

The bill to authorize Daniel Smith to erect two gates in the county of Jones; the bill to alter the time of holding two of the terms of the Court of Pleas and Quarter Sessions for the county of Macon, and for the better regulation of the same; the engrossed bill for the better regulation of the courts of the county of Gates; the engrossed bill to repeal an act, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, passed in the year 1827; and the engrossed bill to give exclusive jurisdiction to the Superior Courts for the county of Moore, were severally read the second time and passed.

The bill to provide for the compensation of certain jurors of the county of Perquimons, was read the third time and passed, and ordered to be engrossed.

Mr. Polk, from the committee on Military Affairs, to which was referred the bill to repeal part of an act, passed in the year 1806, chapter 708, entitled an act to revise the militia laws of this State relative to the infantry, reported the said bill with an amendment. On motion by Mr. Wyche, the said bill was laid on the table.

Mr. Mebane, from the committee on Internal Improvements, to which was referred the petition of sundry citizens of the county of Columbus, reported a bill to aid in draining White Marsh in Columbus county, and recommended its passage. The said bill was read the first time and passed.

Mr. Freeman moved that the bill to prevent persons from holding out false lights, and Mr. Outlaw the bill to authorize the justices of the peace in the several counties in this State to hold a court in the respective counties, if necessary, to try all slaves that may hereafter be concerned in any conspiracy within this State, be referred to the committee on the Judiciary. These motions were agreed to.

A message from the Senate, informing that they had passed the engrossed bill to alter the location of the register and entry taker’s office in the county of Brunswick; and the engrossed bill to incorporate the Wayne county Guards, with amendments, and asking the concurrence of the House of Commons. The amendments were read and agreed to.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to repeal an act, passed in the year 1830, entitled an act to provide for summoning the original venire to the County Courts of Randolph, Rockingham, Buncombe, Brunswick and Chatham in future; also a bill to repeal part of an act, passed in 1741, chapter 35, authorising the County Courts of this State to grant certificates in certain cases; and a bill to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear river; and asking the concurrence of this House. These bills were severally read the first time and passed.
Mr. Mebane, from the committee on Internal Improvements, who were by resolution instructed to inquire whether the Cape Fear Navigation Company have not forfeited their charter by a neglect to do what is required of them, or by an abuse of the privileges granted to them by the State, reported that no facts or evidence had been submitted to the committee that proved that said company had so forfeited its charter, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Toole with leave presented a bill to encourage the formation of Volunteer Companies in the State of North Carolina; which was read the first time and passed, and referred, on Mr. Toole's motion, to the committee on Military Affairs.

The bill to prevent frauds in packing cotton, was taken up, and, on Mr. Haywood's motion, was referred to the committee on the Judiciary.

On motion of Mr. O'Brien,

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of amending the law of making in this State, and that they report by bill or otherwise.

Mr. Haywood presented the memorial of R. M. Saunders, in relation to changing the time of holding the Superior Courts of the third judicial circuit. The said memorial was read, and, on motion of Mr. Haywood, ordered that it be sent to the Senate, with a proposition that it be referred to a joint select committee, composed of the representatives of the several counties of the said district.

The resignations of Benjamin Oliver, of Duplin county, and of Samuel Edny, of Buncombe county, justices of the peace, were presented, read and accepted. The resignations of Henry Humphreys, of Guilford county, and of D. M. Ogburn, of the same county, justices of the peace, received from the Senate, were read and accepted.

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

Tuesday, December 6, 1831.

Mr. Whitaker with leave presented a bill to establish an entry taker's office in the county of Macon; which was read the first time and passed, and, on Mr. O'Brien's motion, referred to the committee on the Judiciary.

On motion by M. Clayton, ordered that a message be sent to the Senate, proposing that the two Houses ballot again immediately for a solicitor general. A message from the Senate, agreeing to this proposition, and informing that Messrs. Lindsay and Melchor form their balloting committee. Messrs. Chambliss and Gillespie were appointed said committee on behalf of the Commons.

Mr. Simmons with leave presented a bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 155, entitled an act concerning those persons who are interested in the Beach and Marshy Lands lying in the county of Currituck; which was read the first time and passed.

Mr. Worth with leave presented a bill to authorise the County Courts of this State to establish poor and work houses in their respective counties; which was read the first time and passed.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to extend the laws of the State over that part of the territory now occupied by the Cherokee nation of Indians, and included within the chartered limits of this State, reported said bill to the House, recommend-
The said bill was read, and, on motion by Mr. Leak, laid on the table and ordered to be printed.

Mr. Gillespie, from the committee appointed to conduct the balloting for solicitor general, reported that no person had received a majority of the votes, and that there was no election. The report was concurred in. A message from the Senate, proposing another balloting immediately. The proposition was agreed to, and Messrs. Riddick and Sumner appointed to conduct the balloting on the part of the Commons. A message from the Senate, informing that Messrs. Bateman and Rencher form said committee on the part of the Senate.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to re-enact a part of the first section of an act, passed in the year 1787, chapter 11, entitled an act for hiring out persons convicted on indictment or presentment, not being able or willing to pay the fees of office and jailors' fees, reported said bill with an amendment, and recommended its passage. Mr. Haywood moved that said bill be indefinitely postponed. The question thereon was determined in the negative. The amendment reported by the committee was concurred in, and the bill read the second time and passed.

On motion by Mr. Freeman,

Resolved, That the Speaker of this House be requested to cause the seats in this Hall to be regularly elevated, as they recede from the Speaker's chair, so as to render them more convenient and comfortable; and to cause such other arrangements to be made in this Hall as will render it more convenient.

A message from the Senate, agreeing to ballot on Wednesday next for Public Printer, and informing that Messrs. Lawrence & Lemay are added to the nomination.

Mr. Swanner, from the balloting committee for solicitor general, reported that neither of the persons in nomination had received a majority of the votes. The report was concurred in, and, on motion by Mr. Wilson, ordered that a message be sent to the Senate, proposing another balloting immediately. A message from the Senate, agreeing to this proposition, and informing that the name of Hugh D. Waddell is withdrawn from the nomination, and also informing that Messrs. Hawkins and Gilmore form their balloting committee. Ordered that Messrs. Moody and Speight compose said committee on the part of the Commons.

A message from the Senate, informing that they had passed the engrossed bill allowing compensation to jurors in the county of Buncombe, with an amendment, and asking the concurrence of this House. The proposed amendment was read and concurred in.

Mr. Bonner with leave presented a bill to provide for having the militia laws of this State digested, published and amended; which was read the first time and passed.

On motion of Mr. Glenn,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law relative to the settlement of testators' or intestates' estates, as to authorise the sheriffs in their respective counties, upon the refusal of an executor or administrator to qualify in a limited time, to enter upon and perform the duties of executor or administrator, as the case may be, so far as it may be necessary to pay the debts of any such estate; and that they report by bill or otherwise.

Mr. Hartt with leave presented the petition of sundry citizens of the counties of Anson and Mecklenburg, praying that a new county may be established out of a portion of the territory of said counties; which was referred to the committee of Propositions and Grievances.
The bill to repeal an act, passed in the year 1823, entitled an act to increase constables' fees in the county of New Hanover, was read the second time and passed.

The resolutions directing the disposition of the maps, drafts, &c. in the late engineer's office, and the arranging and filing of the papers belonging to the offices of the General Assembly, were read the second time and passed.

The engrossed bill to repeal an act, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, passed in the year 1827; also the bill for the better regulation of the courts of the county of Gates; and the bill to give exclusive jurisdiction to the Superior Courts for the county of Moore, were severally read the third time, passed, and ordered to be enrolled.

The bill to authorise Daniel Smith to erect two gates in the county of Jones; the bill to alter the time of holding two of the terms of the Court of Pleas and Quarter Sessions for the county of Macon, and for the better regulation of the same; the bill to limit the time within which actions may be brought against bail; and the bill to provide for the collection of costs in certain cases, were severally read the third time, passed, and ordered to be engrossed.

The bill to authorise the justices of the peace of Hyde county to purchase a tract of land and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of said county, was read the third time, amended on motion of Mr. Beckwith, and passed, and ordered to be engrossed.

A message from the Senate, agreeing to refer the memorial of R. M. Saunders to a joint select committee composed of the representatives of the third judicial circuit.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill to divorce Polly Buckner from her husband Edward Buckner; a bill to repeal the first and fifth sections of an act, passed at the last session of the General Assembly, entitled an act to authorise the County Courts of Pleas and Quarter Sessions of the county of Gates to appoint wardens of the poor and to build a poor and work house, and for other purposes; a bill to abolish the office of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson; resolution directing all public bills to be printed; and a resolution in favor of Wm. Thompson, sheriff of Wayne county; and asking the concurrence of this House.

The engrossed bill to divorce Polly Buckner from her husband Edward Buckner, was read the first time, and, on motion of Mr. Wyche, postponed indefinitely.

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

The engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson, was read the first time, amended, and passed.

The engrossed resolution directing all public bills to be printed, was read the first time and rejected.
The engrossed resolution in favor of Wm. Thompson, sheriff of Wayne, was read, and, on motion of Mr. Wyche, referred to the committee of Finance.

The resignation of Mordecai Fleming, lieutenant colonel of the militia of Surry county, was presented, read and accepted.

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

WEDNESDAY, DECEMBER 7, 1831.

Mr. Moody, from the committee appointed to conduct the balloting for solicitor general, reported that John Scott had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

A message from the Senate, proposing that the two houses ballot on Monday next for Governor of the State, and informing that Montfort Stokes is nominated for the office. The proposition was agreed to.

On motion by Mr. Edmonston,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law in all actions on bills, bonds or notes, whether instituted before a single justice of the peace or in court, to which the general issue or nil debent shall be pleaded, as to compel the defendant to verify the same by oaths or affidavit; and that they report by bill or otherwise.

Mr. Webb with leave presented the petition of Green B. Palmer, praying to be paid for work done by him on Broad river, under an alleged contract with the Board of Internal Improvements. The petition was, on motion by Mr. Webb, referred to the committee of Claims.

Mr. Swanner presented a bill to prescribe the manner in which lands shall be sold for taxes in the county of Washington; which was read the first time and passed.

Mr. J. B. Jones presented a bill to provide for the prompt payment of jurors for the county of Currituck; and Mr. Sherwood, a bill to authorise the County Courts of the county of New Hanover to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at Law and Equity in this State. These bills was read the first time and passed.

Mr. Larkins presented the petition of John Rinnear, of New Hanover county, a soldier of the revolution, praying to be placed on the pension list. Said petition was referred to the committee on Propositions and Grievances.

Mr. Whitaker presented the petition of David Shular, claiming remuneration for losses sustained by Indian reservations, and the petition of Jacob Caler, of Macon county, praying to have refunded to him a sum of money which he had paid into the Public Treasury through mistake. These petitions were referred to the committee of Claims.

Mr. Mebane, from the committee on Internal Improvements, to which was referred the petition of Pleasant M. Wear, reported that the committee deemed it inexpedient for the Legislature to interfere in the subject matter of the said petition; and prayed that the committee may be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

Mr. Bragg, from the committee on the Judiciary, to which was referred the bill to regulate costs in certain cases, reported unfavorably thereon. The said bill was put on its passage and rejected.

Mr. Henry, from the same committee, to which was referred a bill de-
claring in what manner notes or bonds given for trade or specific articles shall be collected, made a report unfavorable to the passage thereof and recommended its rejection. The said bill was read and rejected.

A message from the Senate, agreeing to refer the communication of the Public Treasurer, and the accompanying documents, to a joint select committee, and informing that Messrs. Boddie, Sneed, Rowland, Cooper, of Martin, and Martin, of Rockingham, compose said committee on their part. Messrs. L. Thompson, A. W. Wooten, Sanders, Tatham and Robertson form this committee on the part of the Commons.

The Speaker appointed Messrs. Gaston, Wyche and Haywood to constitute the joint select committee on behalf of the Commons on the Library, and Messrs. Hogan and Little on enrolled bills.

Mr. Morris with leave presented the following resolution, which was read and agreed to:

It being suggested to this House by Wm. A. Morris, one of the members of this House, that the spirit of the act of Assembly which authorises the holding of Anson Superior Court for two weeks, has been violated by a certificate having issued for holding the said court two weeks; and the said member stating to the House that, in his opinion, the Hon. Robert Strange who held said court is not in truth entitled to have more than one week's pay:

Resolved, That a committee be appointed to inquire into the said suggestion, and report the facts to this House.

The bill to appoint lay days for fishing with seines, nets, &c. at New Inlet, in the counties of Currituck and Hyde; the bill to repeal the first and fifth sections of an act, passed at the last session of the General Assembly, entitled an act to authorise the County Court of Pleas and Quarter Sessions of the county of Gates to appoint wardens of the poor, and to build a poor and work house, and for other purposes, and to amend the same; the bill to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes; the bill to alter the time of holding two of the Courts of Pleas and Quarter Sessions for the county of Buncombe; and the bill to repeal part of an act, passed in 1827, prescribing the manner in which lands should thereafter be advertised for sale for taxes in the counties of Anson and Surry, were severally read the second time and passed.

A message from the Senate, informing that Messrs. Dobson and M'Daniel attend the House of Commons as superintendents of the balloving on the part of the Senate for Public Printer, as heretofore agreed on. Ordered that Messrs. J. B. Jones and Glass be appointed to conduct said balloving on behalf of the Commons.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to prevent persons on the sea coasts from holding out false lights, reported the same with sundry amendments, and recommended its passage. The amendments were read and concurred in, and the bill read the second time as amended and passed.

The bill to repeal an act, passed in the year 1823, entitled an act to increase constables' fees in the county of New Hanover, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to abolish the offices of county trustee and treasurer
of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson, was read the second time, amended on Mr. Leak's motion, and passed.

Mr. Glass, from the committee appointed to conduct the balloting for Public Printer, reported that Lawrence & Lemay had received a majority of the whole number of votes, and were duly elected. The report was concurred in.

Mr. Haywood, from the committee on the Judiciary, to which the subject had been referred, reported a bill more effectually to prevent slaves from hiring their own time and from being allowed to go at large without employment, and recommended the passage thereof. The said bill was read the first time and passed, and, on motion by Mr. Larkins, ordered that it be printed.

A message from the Senate, informing that they had passed the following engrossed bill, viz. A bill to amend an act, passed A.D. 1830, entitled an act to prevent the burning of court houses and other public buildings, and asking the concurrence of the Commons. The said bill was read the first time and passed, and, on Mr. Sumner's motion, referred to the committee on the Judiciary.

Mr. Henry, in pursuance of notice heretofore given, now moved that William Gaston be added to the committee on the Judiciary. The motion was agreed to.

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

THURSDAY, DECEMBER 8, 1831.

Mr. Leak, from the committee of Claims, to which was referred the petition of John S. Russwurm, reported unfavorably to the prayer thereof, and asked to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

Mr. Polk, from the committee on Military Affairs, to which was referred the bill providing for the organization of the militia of Chatham county, reported the same without amendment. Whereupon the bill was read the second time and passed.

Mr. Daniel presented a bill to amend an act, passed in the year 1830, entitled an act to amend an act, passed in the year 1829, entitled an act to vest the right of electing sheriffs in the several counties within this State in the free white men thereof; and Mr. Cansler a bill to repeal an act, passed in the year 1830, entitled an act to amend an act, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county. These bills were read the first time and passed.

Mr. Mebane presented a bill to amend an act, passed in 1829, entitled an act to enable the State Bank to wind up gradually, and to fix a uniform rate of collection; which was read the first time and passed, and, on Mr. Mebane's motion, referred to the joint select committee on the subject of Banks; and, on Mr. Pittman's motion, ordered that it be printed.

Mr. Bonner with leave presented a bill fixing a uniform mode of assessment of the real estate, with its improvements thereon, in the county of Beaufort; which was read the first time and passed, and, on Mr. Bonner's motion, referred to the joint select committee raised on the subject of the valuation of lands when the same shall be given in for taxation.

The bill to abolish the offices of county trustee and treasurer of public
buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson, was, on Mr. Miller's motion, laid on the table.

Mr. Sawyer, from the committee on Education, to which was referred the bill to extend to the teachers and scholars of all the schools within this State the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law, reported the same without amendment, and recommended its rejection. The bill was read, and, on Mr. Sawyer's motion, ordered to be laid on the table.

The bill to appoint lay days for fishing with seines, nets, &c. at New Inlet, in the counties of Currituck and Hyde, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to repeal the first and fifth sections of an act, passed at the last session of the General Assembly, entitled an act to authorise the County Court of Pleas and Quarter Sessions of the county of Gates to appoint wardens of the poor, and to build a poor and work house, and for other purposes, and to amend the same, was read the third time and passed, and ordered to be enrolled.

Mr. Singleton presented to the House the report of the Adjutant General; which was ordered to be sent to the Senate and be printed.

On motion of Mr. Burgin, ordered that a message be sent to the Senate, proposing that the two Houses on to-morrow ballot for brigadier general of the eighth brigade, and informing that Jesse M'Quistan is nominated for the appointment. The name of Joseph H. Winston was, on motion by Mr. Settle, added to this nomination.

On motion of Mr. Burgin,
Resolved, That the committee of Finance be instructed to inquire into the expediency of extending the time for perfecting grants on entries, made in the year 1829, until the 1st January, 1832; and that the committee report by bill or otherwise.

On motion by Mr. Sumner,
Resolved, That the committee on the Judiciary be instructed to inquire whether the criminal laws of this State ought not to be so amended as to abolish the punishment of cutting off the ears; and that they report by bill or otherwise.

On motion by Mr. Haywood,
Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of amending and explaining the laws of this State, so as to authorise any party to a suit in Equity to appeal to the Supreme Court from the decision of the Judge in the said court upon the facts as well as the law in any suit hereafter to be tried.

Resolved further, That the said committee be instructed to inquire into the expediency of providing by law for the right of parties in suits in Equity to file bills of review in the Supreme Court, whenever the said suit shall be determined in that court.

Resolved further, That the said committee be instructed to inquire into the propriety of establishing by law certain rules for the government of the Supreme Court, as to the times and manner of hearing and deciding the causes that are or may be depending before them.

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

The bill to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond & Orapeake Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes, was, on motion by Mr. Haywood, referred to the joint select committee on Incorporations.
The engrossed bill to repeal part of an act, passed in 1827, prescribing the manner in which lands should hereafter be advertised for sale for taxes in the counties of Anson and Surry, and the resolutions directing the disposition of the maps, drafts, &c. in the late engineer's office, and the arranging and filing of the papers belonging to the offices of the General Assembly, were severally read the third time, passed, and ordered to be enrolled.

The bill to re-enact a part of the first section of an act, passed in the year 1787, chapter 11, entitled an act for hiring out persons convicted on indictment or presentment, not being able or willing to pay the fees of office and jailor's fees, was read the third time. Mr. Sawyer moved to amend the bill by adding the following section:

"Be it further enacted, That all persons with whom any free negro or mulatto may be held to service under this act, shall, and they are hereby required to provide him or her with good and sufficient clothing and food, treat him or her with humanity, and teach him or her some mechanical trade or some useful and industrious employment during the term for which such free negro or mulatto may be compelled to serve: he or she shall not be removed from the county by such master or any other person, and shall be produc'd to the County Court at the expiration of the term of service as aforesaid, or whenever thereto required by them: and if any master or mistress shall violate this act, he or she may be indicted for such offence in any court of the county where such offence may be committed, and on conviction thereof may be fined, and imprisoned at the discretion of the court: and in case such free negro or mulatto shall runaway before the expiration of his or her term of service, he or she shall be compelled to serve after the said expiration, such a length of time as he or she shall have absented himself or herself."

Mr. Worth moved that the said bill and amendment be postponed indefinitely, and Mr. Pittman called for the yeas and nays. The question thereon was decided in the negative—yeas 43, nays 86.


The question then recurring on Mr. Sawyer's amendment, Mr. Miller called for the yeas and nays. The amendment was adopted—yeas 99, nays 30.

Those who voted in the affirmative, are Messrs. Abernathy, Allison, Arrington, Barclay, Barringer, Beckwith, Bell, Boddie, Bogle, Brevard, Broadhurst, Burgin, Calloway, Cansler, Chamblee, Cherry, Clayton, Cloman, Courts, Cox, Crump, Cunningham, Davidson, Davis, Doherty, Do-

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 9, 1831.

Messrs. Morris, Pearson, Barringer, J. H. Skinner and Pittman were appointed a select committee under the resolution submitted by Mr. Morris on the 7th instant.

The resignation of Alexander N. Bell, a justice of the peace of the county of Anson, was presented, read and accepted.

Mr. Clayton introduced a resolution allowing compensation to certain jurors in the county of Buncombe; which was read the first time and passed.

Mr. Weaver submitted the following resolution, viz.

Whereas by the laws of this State the captains of militia companies are only required to parade their men once in each and every six months; and whereas the Colonels commandant are in like manner required to call together their respective regiments only once in each and every year, for review and inspection; and whereas it is found by the officers commanding to be impossible to keep up a well organized militia with so few advantages of training; and whereas it is thought that evolutions of the line especially can be taught to recruits more effectually when collected in considerable numbers:

Resolved, therefore, That the committee on Military Affairs be instructed to inquire into the propriety of providing by law that each regiment of militia of this State shall consist of two battalions, and that each battalion shall be paraded once at least in each and every year, under the personal command of at least two of the field officers of said regiment; and that they report by bill or otherwise.

The resolution was read and rejected.

Mr. Pearson presented the petition of Andre Matthiew, praying that a grant may be issued to him for certain lands; which was referred, on Mr. Pearson's motion, to the committee of Claims.

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

To the honorable the General Assembly of North Carolina:

Gentlemen,—I have considered it my duty to lay before you a letter I this day received from Mr. Ball Hughes, a sculptor of distinguished ability, containing a proposition to restore to its former beauty and grandeur the Statue of Washington, belonging to North Carolina. In the present peculiar state of public feeling, I do not feel myself at liberty to recommend any particular course proper to be pursued on this occasion; but I beg leave to add, in justice to Mr. Hughes, that I have received letters from some of the most distinguished citizens of the United States, authorising a perfect reliance upon him for the fulfilment of any engagement he may think proper to make in this case. For the information of those who wish it, I enclose some of the letters above alluded to.

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

Executive Office, 8th Dec. 1831.

M. STOKES.

The said communication was, on Mr. Polk's motion, ordered to be sent
to the Senate, proposing that it be referred to a joint select committee, and informing that Messrs. Polk, Gaston, Henry, Courts and Bragg compose said committee on the part of the Commons.

A message from the Senate, proposing that the two houses ballot to-day for a brigadier general of the third brigade and sixth division, and informing that Montesquie W. Campbell is nominated for the appointment. The proposition was agreed to, and Messrs. Davis and W. Wright appointed to conduct the balloting on the part of the Commons. A message from the Senate, informing that Messrs. Massey and Hoover form said committee on their part.

A message from the Senate, agreeing to ballot this day, as heretofore proposed by the Commons, for a brigadier general of the eighth brigade, and informing that Messrs. Cowper, of G., and Cooper, of M., attend this House on their part to conduct the balloting. Messrs. Watson and M'Neill were appointed to conduct said balloting on the part of the Commons.

A message from the Senate, informing that Messrs. Spaight and Mosely have been appointed to compose the committee on enrolled bills on the part of the Senate.

Mr. M'Neill, from the committee appointed to conduct the balloting for a brigadier general of the 8th brigade, reported that neither of the persons in nomination had received a majority of the whole number of votes. The report was concurred in.

Mr. Wright, from the committee appointed to conduct the balloting for a brigadier general of the third brigade, reported that M. W. Campbell had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Leave of absence from the service of this House, from this day until Monday next, was, on motion, granted to Mr. Broadhurst.

On motion by Mr. Mebane,
resolved, That the committee on Internal Improvements inquire into the propriety of authorising the sale or other disposition of the dredging machine belonging to this State and formerly used in clearing out the flats below Wilmington; and that they report by bill or otherwise.

On motion by Mr. Freeman,
resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of employing the dredging machine to remove the sand bar below the town of Washington as soon as practicable.

Mr. Jarvis presented a bill to repeal in part an act of the General Assembly, passed during the session of 1829, chapter 55, entitled an act to provide for the compensation of jurors for the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; and Mr. M'Cain a bill authorising the administrator of the estate of Samuel Pemberton, dec'd, late sheriff of the county of Montgomery, to collect the arrearages of taxes due the said Pemberton for the years 1827 and 1828. These bills were read the first time and passed.

The bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Cumberland, was read the second and third times, amended and passed; and the bill to provide for the prompt payment of jurors for the county of Currituck, was read the second and third times and passed. Ordered that said bills be engrossed.

A message from the Senate, proposing that another balloting be had immediately for brigadier general of the 8th brigade. The proposition was agreed to, and the Senate informed that Messrs. Moore and Mask form a
committee to conduct said balloting. A message from the Senate, informing that Messrs. Allen and Pool form said committee on the part of the Senate.

The resignation of Samuel Loftin, col. commandant of the Lenoir regiment of militia, and of Greene Ross, as lieutenant colonel of the Franklin militia, received from the Senate, were read and accepted.

Mr. Moore, from the committee appointed to conduct the balloting for brigadier general of the 8th brigade, reported that Joseph H. Winston had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The bill to alter the time of holding elections in the county of Hertford, was read the second time and passed.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to render persons whose names are forged competent witnesses in prosecutions for such forgeries, reported said bill with an amendment, and recommended the passage thereof. The amendment was read and concurred in, and the bill as amended ordered, on Mr. Outlaw's motion, to be laid on the table.

Mr. Henry, from the same committee, to which was referred a bill to authorise the justices of the peace in the several counties in this State to hold a court if necessary, to try all slaves that may be hereafter concerned in any conspiracy within this State, reported the same with sundry amendments, which were concurred in, and the bill as amended was read the second time and passed.

On motion, Mr. Polk had leave to withdraw from the records of the House the petition of John S. Russwurm.

Mr. Cherry presented a bill to alter the mode of compensation to members of the Senate and House of Commons. Upon the reading of the bill, Mr. O'Brien moved that it be indefinitely postponed. Pending this question, Mr. Edmonston moved that the House adjourn until Monday morning, 10 o'clock. The motion was disagreed to—yeas 55, nays 67. The yeas and nays demanded by Mr. Cherry.


The motion for the indefinite postponement of the bill was withdrawn. Whereupon Mr. Outlaw moved to strike out the whole of said bill after the enacting clause, and insert "that hereafter no member of the Senate or House of Commons shall be entitled to any compensation for his services as such." Mr. O'Brien called for a division of the question. The question was accordingly first taken on striking out the whole of said bill after
the enacting clause, and decided in the affirmative. On inserting the amendment proposed by Mr. Outlaw, Mr. A. W. Wooten demanded the yeas and nays, and the vote stood—yeas 13, nays 119.


And so the House refused to insert the amendment. Mr. Cherry then asked and obtained leave to withdraw the said bill.

And then the House adjourned, on motion by Mr. Freeman, until Monday morning, 10 o'clock.

---

MONDAY, DECEMBER 12, 1831.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to prevent protracted and vexatious litigation by enlarging the jurisdiction of justices of the peace out of court, reported unfavorably to the passage thereof, and moved that the said bill be indefinitely postponed. The question was decided in the affirmative—yeas 100, nays 16. The yeas and nays demanded by Mr. Emmett.


Those who voted in the negative, were messrs. Allison, Bogle, Brevard, Clayton, Cox, Emmett, Glass, Monk, Petty, Polk, Sloan, Tatham, J. B. Thompson, Wadsworth, Weaver, Whitaker—16.

On motion by Mr. Wyche, William Wright obtained leave of absence from the service of the House for this day and to-morrow.

Mr. Henry, from the committee on the Judiciary, which was instructed to inquire whether the criminal laws ought not to be so amended as to abolish the punishment of cutting off the ears, reported a bill to abolish the punishment of cutting off the ears. The said bill was read the first time and passed.

Mr. Henry, from the same committee, to which was referred an inquiry into the expediency of compelling the defendant, where he pleads the general issue in all actions on bills, bonds or notes, to make affidavit or verify the same on oath, reported that it is inexpedient to amend the laws now in force upon this subject, and prayed to be discharged from the further consideration thereof. The report was concurred in.
On motion by Mr. Laspeyre, ordered that a message be sent to the Senate, informing that the name of Richard D. Spaight is added to the nomination for Governor of the State, and informing that Messrs. Grandy and Witcher attend the Senate to conduct the balloting, heretofore agreed on to be had this day.

Mr. Henry, from the Judiciary committee, to which sundry resolutions upon that subject had been referred, reported a bill to amend the law relative to malicious and unlawful maiming and wounding. The said bill was read the first time and passed.

A message from the Senate, informing that Messrs. Miller and Kendall attend this House as a committee to conduct the balloting for a Governor of the State.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to amend an act, passed in the year 1820, entitled an act to repeal an act, passed in the year 1796, entitled an act to punish persons for removing debtors out of one county to another and out of the State, and for other purposes, reported the same without amendment, and recommended its passage. The said bill was read the second time and passed.

Mr. Henry, from the same committee, to which was referred a resolution directing them to inquire into the expediency of so amending the law relative to the settlement of the estates of deceased persons as to authorise the sheriffs in their respective counties, where there is no executor or administrator, in a limited time to enter upon and perform the duties of executor or administrator, so far as may be necessary to pay the debts of the deceased, reported that the committee deem it inexpedient to legislate on the subject, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Grandy, from the committee appointed to conduct the balloting for Governor of the State for the ensuing year, reported that Montfort Stokes had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Barringer, from the select committee to which was referred the bill to incorporate the Mecklenburg Gold Mining Company, reported the same without amendment, and recommended its passage. The said bill was read the second time and passed; and, on Mr. Bragg's motion, ordered that the said bill, together with the report of said committee, be printed.

Mr. Barringer, from the select committee to which was referred an inquiry whether a certificate had issued from the Superior Court of Anson county, in favor of the Hon. Robert Strange, contrary to the true intent and meaning of the law upon the subject, reported that in the opinion of the committee the said Robert Strange is legally entitled to the certificate in question. The report, on motion by Mr. Sawyer, was laid on the table.

A message from the Senate, agreeing to the proposition of this House to refer his excellency the Governor's message of the 9th instant to a joint select committee, and informing that Messrs. Toomer, Dick, M'Intire, Skinner and Montgomery of Hertford compose the committee on the part of the Senate.

A message from the Senate, informing that they had passed the following engrossed bill, viz. a bill giving exclusive jurisdiction to the Superior Court of Montgomery county of all pleas and prosecutions of the State, and asking the concurrence of this House. The said bill was read the first time and passed.
A message from the Senate, informing that they had passed the engrossed bill to alter the time of holding two of the terms of the Courts of Pleas & Quarter Sessions for the county of Macon; also the engrossed bill to amend the 10th section of the act of Assembly, chapter 997, passed in the year 1819, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians, and the engrossed bill to provide for the compensation of certain jurors of the county of Perquimans, with sundry amendments, and asking the concurrence of the Commons therein. The amendments proposed in said bills respectively were read and agreed to, and the Senate so informed.

A message from the Senate, proposing to refer to the joint select committee heretofore raised upon the subject of slaves, free persons of color, &c. a bill to prevent the circulation of seditious pamphlets. The proposition was agreed to.

A message from the Senate, proposing to raise a joint select committee to which shall be referred certain resolutions of the Senate on the subject of a rail road from Old Topsail Inlet, through the interior of the country, to the Blue Ridge, and informing that Messrs. Seawell, Williams, Martin of Wilkes, Dishongh and Hoke are appointed to compose said committee on the part of the Senate. The Proposition was agreed to, and Messrs. Davidson, Glenn, G. A. Thompson, Webb and Hunt were appointed to compose said committee on behalf of this House.

The bill to alter the time of holding elections in the county of Hertford, and the bill to repeal in part an act of the General Assembly, passed during the session of 1829, chapter 55, entitled an act to provide for the compensation of the jurors for the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; and the bill providing for the organization of the militia of Chatham county, were severally read the third time and passed, and ordered to be engrossed.

Mr. Gwyn presented the petition of Benjamin Long, sen'r, of the county of Caswell, a soldier in the militia service of the United States during the Revolution, praying to be allowed a pension. The said petition was referred to the committee on Propositions and Grievances.

The memorial of a number of the citizens of Mecklenburg county in favor of granting acts of incorporation to mining companies, was, on motion by Mr. Barringer, referred to the select joint committee on Incorporations.

On motion by Mr. M'Gehee,

Resolved, That the Public Treasurer be, and he is hereby requested to lay before this House such information as he may have received in regard to the progress and present condition of the affairs of the Hammock Navigation Company.

On motion by Mr. Thomas,

Resolved, That the committee on Internal Improvements be instructed to inquire whether the Yadkin Navigation Company, the Catawba Navigation Company, the Broad and Tar River Navigation Companies, and the Neuse River Navigation Company have not forfeited their charters by a neglect to comply with the obligations thereof, and by an abuse of the powers and privileges granted to them; and that the committee further inquire into the expediency of repeating said acts of incorporation; and that they have leave to report by bill or otherwise.

Mr. Grandy presented a bill for the better regulation of slaves and free persons of color in the county of Camden; and Mr. Gause a bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick. These bills were read the first time and passed.

The bill to render persons whose names are forged competent witnesses
in prosecutions for such forgeries; and the bill authorising the administra-
tor of Samuel Pemberton, dec'd, late sheriff of the county of Montgomery,
to collect the arrearages of taxes due the said Pemberton for the years
1827 and 1828, were read the second time and passed.
The bill to aid in draining White Marsh, in Columbus county, was read,
and, on motion by Mr. Edmonston, laid on the table.
The bill to appoint a superintendent of public works, and to repeal in
part an act, passed in the year 1819, entitled an act to create a fund for In-
ternal Improvements and to establish a board for the management thereof,
was, on motion by Mr. L. Thompson, laid on the table.
The resignation of James Cox, a justice of the peace of the county of
Lenoir, and of Weightsted Heartly, major of the 80th regiment of North
Carolina militia, were presented, read and accepted.
The bill to authorise the justices of the peace in the several counties in
this State to hold a court in their respective counties if necessary, to try
all slaves that may be hereafter concerned in any conspiracy within this
State, was read, and, on motion by Mr. Cox, ordered to be laid upon the
table.
The bill to re-enact a part of the first section of an act, passed in the year
1787, chapter 11, entitled an act for hiring out persons convicted on in-
dictment or presentment, not being able or willing to pay the fees of of-
fice and jailor’s fees, was read the third time, amended on Mr. Pear-
son's motion, passed, and ordered to be engrossed. On the passage
of the bill as amended, Mr. Edmonston called for the yeas and nays, and
the vote was—yeas 83, nays 37.
Those who voted in the affirmative, were Messrs. Bell, Boddie, Bragg,
Brevard, Brooks, Burgin, Calloway, Chamblee, Cloman, Courts, Cox,
Crump, Davidson, Davis, Dozier, Faddis, Flowers, Freeman, Garland,
Gillespie, Glass, Grandy, Gwyn, Hartt, Heartly, Henry, Hill, Hogan,
Houlder, Howard, Hunt, Jackson, J. B. Jones, J. F. Jones, Judkins, Lar-
kins, Leak, Little, Mask, Mebane, Monk, Moody, Moore, Morris, M'Cain,
M' Cleese, M'Gehee, M'Laurin, Nicholson, Outlaw, Pearson, Peeples,
Pittman, Polk, Powell, Rand, Riddick, Robertson, Sanders, Sasser, Seawell,
Settle, Sherwood, Simmons, Singleton, J. H. Skinner, J. M. Skinner, Sloan,
Spruill, Stallings, Stephens, Thomas, L. Thompson, J. B. Thompson,
G. A. Thompson, Townsend, Wadsworth, Weaver, Wilson, Witcher,
A. W. Wooten, C. Wooten, Wyche—83.
Those who voted in the negative, were Messrs. Abernathy, Allison, Bar-
ringer, Beckwith, Bogle, Bonner, Cansler, Cherry, Clayton, Cunningham,
Daniel, Doherty, Edmonston, Emmett, Gause, Glenn, Gaston, Harper,
Haywood, Long, Lyon, Miller, M'Leann, M'Millan, M'Queen, Nelson, Pett-
y, Sawyer, Smith, Speight, Swanner, Tatham, Toole, Webb, Whitaker,
Winston, Worth—37.
A message from the Senate, informing that Mr. Kendall and Mr. Pool
had been appointed, on behalf of the Senate, a select joint committee to
wait upon his Excellency Montfort Stokes, and inform him of his re-elec-
tion to the office of Chief Magistrate of the State, and to learn of him at
what time it will be convenient for him to meet the two branches of the Le-
gislature and take the oaths prescribed by law for his qualification. Or-
dered that Mr. Pearson and Mr. Freeman form the joint select committee
for this purpose on the part of the Commons.
And then the House adjourned until to-morrow morning, 10 o'clock.
TUESDAY, DECEMBER 18, 1831.

On motion by Mr. Barringer, leave of absence from the service of this House, from and after this day until Friday next, was granted to Mr. Wyche.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of Iredell and Rowan, reported a bill to prevent the falling of timber in, or otherwise obstructing the channel of Hunting creek, in the counties of Rowan and Iredell. The said bill was read the first time and passed.

Mr. Leak, from the committee on Claims, to which was referred the memorial of Stephen Herring, of Sampson county, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. Pearson, from the committee appointed to wait upon his Excellency the Governor elect, and inform him of his election, reported that his Excellency Governor Stokes would on this day, at 12 o'clock, attend in the House of Commons for the purpose of taking the oaths of office.

Mr. Townsend, from the committee on Finance, to which was referred the resolution in favor of William Thompson, Sheriff of Wayne, reported favorably thereon. The said resolution was read and rejected.

On motion by Mr. Dozier,

Resolved, That the select committee on so much of the Governors' message relating to slaves and free persons of color be instructed to inquire into the expediency of preventing slaves and free persons of color from navigating as masters or captains any boat passing and repassing through the Dismal Swamp Canal; and that they report by bill or otherwise.

Mr. Laspeyre presented a bill for the better regulation of pilotage on vessels trading within the several ports in this State; which was read the first time and passed.

Mr. Clayton presented a bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county, by the name of Yancey; which was read the first time and passed, and, on motion by Mr. Clayton, referred to the committee on Propositions and Grievances.

Mr. Sawyer, from the joint select committee to which was referred a bill to insure the fair valuation of lands in this State when the same shall be given in for taxation, reported the same with sundry amendments. The bill, together with the proposed amendments, were, on motion by Mr. Outlaw, laid on the table.

Mr. Sawyer, from the same committee, to which was referred a bill fixing a uniform mode of assessment of the real estate with its improvements thereon, in the county of Beaufort, reported the same without amendment. The said bill was, on Mr. Sawyer's motion, ordered to be laid on the table.

The bill for the better regulation of pilotage on vessels trading within the several ports in this State, was, on motion by Mr. Larkins, referred to a select committee. Messrs. Larkins, Laspeyre, Singleton, Simmons and Hunt compose said committee.

Mr. Hartt presented the petition of Samuel Knox, of Mecklenburg county, praying to be placed on the pension list. The petition was, on motion by Mr. Hartt, referred to the committee on Propositions and Grievances.

The Speaker laid before the House certain certificates from the clerks of the Superior and County Courts of Moore, shewing the number of suits now pending in their courts respectively. These papers, on motion by Mr. Seawell, were laid on the table,
On motion by Mr. A. Wooten,
Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, to inquire into the expediency of changing the manner of making contracts for the supply of fuel for the use of the two Houses of the Legislature; and that they report by resolution or otherwise.

The Speaker laid before the House a communication from the Public Treasurer, transmitting, in obedience to the resolution of yesterday, sundry documents relating to the progress and present condition of the affairs of the Roanoke Navigation Company. On motion by Mr. McGehee, the same were ordered to be printed.

On motion, ordered that a message be sent to the Senate, informing of the readiness of this House now to receive the Senate in the Commons Hall for the purpose of witnessing the qualification of the Governor elect.

It being now 12 o'clock, Monfort Stokes, the Governor elect for the ensuing year, attended by the joint select committee heretofore appointed, waited upon the General Assembly, both branches being assembled in the Commons Hall, and took and subscribed the several oaths of office prescribed by law for his qualification—the oaths having been administered by Nathaniel G. Rand, a justice of the peace for the county of Wake.

Mr. Ziglar presented a bill directing the manner in which constables shall hereafter be elected in the county of Stokes; which was read the first time and passed.

The bill to authorise the County Courts of this State to establish poor and work houses in their respective counties; a resolution allowing compensation to certain jurors in the county of Buncombe; and a bill to authorise the County Court of the county of New Hanover to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State; the bill to repeal an act, passed in the year 1830, entitled an act to provide for summoning the original venire to the County Courts of Randolph, Rockingham, Buncombe, Brunswick and Chatham in future; the bill to provide for having the militia laws of this State digested, amended and published; the bill to repeal an act, passed in the year 1830, entitled an act to amend an act, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county; the bill to prescribe the manner in which lands shall be sold for taxes in the county of Washington; the bill to repeal part of the act of 1741, chapter 35, authorising the County Courts of this State to grant certificates in certain cases; the bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 155, entitled an act concerning those persons who are interested in the beach and marshy lands lying in the county of Currituck; and the bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick, were severally read the second time and passed.

Mr. Freeman presented a bill for the better regulation of a light infantry company in the county of Beaufort, called the Washington Guards; which was read the first time and passed.

The bill to amend an act, passed in the year 1830, entitled an act to amend an act, passed in the year 1829, entitled an act to vest the right of electing sheriffs in the several counties within this State in the free white men thereof, was read, and, on Mr. Sawyer's motion, laid on the table.

The engrossed resolution in favor of Wm. Thompson, sheriff of Wayne
county, heretofore rejected by this House, was, on motion by Mr. Edmonston, reconsidered; and, on motion by Mr. Sasser, the said resolution was ordered to be laid on the table, and leave granted Mr. Sasser to withdraw the accompanying certificate of the clerk of Wayne County Court.

The bill to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear river, was, on Mr. Henry's motion, laid on the table.

Mr. M'Neil presented the certificate of the clerk of the County Court of Cumberland in favor of Ann Morrison, allowing her a pension of forty dollars. The same was countersigned by the Speaker of the Commons, and ordered to be transmitted to the Senate.

The bill to subject to entry certain lands in the county of Haywood, was read, and, on Mr. Sawyer's motion, laid on the table.

Mr. Sawyer presented a bill to limit and define the power of courts in issuing attachments and inflicting punishments for contempts; which was read the first time and passed, and referred, on Mr. Worth's motion, to the committee on the Judiciary.

The bill for the better regulation of slaves and free persons of color in the county of Camden, was read the second time and rejected.

The bill authorising the administrator of Samuel Pemberton, dec'd, late sheriff of the county of Montgomery, to collect the arrearages of taxes due the said Pemberton for the years 1827 and 1828, was read the third time, amended on Mr Haywood's motion, and passed, and ordered to be engrossed.

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

WEDNESDAY, DECEMBER 14, 1831.

On motion by Mr. Mebane, ordered that a message be sent to the Senate, proposing that one member on the part of each House be added to the joint select committee on the subject of Banks and the circulating medium.

William Gaston was, on motion, added to the said committee on the part of the Commons.

Messrs. Daniel and Worth were, by the Speaker, added to the committee on Enrolled Bills.

Mr. Henry presented a bill to incorporate the trustees of the Ravenscroft Academy of Fayetteville; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Nicholson presented a petition from sundry citizens of the county of Halifax, and a bill to carry the prayer of the petitioners into effect, entitled a bill to authorise the building of a toll bridge over Roanoke river at the town of Weldon, and to incorporate a company for that purpose. The said bill was read the first time and passed.

Mr. Cox, from the joint select committee to which was referred a bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside, reported the same with sundry amendments, and recommended its passage. The proposed amendments were concurred in, and the bill read the second time and passed.

Mr. Edmonston, from the committee on the subject of roads, to which was referred the bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations or lay out new roads in
said county, reported said bill with sundry amendments. The report and bill were, on Mr. Edmonston's motion, laid on the table.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to prevent frauds in packing cotton, reported the same with sundry amendments. The amendments were read and concurred in; and, on motion by Mr. Gaston, the said bill was laid on the table.

Mr. Henry, from the same committee, reported unfavorably on the bill to amend an act, passed A. D. 1850, entitled an act to prevent the burning of the Court Houses and other public buildings. The said bill was, on motion by Mr. Sawyer, postponed indefinitely.

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

To the honorable the General Assembly of the State of North Carolina,

Gentlemen,—I herewith transmit a report of a committee of the stockholders of the State Bank of North Carolina, made to their annual meeting on the 5th instant, at which meeting Romulus M. Saunders, Esquire, attorney general, attended as a commissioner on the part of the State. Accompanying the same, will be found a communication from General Saunders, relative to the propriety of authorising the stockholders to make a partial dividend of their capital stock, to which I invite the attention of the Legislature.

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

M. STOKES.

On motion by Mr. Edmonston, ordered that the same be transmitted to the Senate, with a proposition that the communication and accompanying documents be referred to the joint select committee on the subject of Banks, and that they be printed.

Mr. Gaston presented a bill to incorporate the North Carolina Central Rail Road Company; which was read the first time and passed, and, on Mr. Gaston's motion, referred to the joint select committee raised upon the subject of Rail Roads.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to provide for the collection of debts where there is no visible property, reported the same with amendments. The amendments were read and concurred in. Mr. Stallings moved that the said bill be postponed indefinitely. The question thereon was decided in the negative.—yeas 80, nays 90. The yeas and nays demanded by Mr. Glenn.


On motion by Mr. Spruill, the said bill was laid on the table.
Mr. Pearson presented a bill to incorporate the Cape Fear and Yadkin Rail Road Company; which was read the first time and passed, and referred to the joint select committee on Rail Roads.

Mr. Allison presented a bill concerning the County Court of Orange county; Mr. Burgin, a bill to exempt certain persons from paying toll on the turnpike road from Old Fort, in Burke, to Asheville, in Buncombe; and Mr. Toole, a bill to prevent obstructions to the passage of fish up the Tar river. These bills were read the first time and passed.

On motion by Mr. Bragg,

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of prohibiting by law the public execution of criminals.

Mr. Gaston gave notice that he should, on to-morrow, move the following amendment to the rules of order, viz.

"Upon the first reading of any bill or resolution, which, by the rules of the House, is required to be read three times, it shall not be in order to amend or commit it; and every bill or resolution as aforesaid shall be deemed to have passed its first reading, unless, on a motion formally made for that purpose, it be rejected, postponed indefinitely, or ordered to lie on the table."

On motion by Mr. Cox,

Resolved, That Tuesday evening next be set apart for the purpose of recommending field officers and justices of the peace in the different counties in this State; and that the Senate be informed thereof by message.

Mr. Mebane, from the committee on Internal Improvements, to which sundry resolutions had been referred, in relation to the dredging machine belonging to the State, reported a bill to carry into effect the provisions of an act, passed in 1825, entitled an act to provide for the removal of the shoal in the Tar river, below the town of Washington. The said bill was read the first time and passed.

Mr. Townsend, from the committee of Finance, to which was referred the bill to amend an act, passed in 1822, chapter 1st, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government, reported the same with amendments. The amendments were read and concurred in; and, on motion by Mr. Davidson, ordered that the bill as amended lie on the table and be printed.

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

Thursday, December 15, 1831.

The bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations or lay out new roads in said county, was taken up and considered. The amendments proposed by the committee on Roads were concurred in, and the bill read the second time and passed.

Mr. Allison presented a bill to vest the right of electing the clerks of the Superior and County Courts in the several counties within this State in the free white men thereof; which was read the first time and passed.

Mr. Gaston, from the joint select committee to which was referred the communication, and documents accompanying, from his excellency the Governor, in relation to the repairing of the Statue of Washington, made a detailed report thereon, and recommended the adoption of a resolution authorising said repairs to be made. The said resolution was read the first time and passed; and, on motion by Mr. Sumner, ordered that the report of the committee and resolution be printed, ten copies for each member of the General Assembly.
On motion by Mr. Outlaw,
Resolved, That the committee on so much of the Governor's message as relates to incendiary publications, slaves and free persons of color, be instructed to inquire into the expediency of increasing the reward for the apprehension of runaway slaves; and that they have leave to report by bill or otherwise.

On motion by Mr. Gause,
Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of altering the quarantine law, past at the last session; and that they report by bill or otherwise.

Mr. Polk presented a petition and counter petition from sundry citizens of the county of Rowan, in relation to the opening of Crane creek. The reading of these petitions was dispensed with, and, on motion of Mr. Polk, they were referred to the committee on Propositions and Grievances.

Mr. Little presented a bill supplemental to an act, passed in the year 1830, entitled an act to regulate the time of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson; Mr. Faddis a bill to alter the time of laying the county and poor taxes and appointing constables in the county of Orange, and for other purposes; and Mr. Webb a bill to appoint an additional place of public sale in the county of Rutherford. These bills were read severally the first time and passed.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred the petition from sundry citizens of Lenoir county, in relation to Cox's bridge, reported that it is inexpedient to legislate upon the subject, and prayed to be discharged from the further consideration thereof. The report was concurred in.

On motion by Mr. Calloway, ordered that a message be to sent to the Senate, proposing to ballot on to-morrow for a brigadier general of the 9th brigade, and informing that William Horton is nominated for the appointment. The name of Samuel F. Patterson was, by Mr. Courts, added to the nomination.

Mr. C. Wooten presented a resolution authorising the Executive to request of the United States' Government a supply of cavalry arms; which was read, and, on Mr. O'Brien's motion, laid on the table.

The amendment to the rules of order, proposed by Mr. Gaston on yesterday, was now, in pursuance of notice, taken up and considered, and adopted.

On motion by Mr. Sawyer,
Resolved, That all resolutions introduced into this House making a requisition on the Treasury for money, shall be read three several times.

A message from the Senate, proposing that the two houses ballot on to-morrow for Public Treasurer and Comptroller, and informing that William S. Mhoon is in nomination for the first, and James Grant for the second named office. The proposition was agreed to.

A message from the Senate, informing that they had passed the following engrossed bill and resolutions, viz. a bill to allow compensation to the jurors of the County and Superior Courts of the county of Macon; resolution in favor of the Public Treasurer; and a resolution directing the printing of the report of the committee of Finance on the state of the Public Treasury; and asking the concurrence of this House. The said bill and resolutions were read the first time and passed.

Mr. Morris presented a bill to provide for the final settlement of executors and administrators; which was read, and, on Mr. Morris's motion, referred to the committee on the Judiciary, and, on motion by Mr. Crump, ordered to be printed.
A message from the Senate, informing that they had passed the engrossed resolution to appoint an agent to collect evidence and attend to the surveying of the lands which are the subject of suit in the Supreme Court of this State; and asking the concurrence of this House. The said resolution was, on motion by Mr. Edmonston, laid on the table.

A message from the Senate, informing that they had passed the engrossed resolution authorizing the burning of Treasury notes, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

The bill for the better regulation of a light infantry company in the county of Beaufort, called the Washington Guards, was read the second time and passed.

The bill to appoint a superintendent of public works, and to repeal in part an act, passed in the year 1819, entitled an act to create a fund for Internal Improvements and to establish a board for the management thereof, was read, and, on motion by Mr. Haywood, laid on the table—yeas 96, nays 31. The yeas and nays demanded by Mr. Emmett.


The engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson, was read the third time, amended on motion by Mr. Miller, and passed. Ordered that the concurrence of the Senate be asked in said amendment.

On motion by Mr. Sumner.

Removal, That the committee on the Judiciary be instructed to inquire whether titles to real estate can be tried on petitions for partition, and, if not, to inquire into the expediency of providing by law that whenever the title to real estate shall come in question upon a petition filed for the division of real estate, the court in which such petition shall be filed may proceed to try the question of title by submitting such issues to a jury as may be necessary and proper, and to decree accordingly.

The bill more effectually to prevent slaves from hiring their own time, and from being allowed to go at large without employment, was read, and, on motion by Mr. Crump, postponed indefinitely.

A message from the Senate, agreeing to the proposition to ballot on to-morrow for a brigadier general of the ninth brigade.

A message from the Senate, proposing that the two Houses ballot on Wednesday next for counsellors of State, and informing that Robert C. Watson is nominated for the appointment. The proposition was agreed to.

Ordered that the resolutions in favor of the Public Treasurer, and directing the printing of the report of the committee of Finance on the state of the Public Treasury, be enrolled.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.
Friday, December 16, 1831.

Mr. Robertson presented the petitions of Francis Ange, William Mizell and William Maye, of Martin county, praying for pensions. The petitions were read and referred, with the accompanying documents, to the committee on Propositions and Grievances.

Mr. presented the petition of sundry citizens of Duplin and Wayne counties, praying for the establishment of the boundary line between said counties, and Mr. Gillespie a counter petition upon the same subject. These were referred to the committee on Propositions and Grievances.

The petition of Elisha Harrell, of South Carolina, a soldier of the Revolution, praying to be placed on the pension list of this State, was laid before the House by the Speaker, and, on Mr. O'Brien's motion, referred to the committee on Propositions and Grievances.

Mr. Mebane, from the committee on Internal Improvements, to which was referred the petition of the Tennessee River Turnpike Company, reported a bill to aid in making the Tennessee River Road in Macon county; which was read the first time and passed.

Mr. Mebane, from the joint select committee on the subject of banks, to which was referred the bill to amend an act, passed in 1839, entitled an act to enable the State Bank to wind up gradually, and to fix a uniform rate of collection, reported the same without amendment, and recommended its passage. The said bill was read the second time and passed.

Mr. Polk presented a bill for the better regulation of cavalry; which was read the first time and passed.

The resignations of Caleb Leonard, a lieut. col. of the Nash regiment of militia, and of A. Flemming, as a justice of the peace of the county of Cabarrus; and of James M'Brayer, a justice of the peace of the county of Buncombe, were presented, read and accepted.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to limit and define the power of courts in issuing attachments and inflicting punishments for contempts, reported the same with an amendment, and recommended its passage. The bill and amendment were, on motion by Mr. Outlaw, laid on the table.

Ordered that Messrs. Webb and J. B. Thompson form the committee to conduct the balloting for a brigadier general of the ninth brigade.

Mr. Grandy presented a bill to prevent obstructions to the passage of fish up Aranuse creek, in the county of Camden; and Mr. C. Wooten a bill to incorporate the United Brothers' Library Society in the county of Lenoir. These bills were read the first time and passed.

Mr. Whitaker presented a bill to repeal part of an act, passed at the last session of the General Assembly, entitled an act to prevent all persons from teaching slaves to read and write, the use of figures excepted. Mr. Sawyer moved that the said bill be indefinitely postponed. The question thereon was decided in the affirmative—yeas 99, nays 25. The yeas and nays demanded by Mr. Edmonston.


Those who voted in the negative, were messrs. Allison, Barringer, Bogle, Brevard, Burgin, Calloway, Clayton, Cunningham, Davidson, Doherty, Edmonton, Glass, Hart, Melbanc, M'Laurin, M'Lean, Peeples, Smith, Tatham, Thomas, Wadsworth, Weaver, Whittaker, Witcher, Worth—25.

On motion by Mr. Glenn, he was excused from serving on the joint select committee raised on Rail Roads, and Mr. Gaston substituted in his place.

On motion by Mr. Seawell, ordered that a message be sent to the Senate, proposing that another member, on the part of each House, be added to the joint select committee on Rail Roads, and informing that Mr. Glenn is added to said committee on the part of the Commons.

A message from the Senate, informing that Messrs. Davenport and Elliott form their balloting committee for a brigadier general of the ninth brigade.

A message from the Senate, informing that Messrs. Askew and Montgomery, of Orange, attend this House to conduct the balloting for Public Treasurer & Comptroller, heretofore agreed on to be had this day. Messrs. Broadhurst and M'Cain were appointed to compose this committee on the part of the Commons.

A message from the Senate, agreeing to refer the late message of his Excellency the Governor, and the accompanying documents, to the joint select committee raised on the subject of banks.

A message from the Senate, informing that Messrs. Nathan B. Whitfield, George W. Jeffreys, Alfred Jones, David Newland, Daniel M. Forney, William Williams, of Warren, and Owen Holmes have been added to the nomination for counsellors of State.

A message from the Senate, agreeing to raise a joint select committee upon the expediency of changing the mode of supplying the Legislature with fuel, and informing that Messrs. Hall, Simmons, Howell, Vanhook and Underwood form said committee on the part of the Senate. Messrs. A. W. Wooten, Clayton, Gause, J. M. Skinner and Sloan compose said committee on the part of the Commons.

A message from the Senate, agreeing to the proposition of this House to add two members to the joint select committee on so much of the Governor's message as relates to the banks and circulating medium, and informing that John M. Dick is added to said committee on the part of the Senate.

A message from the Senate, agreeing to the proposition of this House that Tuesday next be set apart for the appointment of field officers and justices of the peace.

A message from the Senate, informing that they had passed the engrossed bill to provide for the collection of cost in certain cases, with an amendment, and asking the concurrence of this House therein. The amendment was read and concurred in.

The engrossed resolution to appoint an agent to collect evidence and attend to the surveying of the lands which are the subject of a suit in the Supreme Court, was, on motion by Mr. Bragg, referred to the committee on the Judiciary.

The resolution authorising the Executive to request of the United States'
Government a supply of cavalry arms, was read and adopted, and ordered to be engrossed.

Mr. Harper presented a bill to provide for rebuilding the State House on Union Square in the city of Raleigh; which was read the first time and passed, and, on motion by Mr. Sawyer, referred to a committee of the whole House, and made the order of the day for Wednesday next.

The certificate of the County Court of Cumberland in favor of Ann Morrison, a pensioner of the State, was received from the Senate countersigned by the Speaker of that House.

Mr. Webb, from the committee appointed to conduct the balloting for brigadier general of the ninth brigade, reported that Samuel F. Patterson had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Thomas presented the petition of Sarah Burrow, wife of Henry Burrow, praying that alimony be allowed her out of the estate of her said husband. The said petition was referred to the committee of Claims.

A message from the Senate, informing that they had passed the engrossed bill to amend the second section of an act, passed A. D. 1796, entitled an act to enforce the duty of Inspectors in this State, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Moody presented a bill to regulate the fees allowed the clerks of the Superior and County Courts of this State, so far as respects the county of Northampton; which was read the first time and passed.

Mr. Singleton, from the select committee to which was referred the bill for the better regulation of pilotage on vessels trading within the several ports in this State, reported the same with amendments, and recommend ed its passage. The amendments were concurred in, and the bill read the second time and passed.

The bill to extend to the teachers and scholars of all the schools within this State the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law, was read the second time. Mr. Henry moved to amend the bill by striking out the whole thereof after the enacting clause, and inserting "that all laws now in force in this State which exempt teachers and students of academies and common schools from working on roads, be, and the same are hereby repealed." Mr. Webb moved to amend the proposed amendment by adding after the words "common schools," the words "and University of North Carolina." The question on Mr. Webb's motion was decided in the negative. On the amendment proposed by Mr. Henry, Mr. Mebane called for a division of the question, and the question being put on striking out the original bill after the enacting clause, it was decided in the negative. Mr. Haywood moved to amend the bill by adding the following proviso: "Provided, however, that nothing in this act shall be so construed as to extend to any teacher or his scholars where the number of said scholars shall fall short of six." This motion was lost. The question then recurring on the passage of the bill its second reading, was decided in the affirmative—yeas 92, nays 37. The yeas and nays demanded by Mr. Allison.

Those who voted in the affirmative, were, Messrs. Barclay, Barringer, Beckwith, Boddie, Bragg, Chamblee, Cherry, Courts, Cox, Crump, Cunningham, Daniel, Davidson, Davis, Deherty, Faddis, Garland, Gause, Gillespie, Glenn, Grandy, Gaston, Hartt, Haywood, Hartley, Henry, Hogan, Houlder, Howard, Hunt, Jearvis, J. B. Jones, J. F. Jones, Judkins, Laspeyrie,


The bill to repeal part of an act, passed in the year 1806, chapter 708, entitled an act to revise the militia laws of this State relative to infantry, was read the second time. Mr. Wilson moved that the said bill be postponed indefinitely. The question thereon was decided in the affirmative—yeas 76, nays 40. The yeas and nays demanded by Mr. Allison.


Arthur Speight obtained leave of absence from the service of this House for to-morrow.

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

SATURDAY, DECEMBER 17, 1831.

Mr. M'Cain, from the committee appointed to conduct the balloting for a Public Treasurer and Comptroller, reported that William S. Mhoon for Public Treasurer, and James Grant for the office of Comptroller, had each received a majority of the whole number of votes, and were duly elected. The report was concurred in.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill authorising the administrator of Samuel Pemberton, dec'd, late sheriff of the county of Montgomery, to collect the arrearages of taxes due the said Pemberton for the years 1827 and 1828.

On motion by Mr. Mebane, leave of absence from the service of this House was granted to Mr. Allison for this day.

Mr. Pittman presented a bill for the better regulation of the town of Tarborough, in the county of Edgecomb; and Mr. Brooks, a bill to incorporate Tick Creek Academy, in the county of Chatham. These bills were read the first time and passed.

Mr. Clayton presented the petition of sundry citizens of Buncombe county, praying that Benjamin Buckner, John Harwood and Wm. Fisher be restored to the privileges of a citizen, forfeited by a conviction and punishment for the crime of petit larceny; and Mr. Barclay the petition of sundry citizens of Cumberland county, praying that John Taylor, of said county, be restored to credit, heretofore forfeited for the like offence. These petitions were referred to the committee on Propositions and Grievances.
Mr. Little presented the petition of Arthur Davis, of Anson county, praying compensation for a horse pressed into the service of the militia of said county. This petition was referred to the committee on Claims.

The resignation of John A. Hughes, a justice of the peace of Surry county, was presented, read and accepted.

Mr. Robertson presented a bill to prevent slaves and free persons of color from commanding boats on Roanoke river; and Mr. Edmonston a bill for the better regulation of the County Courts of Haywood, and also a bill to alter the time of holding the Superior Courts for the county of Haywood. These bills were read the first time and passed.

Mr. Brevard presented a bill to authorise the erection of mills on Big Ivey creek, in the county of Buncombe, accompanied by a petition from sundry citizens of said county upon that subject. The said bill was read the first time and passed, and, on Mr. Brevard's motion, referred to the committee on Propositions and Grievances.

Mr. Bragg presented a bill more effectually to compel the attendance of witnesses for the purpose of procuring their depositions, to grant facilities for obtaining the testimony of witnesses in prison, and for other purposes; which was read the first time and passed, and, on Mr. Bragg's motion, referred to the committee on the Judiciary.

The bill to authorise the County Court of the county of New Hanover to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State; and the bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside, were each read the third time and passed, and ordered to be engrossed.

The resolution allowing compensation to certain jurors in the county of Buncombe, was read the third time, passed, and ordered to be engrossed.

The bill to prescribe the manner in which lands shall be sold for taxes in the county of Washington, was read the third time, and, on motion by Mr. A. W. Wooten, indefinitely postponed.

Mr. C. Wooten presented a bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases; which was read the first time and passed, and, on motion by Mr. Edmonston, referred to the committee on the Judiciary.

The bill to extend the laws of the State over that part of territory now occupied by the Cherokee nation of Indians and included within the chartered limits of this State, was, on motion by Mr. Whitaker, taken up and considered. Mr. Henry moved that said bill be amended, and Mr. Edmonston moved that the bill and proposed amendment be postponed indefinitely. The question was decided in the affirmative—yeas 96, nays 31.


The bill to provide for having the militia laws of this State digested, amended and published, was read, and, on Mr. Wyche's motion, ordered to lie on the table.

The bill to incorporate the Mecklenburg Gold Mining Company, was read, and, on motion by Mr. Gaston, referred to a select committee consisting of Messrs. Gaston, Haywood, Barringer, Henry and Wyche.

The bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick; and the bill to authorise the County Courts of this State to establish poor and workhouses in their respective counties; and the bill to repeal an act, passed in the year 1830, entitled an act to amend an act, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county, were severally read the third time, passed, and ordered to be engrossed.

The bill to amend an act, passed in 1829, entitled an act to enable the State Bank to wind up gradually and to fix a uniform rate of collection, was read, and, on motion by Mr. Haywood, laid on the table.

The engrossed bill to repeal part of the act of 1741, chapter 35, authorising the County Courts of this State to grant certificates in certain cases; and the engrossed bill to repeal an act, passed in the year 1830, entitled an act to provide for summoning the original venire to the County Courts of Randolph, Rockingham, Buncombe, Brunswick and Chatham in future, were read the third time, passed and ordered to be enrolled.

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

MONDAY, DECEMBER 19, 1831.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of the county of Cumberland, praying to be attached to the county of Wake, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Polk, from the same committee, reported unfavorably on the petition of Selah Smith, of Montgomery county, and prayed to be discharged from the further consideration thereof. The report was read & concurred in.

Mr. Polk, from the same committee, reported unfavorably on the petition of Samuel Turner, of Burke county, and prayed to be discharged from the further consideration of the petition. The report was concurred in and the committee discharged.

Mr. Heartly presented the memorial of a number of the citizens of Craven county, in relation to slaves hiring their own time, the unlawful trading with slaves, and the indiscriminate permission given to slaves to fish in the waters of Neuse river. Said memorial was, on motion by Mr. Heartly, referred to the joint select committee heretofore raised upon the subject of slaves, free negroes, &c.

The resignation of William Horton, colonel of the 2nd regiment of the militia of Wilkes county; of Josiah M'Keil, colonel commandant of the Chowan regiment of militia; of William Houston, of Mecklenburg county,
and of William L. Band, of Burke county, justices of the peace, were presented, read and accepted.

On motion by Mr. Calloway, ordered that the Senate be informed that John Arrington, of Nash, is added to the list of persons nominated for Counsellors of State. The name of John H. Wheeler, of Hertford county, was, by Mr. Moore, added to the nomination.

Mr. O'Brien, from the committee on Incorporations, to which was referred the bill to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes, reported the same without amendment, and recommended its passage. The said bill was read the third time, passed, and ordered to be engrossed.

Mr. Sawyer, in pursuance of notice heretofore given, moved the following additional rule of order:

"After the Journal is read, the House shall proceed to consider reports from committees, memorials and petitions, bills and resolutions, on their first reading; but after the orders of the day are taken up, no new business shall be introduced except by leave of two thirds of the House."

The same was now considered and adopted.

Mr. Peeples presented the memorial of the president and directors of the Cape Fear Navigation Company; which was read and ordered to be transmitted to the Senate.

Mr. Sherwood presented the memorial of sundry citizens of the counties of New Hanover and Brunswick, and of the town of Wilmington, upon the utility and practicability of constructing a rail road from the town of Wilmington, through Fayetteville, to some point on the Yadkin river; and thence westwardly to the mountains. The memorial was read, and, on motion by Mr. Sherwood, referred to the joint select committee on rail roads.

Mr. Burgin presented the petition of William T. Prestwood, of Burke county, praying compensation for services by him rendered in surveying certain lands of the Cherokee purchase preparatory to a sale. The said petition was, on motion by Mr. Burgin, referred, with its accompanying documents, to the committee on Claims.

Mr. Bonner presented the petition of many citizens of Beaufort county, asking an appropriation from the Public Treasury for improving the navigation of Pungo river; which was read and referred to the committee on Internal Improvements.

Mr. Sasser obtained leave of absence from the service of this House for this day.

Mr. Leak, from the committee of Claims, to which was referred the memorial of Green B. Palmer, made a favorable report thereon, concluding with a resolution authorising the Public Treasurer to pay the said Palmer fifteen hundred dollars, for work done on Broad river. The resolution was read the first time and passed; and, on motion by Mr. Clayton, ordered that the report and resolution be printed.

Mr. Henry, from the committee on the Judiciary, to which was referred the engrossed resolution to appoint an agent to collect evidence and attend to the surveying of the lands which are the subject of a suit in the Supreme
Court, reported the same with sundry amendments, and recommended its adoption. The said resolution was, on motion by Mr. Wyche, ordered to lie on the table.

Mr. Henry, from the same committee, to which had been referred the bill to exempt from execution a certain portion of the land of the citizens of North Carolina, reported the same with an amendment, and recommended its passage. The said bill and amendment were made the order of the day for to-morrow, and, on motion by Mr. Cox, the proposed amendment ordered to be printed.

Mr. Cox presented a bill to authorise a justice of the peace to issue a commission and take depositions in certain cases; which was read the first time and passed, and, on Mr. Cox's motion, referred to the committee on the Judiciary.

Mr. Smith presented a bill to incorporate the Oconaluftee Turnpike Company, in Haywood county; which was read the first time and passed, and, on Mr. A. W. Wooten's motion, referred to the committee on Incorporations.

Mr. Cloman presented a bill to amend an act, passed in the year 1823, entitled an act to amend an act, passed at the last session of the General Assembly, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government, so far as respects the county of Martin; which was read the first time and passed, and, on Mr. Wyche's motion, referred to the committee on Finance.

Mr. Freeman presented a bill to extend an act, passed in the year 1830, chapter 151, entitled an act to authorise Maj. J. Clarke, or him and his associates, to build a toll bridge across Pungo river, at Log House Landing; which was read the first time and passed.

The resignation of John Sloan, as lieutenant colonel of the 68th regiment of North Carolina militia, was presented, read and accepted.

A message from the Senate, agreeing that another member on the part of each House be added to the joint select committee on Rail Roads, and informing that Mr. Toomer has been added on behalf of the Senate.

Mr. Judkins obtained leave of absence from the service of the House for this day.

The bill to provide for the collection of debts where there is no visible property, was read the third time, and, on motion by Mr. Sawyer, indefinitely postponed—yeas 99, nays 29.


Those who voted in the negative, were messrs. Abernathy, Allison, Bogle, Bonner, Brevard, Burgin, Calloway, Courts, Cox, Crump, Davidson, Glass, Glenn, Hill, Houlde, Lukins, M'Cain, M'Queen, Pearson, Polk, Rand, Sewall, Thomas, J. B. Thompson, Wadsworth, Witches, C. Wooten, Wyche, Ziglar—29.

The petition of William Parker, of Haywood county, praying indulgence on his purchase of certain Cherokee lands, was presented by Mr.
Edmonston, and referred, on his motion, to a select committee, consisting of Messrs. Edmonston, Tatham, Sumner, Long and Stephens.

Mr. Outlaw presented the petition of Samuel Calvert, John White and others, of Northampton county, asking remuneration for provisions furnished a portion of the militia of said county, called out during the excitement occasioned by the Southampton insurrection; which was referred to a select committee, consisting of Messrs. Outlaw, Swanner, W. Wright, Moore and Cherry.

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

---

TUESDAY, DECEMBER 20, 1831.

Mr. Wyche, from the committee of Finance, to which was referred a resolution instructing them to inquire into the expediency of extending the time for perfecting grants on entries made in the year 1829, reported that it is inexpedient to legislate on the subject. The report was concurred in.

Mr. Wyche, from the same committee, to which was referred the bill to amend an act, passed in the year 1823, entitled an act to amend an act, passed at the last session of the General Assembly, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government, so far as respects the county of Martin, reported unfavorably to the passage thereof. The said bill was read, and, on motion by Mr. L. Thompson, indefinitely postponed.

Mr. Mebane, from the joint select committee raised on the subject of banks and the circulating medium of the State, reported a bill to establish two banks, one by the name and style of the Farmers' Bank of North Carolina, and the other by the name and style of the Merchants' Bank of North Carolina. This bill was read the first time and passed, and, on motion by Mr. Moody, ordered to be printed, and, on motion by Mr. Haywood, referred to the committee of the whole House, and made the order of the day for Monday next.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred the bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county by the name of Yancey, made a detailed report thereon. Before the reading of the report was concluded, Mr. Wilson moved that the report and bill be postponed indefinitely. The Speaker decided the motion to be out of order, as contravening the spirit and construction heretofore given by this House to the 41st rule of order — the report of the committee in this case being held equivalent to the notice specified in said rule. From this decision Mr. Pittman appealed to the House, and, after discussion, the question being put, "is the decision of the Chair correct?" it was decided in the affirmative. The reading of the report of the committee was thereupon concluded, and the bill made the order of the day for Tuesday next. On motion by Mr. Freeman, the said report was ordered to be printed.

Mr. Henry, from the committee on the Judiciary, to which was referred the bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases, reported favorably thereon, and recommended its passage. The said bill was thereupon made the order of the day for to-morrow.

Mr. Henry, from the same committee, to which was referred the bill to
provide for the collection of demands against ships and vessels, reported unfavorably thereon. The bill was accordingly made the order of the day for to-morrow.

Mr. Calloway, from the select committee to which the subject had been heretofore referred, reported sundry resolutions on the public lands of the United States. On motion by Mr. Outlaw, the said resolutions were laid on the table.

Mr. Henry, from the committee on the Judiciary, to which was referred a resolution directing them to inquire into the expediency of repealing, altering or amending the act of 1828, providing for the collection of debts out of deceased persons' estates, reported that in the opinion of said committee, it is not expedient to legislate upon the subject. The report was concurred in.

Mr. Henry, from the same committee, to which was referred the resolution directing them to inquire into the propriety of altering the quarantine law passed at the last session, reported that it is not fit to legislate upon the subject, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

The resignation of Joseph Gillespie, a justice of the peace of the county of Duplin, was presented, read and accepted.

The Speaker laid before the House a communication from the Public Treasurer, transmitting statements of the affairs of the State Bank of North Carolina and the Bank of Newbern, received at that Department since the date of the Treasurer's annual report. On motion by Mr. Wyche, ordered that the said documents be sent to the Senate and be printed.

A message from the Senate, informing that they had passed the engrossed bill to provide for the collection of fines imposed upon free persons of color, with amendments, and asking the concurrence of this House. The amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed bills to amend an act, passed in the year 1818, entitled an act to establish the town of New Salem, on the lands of Benjamin Marmon, Esq. on the east side of Deep river, in Randolph county; and to incorporate Shiloh Academy, in the county of Camden, and asking the concurrence of this House. The said bills were read, the first named the first reading and passed, and the second named bill the first, second and third times, passed, and ordered to be enrolled.

Mr. Leak, from the committee on Claims, to which was referred the petition of Jacob Caler, made a favorable report thereon, accompanied by a resolution authorising the Public Treasurer to pay the said Caler the sum of four dollars and two cents. The said resolution was read the first time and passed.

Mr. Stallings presented a bill to prevent the felling of timber in, or otherwise obstructing the run of Catherine creek, in Gates and Chowan counties; which was read the first time and passed.

On motion by Mr. Townsend, the House agreed to reconsider the passage of the bill on the third reading, entitled a bill to incorporate Shiloh Academy, in the county of Camden.

On motion by Mr. Worth, leave of absence from the service of the House, from and after this day till the end of the session, was granted to Mr. John F. Jones.
The resignation of John L. Smith, a justice of the peace of Haywood county, was presented, read and accepted.

Mr. Barringer, from the select committee to which was recommitted the bill to incorporate the Mecklenburg Gold Mining Company, reported the same with sundry amendments. The amendments were concurred in, and the bill read the third time as amended, passed, and ordered to be engrossed—yeas 90, nays 40. The yeas and nays demanded by Mr. Pittman.


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

WEDNESDAY, DECEMBER 21, 1831.

A message from the Senate, informing that Messrs. Williams and Campbell attend this House to conduct the balloting for Counsellors of State, and informing that the name of Thomas Turner, of Granville county, is withdrawn from the nomination. Ordered that the Senate be informed that Messrs. Boddie and Singleton form said committee on the part of the Commons.

Mr. Townsend, from the committee on Propositions and Grievances, to which were referred the petitions of Samuel Knox and Elisha Harrell, praying that pensions be allowed them for revolutionary services, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. Haywood presented the petition of Daniel H. Bingham, of the city of Raleigh, asking permission to use certain mathematical instruments belonging to the State for a limited time. The petition was read, and referred, on Mr. Haywood's motion, to the committee on Internal Improvements.

Mr. Davidson presented the petition of Absalom Simonton, of Iredell county, praying to have corrected certain errors in a grant for lands here-tofore issued by the Secretary of State. The reading of the petition was dispensed with, and, on Mr. Davidson's motion, ordered that it be referred to the committee on Claims.

On motion by Mr. Fleming.

Resolved, That the Public Treasurer be instructed to communicate to this House whether the sum of $3,000 dollars, loaned to John M'Raie by this State, has been repaid to the State, according to the resolution adopted at the last session.

Mr. Brevard presented a bill for the better regulation of the County Courts of Buncombe; and Mr. M'Laurin a bill to authorise the County Courts of Richmond county to transcribe and record certain papers in the office of the County Court clerk. These bills were read the first time and passed.
Mr. Wyche presented a bill to change the disposition of the money constituting the Agricultural Fund; which was read the first time and passed, and referred to the committee on Finance.

Mr. Emmett presented a bill directing the manner in which constables shall hereafter be elected in the county of Wilkes; which was read the first time and passed.

Mr. Hartt, on motion, obtained leave to withdraw from the records of this House the petition of Samuel Knox, of Mecklenburg county.

Mr. Petty presented the following resolution, which was read and adopted:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the act of 1826, so as to limit further the period in which trespasses, misdemeanors and other offences shall be prosecuted; and that they report by bill or otherwise.

On motion by Mr. Calloway,

Resolved by the General Assembly of North Carolina, That the Secretary of State be, and he is hereby directed to issue to William Austin and David Carson a grant for one hundred acres of land in Ashe county, on entry No. 5114.

The resignation of Lemuel Perkins, a justice of the peace of the county of Pitt, was presented, read and accepted.

Mr. Gaston, from the joint select committee to which was referred the bill to incorporate the North Carolina Central Rail Road Company, and the bill to incorporate the Cape Fear and Yadkin Rail Road Company, reported the same with sundry amendments. The said report was, on motion, laid on the table, and made the order of the day for to-morrow.

The House proceeded to the order of the day, and resolved itself into a committee of the Whole, Mr. Sawyer in the Chair, on the bill to provide for rebuilding the State House on Union Square, in the city of Raleigh; and, after some time spent therein, the committee rose and reported the said bill to the House. Mr. Edmonston moved that the said bill be laid on the table; which was agreed to.

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

Thursday, December 22, 1831.

Mr. Singleton, from the committee appointed to conduct the balloting for Counsellors of State, reported that Nathan B. Whitfield, Meshack Franklin, Owen Holmes, Alfred Jones, George W. Jeffreys, William Williams of Warren, and Robert C. Watson, had each received a majority of the whole number of votes, and were duly elected. The report was concurred in.

Mr. Polk, from the committee of Propositions and Grievances, to which was referred the petition of sundry citizens, praying that a new county be erected out of a portion of the counties of Mecklenburg and Anson, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Outlaw, from the same committee, to which were referred the petitions of Benjamin Buckner, John Harwood, William Fisher and Thomas Yarborough, praying to be restored to credit, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Polk presented a bill respecting the toll to be paid by horsemen for crossing Beard's bridge, on the Yadkin river, in Rowan county; and a bill to authorise William Chambers to erect gates across a public road; and
Mr. Seawell, a bill for the better regulation of constables for the county of Moore. These bills were read the first time and passed.

Mr. Larkin's presented a bill to incorporate the Wilmington Transportation Company in the town of Wilmington; and Mr. Beckwith, a bill to incorporate the Plymouth Volunteer Guards. These bills were read the first time and passed, and referred to the committee on Incorporations.

The engrossed resolution in favor of William Thompson, sheriff of Wayne county, was read the second time and passed.

Mr. Singleton presented a memorial from sundry citizens of the town of Wilmington, in relation to the appointment of commissioners of navigation and pilotage on the Cape Fear river. The said memorial was referred to a select committee, consisting of Messrs. Singleton, G. A. Thompson, Henry, Sherwood and Lyon.

Mr. Webb, from the committee of Propositions and Grievances, to which were referred a petition and counter petition in relation to the opening of Crane creek, in the county of Rowan, reported that the subject matter is not worthy Legislative interference, and prayed to be discharged from the further consideration thereof. The report was concurred in.

The bill to provide for having the militia laws of this State digested, amended and published, was read the third time, amended, on Mr. Wyche's motion, and passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to repeal in part an act, passed in the year 1829, to provide for the payment of jurors in the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; and a resolution in favor of Thomas Bragg; in which they ask the concurrence of this House. The said bill and resolution were read the first time and passed.

Mr. Nicholson, from the committee on Military Affairs, to which had been referred a resolution upon the subject, reported a bill to repeal an act, passed in the year 1827, entitled an act to reduce the number of petty musters to two in a year. The said bill was read the first time and passed.

Mr. Haywood moved that the House now proceed to the consideration of the bill to provide for rebuilding the State House on Union Square, in the city of Raleigh. The motion prevailed, and the day having been consumed in discussion on the bill, Mr. Henry, at a late hour, moved that the House adjourn; and accordingly the House did adjourn until to-morrow morning, 10 o'clock.

---

Friday, December 23, 1831.

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

Executive Office, 21st December, 1831.

Gentlemen,—I have the honor herewith to transmit you, in obedience to an act of Assembly, the annual report of the Treasurer of the University of North Carolina for the past year. The disbursements at the treasury as aforesaid have been examined by a committee of the board, and are found to be supported by regular and proper vouchers. There are at present five vacancies in the board of trustees, to be filled by joint ballot of the Legislature. I avail myself also of this occasion to make known to your honorable body that the trustees of this institution, at a special meeting convened in this city during the past summer, declined accepting the loan upon the terms and conditions proposed by an act of the last General Assembly, entitled "an act for the relief of the University of North Carolina." I have the honor to be, &c. &c.

M. STOKES, Pres. ex off. of the Trustees Univ. of N. C.
On motion by Mr. Sawyer, ordered that said communication be transmitted to the Senate, and be printed, together with the report therein referred to.

The Speaker also laid before the House a letter from the Public Treasurer, transmitting the information required by a resolution of this House of the 21st inst. in relation to the loan made by the State to John MacRae. On motion by Mr. Henry, the same was ordered to lie on the table.

Mr. Mebane presented a bill to establish a bank by the name and style of the President and Directors of the Bank of Albemarle; which was read the first time and passed, and ordered to be printed and made the order of the day for Wednesday next.

Mr. Leak presented a bill to amend an act of 1830, entitled an act to prevent obstructing the passage of fish up the Pedee and Main Yadkin rivers; which was read the first time and passed.

A message from the Senate, agreeing to the proposition of this House to refer the petition of sundry citizens of Craven county to the joint select committee raised on the subject of slaves, free negroes, &c. &c.

A message from the Senate, informing that they had passed the engrossed bill to repeal an act, passed in the year 1830, entitled an act to amend an act, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to prevent the felling of timber in Haw river, in Guilford and Rockingham counties, and Mairs Fork, in Guilford county; and a resolution in favor of Wilson Carter; and asking the concurrence of this House. These were read the first time and passed, and the said resolution referred to the committee of Claims.

Mr. Bonner presented a bill to extend the jurisdiction of justices of the peace; which was read the first time and passed.

Mr. Mask presented a resolution authorising the Secretary of State to issue to the heirs of Colin M'Cain a grant for fifty acres of land. On motion by Mr. Outlaw, this resolution was referred to the committee on Claims.

Mr. Mask presented the petition of sundry tavern-keepers in Lawrenceville, asking compensation for provisions furnished the militia of Montgomery during an apprehended insurrection of the slaves; which was read, and referred, on Mr. M'Cain’s motion, to the committee of Claims.

Mr. Barringer presented a bill to incorporate the Cabarrus Gold Mining Company; which was read the first time and passed.

The resignation of Josiah Houlder, a justice of the peace of the county of Johnston, was presented, read and accepted.

The House, on motion by Mr. O'Brien, proceeded to the consideration of the unfinished business of yesterday, and took up the bill to provide for rebuilding the State House on Union Square, in the city of Raleigh; and the question being on the passage of the bill its second reading, Mr. Pittman demanded the yeas and nays, and the vote was, yeas 63, nays 68.

Those who voted in the affirmative, were messrs. Arrington, Beckwith, Bell, Beddie, Bonner, Bragg, Broadhurst, Chamblee, Cherry, Closson, Cox, Crump, Daniel, Davis, Dozier, Flowers, Freeman, Gillespie, Glenn, Grandy, Gaston, Harper, Haywood, Heartly, Houlder, Howard, Hunt, Jackson, Jarvis, J. B. Jones, J. F. Jones, Judkins, Long, Moody,
Mr. Outlaw presented a bill to incorporate the Bertie Legion; which was read the first time and passed.

Mr. Wyche presented the following resolution; which was read, and, on his motion, laid on the table:

Resolved, That this House will hold evening sessions after Monday next.

A message from the Senate, informing that Mr. Dick has been appointed a member of the joint select committee on Incorporations, in the place of Mr. Toomer, excused.

A message from the Senate, informing that they had passed a bill to extend the provisions of an act, passed in the year 1828, entitled an act to establish a poor house in the county of Person; and a resolution in favor of Leslie Gilliam, sheriff of Granville county, and asking the concurrence of this House. The said bill and resolution were read the first time and passed.

Leave of absence was, on motion, granted to Mr. Houlder for this day.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the trustees of the Ravenscroft Academy, in the town of Fayetteville, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in.

Mr. Faddis presented a bill to encourage the publication of a history of North Carolina; which was read the first time and passed, and, on Mr. Faddis's motion, referred to the committee on Propositions and Grievances.

Mr. Leak, from the committee on Claims, to which were referred the petitions of Arthur Davis and Sarah Burrows, reported unfavorably thereon, and prayed that the committee be discharged from the further consideration of the petitions. The report was concurred in.

The bill for the better regulation of the County Courts of Buncombe, was read the second and third times, passed and ordered to be engrossed.

The resignation of Adam G. Banks, major of the first regiment of Wake militia; and of H. G. Hampton, major of the second regiment of Surry militia, were presented, read and accepted.

The bill to prevent obstructions to the passage of fish up the Tar river, was read the second and third times, passed and ordered to be engrossed.

Mr. Daniel presented the petition of sundry citizens of Halifax county, praying that a certain slave therein named be liberated. The said petition was referred to the committee on slaves, free negroes, &c.

Mr. O'Brien presented a bill to exempt from execution growing crops, and to secure to debtors a certain portion of the same, after they have been
severed from the freehold; which was read the first time and passed, and, on Mr. O'Brien's motion, referred to the committee on the Judiciary.

The bill to amend an act, passed in the year 1830, entitled an act to amend an act, passed in the year 1829, entitled an act to vest the right of electing sheriffs in the several counties within this State in the free white men thereof, was read the second time, and, on Mr. Wyche's motion, postponed indefinitely.

The bill to render persons whose names are forged competent witnesses in prosecutions for such forgeries, was read, and, on motion by Mr. Outlaw, postponed indefinitely.

Mr. Long presented the petition of Jesse H. Simmons, of the town of Halifax, praying remuneration for certain losses sustained by him during the late apprehended insurrection of the slaves. The said petition was referred to the committee on Claims.

Mr. Outlaw, from the committee on Propositions and Grievances, to which was referred the bill to repeal an act, passed in the year 1827, entitled an act to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters, reported the same with an amendment, and recommended its passage. The report and amendment were, on Mr. Beckwith's motion, laid on the table.

The Speaker laid before the House a memorial from Thomas P. Devereux, in relation to the time required by law for the publication of the reports of the Supreme Court; which was read, and, on Mr. Gaston's motion, referred to the committee on the Judiciary.

Mr. Rand presented the petition of sundry citizens of Wake county, praying that David Thomas, heretofore convicted of petit larceny, be restored to credit. The petition was read, and, on Mr. Rand's motion, referred to the committee on Propositions and Grievances.

Mr. C. Wooten presented a bill to incorporate the Lenoir Volunteer Guards; which was read the first time and passed.

The bill to regulate the fees allowed the clerks of the Superior and County Courts of this State, so far as respects the county of Northampton, was read, and, on motion by Mr. Wyche, postponed indefinitely.

The bill to abolish the punishment of cutting off the ears, was read the second time. Mr. Pearson moved that the said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 57, nays 64. The yeas and nays called for by Mr. Weaver.


The question then recurring on the passage of the bill, the same was amended, read the second time and passed.

Whereupon the House adjourned until Monday morning, 10 o'clock.
Mr. Webb, from the committee on Propositions and Grievances, to which was referred the petition of Benjamin Long, of Caswell county, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Leak, from the committee of Claims, to which were referred the petitions of Duncan M"Rea and others, of Montgomery county, and of David Shuler, of Macon county, reported unfavorably thereon, and prayed to be discharged from the further consideration of the same. The report was concurred in, and, on motion by Mr. Whitaker, leave granted to David Shuler to withdraw from the records of this House the documents accompanying his petition.

Mr. Leak, from the same committee, to which was referred a resolution in favor of the heirs of Collin M"Rae, reported favorably thereon, and recommended its passage. The said resolution was read and adopted, and ordered to be engrossed.

Mr. Leak, from the same committee, to which was referred the resolution in favor of Wilson Carter, made a favorable report recommending its passage. The said resolution was read and adopted, and ordered to be engrossed.

Mr. M"Neill asked and obtained leave to withdraw from the records of this House the petition of sundry citizens of Cumberland county.

Mr. Nelson presented a bill to incorporate a volunteer company, called the Beard's Creek Guards; and Mr. Doherty a bill to incorporate the Charlotte Gold Mining Company. These bills were read the first time and passed.

Mr. Singleton presented a bill for revising and digesting the law of executors and administrators; which was read the first time and passed, and, on Mr. Singleton's motion, referred to the committee on the Judiciary.

Mr. Mebane presented the memorial of sundry citizens of Orange county, in relation to the establishment of a central rail road. On motion by Mr. Sawyer, the said memorial was laid on the table and ordered to be printed.

Mr. Whitaker presented a bill founded on a petition, entitled a bill to legitimate certain children of Gideon Morris; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

The bill to amend an act, passed in the year 1820, entitled an act to repeal an act, passed in the year 1796, entitled an act to punish persons for removing debtors out of one county to another and out of the State, and for other purposes; the bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations or lay out new roads in said county; the bill to abolish the punishment of cutting off the ears; the bill to extend the provisions of an act, passed at the last session of the General Assembly, chapter 155, entitled an act concerning those persons who are interested in the beach and marshy lands lying in the county of Currituck; the bill for the better regulation of pilotage on vessels trading within the Cape Fear Inlets, in this State; and the bill to extend to the teachers and scholars of all the schools within this State the same privileges which are enjoyed by the officers and students of the University, and all other seminaries of learning particularly established by law, were severally read the third time, passed, and ordered to be engrossed.
The engrossed resolution in favor of William Thompson, sheriff of Wayne, was read the third time, passed, and ordered to be enrolled.

The engrossed resolution in favor of Thomas Bragg, was read the second time and passed as amended.

Mr. Outlaw, from the select committee to which was referred the petition of Samuel Calvert and others, of Northampton county, made a detailed report of facts, and prayed to be discharged from the further consideration of the subject. The said report was, on motion by Mr. Outlaw, laid on the table.

The bill to incorporate the North Carolina Central Rail Road Company, and the bill to incorporate the Cape Fear and Yadkin Rail Road Company, were each read the second time, amended and passed.

The resolution herefore submitted by Mr. Wyche, in relation to the holding of evening sessions, was considered and rejected.

The bill to exempt from execution a certain portion of the land of the citizens of North Carolina, was, on Mr. Crump's motion, made the order of the day for Wednesday next.

The bill to incorporate the United Brothers' Library Society in the county of Lenoir; and the bill to authorise William Chambers to erect gates across a public road; were severally read the second and third times, passed, and ordered to be engrossed.

The bill for the better regulation of constables for the county of Moore, was read the second time and indefinitely postponed.

The bill directing the manner in which constables shall hereafter be elected in the county of Wilkes, was read the second time and passed.

The bill to authorise the building of a toll bridge over Roanoke river at the town of Weldon, and to incorporate a company for that purpose, was read the second time and passed.

The bill to limit and define the power of courts in issuing attachments and inflicting punishments for contempt; and the bill to insure the fair valuation of lands in this State when the same shall be given in for taxation, were, on Mr. Sawyer's motion, made the order of the day for to-morrow.

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

Tuesday, December 27, 1831.

Mr. Outlaw, from the committee on Propositions and Grievances, to which were referred the petitions of John Kinneer, praying to be allowed a pension, and of David Thomas, praying to be restored to credit, reported unfavorably thereon, and asked to be discharged from the further consideration of the petitions. The report was concurred in.

Mr. Bragg, from the same committee, to which was referred the petition of William May, William Mizzell and Francis Ange, praying for pensions, made an unfavorable report thereon, and asked to be discharged from the further consideration thereof. The report was concurred in. Mr. Robertson asked and obtained leave to withdraw from the files of this House the papers accompanying said petition.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred a petition on that subject, reported a bill to establish the dividing line between Duplin and Wayne counties. The said bill was read the first time and passed.

Mr. Polk, from the same committee, to which was referred a bill to authorise the erection of mills on Big Ivey creek, in the county of Bun-
combe, reported the same without amendment. The said bill was thereupon read the second time and passed.

Mr. Gaston, from the committee on the Judiciary, who were instructed to inquire into the expediency of amending the act of 1826 so as to limit further the period within which trespasses, misdemeanors and other offenses shall be prosecuted, reported that the committee believe it inexpedient to alter the said act in the manner suggested, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Polk, from the committee on Military Affairs, to which was referred the bill to encourage the formation of volunteer companies, reported the same without amendment. The said bill was accordingly made the order of the day for to-morrow.

Mr. Wyche, from the committee of Finance, to which was referred the bill to change the disposition of the money constituting the Agricultural Fund, reported the same without amendment. The said bill was accordingly made the order of the day for to-morrow.

Mr. Whitaker, from the committee on Incorporations, to which was referred the bill to incorporate the Oconaluftee Turnpike Company in Haywood county, reported the same with an amendment. Mr. Whitaker, from the same committee, to which was referred the bill to incorporate the Wilmington Transportation Company in the town of Wilmington, reported the same without amendment. These bills were made the order of the day for to-morrow.

Mr. Gaston, from the committee on the Judiciary, to which was referred the bill to authorise a justice of the peace to take depositions in certain cases, reported the same with an amendment. This bill was made the order of the day for to-morrow.

Mr. Leak, from the committee on Claims, to which was referred the petition of William T. Prestwood, reported a resolution in his favor; which was read the first time and passed.

Mr. Seawell presented a bill to provide for the payment of jurors for the county of Moore; and Mr. Swanner a bill to regulate the toll of millers in the county of Washington. These bills were read the first time and passed.

The engrossed resolution in favor of Thomas Bragg, was read the third time and passed. Ordered that the concurrence of the Senate be asked in the amendments heretofore made to said resolution.

On motion by Mr. Arrington.

Resolved, That the committee on Military Affairs be instructed to ascertain what number of infantry and field artillery tactics is now remaining on hand and not distributed by the act of 1830 and 1831; and that they suggest to this House by bill or otherwise what disposition is necessary to be made with the same.

The bill to amend the 5th section of an act, passed in the year 1816, chapter 912, entitled an act for the more speedy trial of slaves in capital cases, was read the third time, amended and passed—yeas 65, nays 58.

The yeas and nays demanded by Mr. M'Lean.


Ordered that said bill be engrossed.

Mr. Moody presented sundry resolutions in favor of John Calvert and others, of Northampton county; which were read the first time and passed.

Mr. Sawyer presented a bill prescribing the distance from Ocracoke bar at which masters of vessels shall be required to take a pilot on board; which, on motion by Mr. Singleton, was indefinitely postponed.

Mr. Wilson introduced the following resolution, which was read, and, on Mr. Mebane's motion, laid on the table,

Whereas the Government House is too far from most of the boarding houses to have evening sessions, and as there is much business now before the House of Commons: therefore,

Be it resolved, That they will sit each and every day until the hour of 4 o'clock, if the business shall require it.

Mr. Jarvis presented the following resolution, which was read, and, on motion by Mr. Sawyer, laid on the table:

Resolved, That a message be sent to the Senate, proposing that the Houses adjourn on Monday, the 9th of January next sine die, and that the clerks of the two Houses be instructed to make up the estimates to that day inclusive.

On motion by Mr. Bragg, ordered that a message be sent to the Senate, proposing that the two Houses ballot on to-morrow for five trustees of the University of North Carolina, to fill the vacancies now existing in said Board, and informing that Thomas G. Polk, John Bragg, John B. Tate, David L. Swain, William M. Green, Thomas S. Singleton and William D. Mosely are nominated for the appointment.

Mr. Haywood moved that the bill heretofore laid upon the table, on his motion, entitled a bill to appoint a superintendent of public works, and to repeal in part an act, passed in the year 1819, entitled an act to create a fund for internal improvements, and to establish a board for the management thereof, be now taken up and considered. The motion was agreed to, and the said bill amended, read the second time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz. a bill to establish a Bank on the funds of the State; and a bill to give longer time for paying in entry money; and asking the concurrence of this House. The last named bill was read the 1st time and passed.

The engrossed bill to establish a Bank on the funds of the State, was read the first time. Mr. Boddie moved that said bill be indefinitely postponed. The question was determined in the affirmative—yeas 64, nays 58. The yeas and nays called for by Mr. Bragg.


The resolution in favor of Wm. Austin and David Carson, was read the second time and passed.

Ordered that the Senate be informed that the name of Benjamin Sumner is added to those already in nomination for trustees of the University.

Whereupon the House adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 28, 1831.

Mr. Whitaker, from the committee on Incorporations, to which was referred a bill to incorporate a light infantry company in the town of Plymouth, reported the same with an amendment. The said bill was read the second time and passed.

The name of Joseph A. Hill was added to those heretofore nominated as trustees of the University.

Mr. Webb, from the committee of Propositions & Grievances, to which was referred the bill to legitimate certain children of Gideon Morris, reported the same without amendment. The said bill was read the second time, and, on motion by Mr. Wilson, postponed indefinitely.

On motion by Mr. Edmonston,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of vesting the courts of this State with power to require security for the payment of cost, to be given by the plaintiff in cases of appeals by defendants from the judgment of a justice of the peace.

On motion by Mr. Davidson,

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of so amending the law relative to clerks and masters, as to make it their duty to enrol in a suitable book all bills of complaint, answers and original and leading processes, and to allow them reasonable compensation for the same.

A message from the Senate, agreeing to ballot this day for trustees of the University, informing that Bedford Brown, of Caswell county, is added to the nomination, and that Messrs. Tyson and Cowper of Gates attend this House as superintendents. Messrs. Crump and Moore were appointed to conduct said balloting on the part of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to authorise the County Court of the county of New Hanover to have the records of said county transcribed, and to make copies of said transcribed records evidence in all suits at law and equity in this State, with an amendment, and asking the concurrence of this House therein. The amendment was read and concurred in.

Mr. Mebane, from the committee on Internal Improvements, to which was referred a resolution instructing them to inquire whether certain navigation companies therein named had not forfeited their charters, reported a resolution, entitled a resolution instructing the Board of Internal Improvement. This resolution was read and adopted, and ordered to be engrossed.

Mr. Mebane, from the same committee, to which was referred the memorial of Daniel H. Bingham, relative to the use of certain mathematical instruments belonging to the State, reported a resolution authorising said loan to be made; which was read and adopted, and ordered to be engrossed.

Mr. George A. Thompson submitted certain resolutions in favor of the militia of Onslow county; which were read the first time and passed, and referred to the committee on Claims.

Mr. Crump presented a bill to alter the time of holding elections in the counties of Martin, Halifax and Northampton; and Mr. Smith, a bill for
the better regulation of the militia of Haywood county. These bills were read the first time and passed.

On motion by Mr. Calloway, ordered that a message be sent to the Senate, proposing that the two Houses ballot on to-morrow for cavalry officers attached to the ninth brigade of North Carolina militia; and informing that William P. Witherspoon is nominated as colonel, Joel Vannoy as lieutenant colonel, and James P. Waugh as major.

A message from the Senate, informing that they had passed the engrossed bill to amend the first section of an act, passed in the year 1830, which authorises free persons of color to hawk and peddle out of the limits of the county in which they reside, with amendments, and asking the concurrence of this House. The amendments were read and agreed to.

A message from the Senate, proposing that the two Houses ballot on to-morrow for colonel of cavalry in the third brigade and 6th division of the militia, and informing that Gabriel Holmes, of Wilmington, is nominated for the appointment. A message from the Senate, proposing to ballot also on to-morrow for lieutenant colonel of cavalry in the second brigade and eighth division, and informing that Wm. M. Allbritton is nominated for the appointment. These propositions were agreed to.

A message from the Senate, agreeing to print the exposes of the State Bank and the Bank of Newbern, heretofore transmitted by the Public Treasurer.

A message from the Senate, informing that they had passed the engrossed bills and resolutions following, viz. A bill to amend an act, passed in the year 1777, entitled an act declaring what fences are sufficient, and to provide a remedy for abuses; a bill for the relief of co-securities; a bill to repeal an act, passed in the year 1827, entitled an act to compel the sheriff of Burke county to give written summons to the jurors of said county; a resolution in favor of Luke G. Lamb, sheriff of Camden county; and a resolution in favor of Samuel W. W. Vick, sheriff of Nash county; and asking the concurrence of this House. The said bills and resolutions were read the first time and passed, and the two first named bills were, on motion, referred to the committee on the Judiciary.

Mr. Whitaker presented sundry resolutions relating to the expediency of calling a convention for the revision of the constitution of this State. These resolutions were, on Mr. Whitaker's motion, ordered to be laid on the table, and be printed, and, on motion by Mr. Cox, made the order of the day for Tuesday next.

The resignations of Samuel P. Wilson and Daniel Watson, of Ruth- erford, and of Granberry Vick, of Nash county, justices of the peace, received from the Senate, were read and accepted.

The resignation of James Graham, a justice of the peace of Orange county, was presented, read and accepted.

Mr. Moore, from the committee appointed to conduct the balloting for trustees of the University, reported that William D. Mosely, Thomas G. Polk, Joseph A. Hill and David L. Swain had each received a majority of the whole number of votes, and were duly elected, and that no other person had received a majority. The report was concurred in.

On motion by Mr. L. Thompson, ordered that a message be sent to the Senate, proposing another balloting to-morrow for one trustee yet to be elected.
The bill to exempt from execution a certain portion of the land of the citizens of North Carolina, was read the second time. Mr. Abernathy moved that said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 48, nays 77. The yeas and nays demanded by Mr. Wilson.


Mr. Courts proposed to amend the bill by striking out, in the first section, the words “one hundred,” and to insert “fifty.” The motion was lost. Mr. Webb proposed to insert after the word “exceed,” the words “in value five hundred dollars, and which shall, if it is worth no more include.” The motion was lost. Mr. Haywood moved to amend the bill by adding, after the word “after,” in the first section, the words “ninetysix days from the time when.” This motion was agreed to. The question then being on the passage of the bill as amended its second reading, it was decided in the affirmative—yeas 67, nays 59. The yeas and nays demanded by Mr. Allison.


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

THURSDAY, DECEMBER 29, 1831.

Mr. Singleton, from the select committee to which was referred the bill to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear river, reported the same without amendment. The said bill was accordingly made the order of the day for to-morrow.

Mr. Edmonston, from the select committee to which was referred the petition of William Parker, of Haywood county, reported a resolution in his favor; which was read the first time and passed.

Mr. Leak, from the committee of Claims, to which were referred resolutions in favor of the militia of Onslow county, reported favorably thereon.
The said resolution was accordingly made the order of the day for to-morrow.

Mr. Gwyn presented the petition of Elisha Evans, a militia soldier of the Revolution, praying a pension; which was read, and, on motion by Mr. Gwyn, referred to the committee on Propositions and Grievances.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Wilkes County Volunteer Artillery Company, and the engrossed bill for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick with amendments, and asking the concurrence of the Commons therein.—

The said amendments were read and concurred in.

A message from the Senate, agreeing to print the report of the Treasurer of the Board of Trustees of the University, heretofore transmitted to the Legislature by his Excellency the Governor.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill to authorise the Courts of Pleas and Quarter Sessions of the several counties in this State to erect poor houses in their respective counties; a bill for the better regulation of the town of Nixonton, in the county of Pasquotank; a bill to incorporate the Charlotte Fire Engine Company; a resolution in favor of Bynum W. Bell; a bill for the better regulation of the town of Wayneborough, in Wayne county; a resolution in favor of Marmaduke Powell; a resolution in favor of the Public Treasurer; a resolution in favor of David L. Swain and Romulus M. Saunders; a bill amending the laws relative to the manner of appointing jurors for the Superior and County Courts of this State; a bill amendatory of the act, passed in the year 1830, in relation to the appointment of commissioners to superintend the erection of a courthouse in the county of Burke; a bill to authorise the County Court of Guilford to appoint overseers and hands to clear out the channel of the Reedy Fork of Haw river, in Guilford county; a bill to incorporate Contention Academy, in the county of Pitt, and to appoint the trustees thereof; a bill to appoint an additional place of sale in Hyde county; a bill to alter the name of Edwin Stokes, and to legitimate him; and a resolution in favor of Elizabeth Forbis, and asking the concurrence of the Commons therein. These bills and resolutions were severally read the first time and passed.

A message from the Senate, concurring in the amendments proposed by the House of Commons to the engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Montgomery, Columbus, Sampson and Robeson, except so much of the second amendment as proposes to strike out the county of Richmond. On motion, this House agreed to recede from their said proposed amendment.

A message from the Senate, proposing to refer certain resolutions, therewith transmitted, on the subject of the Tariff, to a joint select committee, and informing that Messrs. Dishongh, Seawell, Wilson, M'Farland and Spaight form said committee on their part. The proposition was agreed to, and Messrs. Henry, Bragg, Outlaw, Sawyer and Faddis appointed to compose said committee on the part of this House.

Mr. Hartt, from the committee appointed to consider the patrol laws, reported a bill for the better regulation of the patrol; which was read the first time and passed, and, on motion by Mr. Clayton, ordered to be printed.
Messrs. Boddie and Fleming were appointed a committee to conduct the balloting for lieu. colonel of cavalry in the 2d brigade and 6th division of the militia. A message from the Senate, informing that Messrs. Moye of Greene and M'Daniel form said committee on their part.

A message from the Senate, proposing another balloting immediately for one trustee of the University, and informing that the name of Bedford Brown is withdrawn from the nomination. The proposition was agreed to, and Messrs. Thomas and Toole appointed to conduct said balloting on the part of this House. A message from the Senate, informing that Messrs. Marshall of Anson and Hawkins form said committee on behalf of the Senate.

Mr. Gaston, from the committee on the Judiciary, to which was referred the memorial of Thomas P. Devereux, reported a bill to extend the time within which the reports of the Supreme Court shall be published; which was read the first time and passed.

The resolution in favor of William Austin and David Carson was read the third time, passed, and ordered to be engrossed.

Mr. Fleming, from the committee appointed to conduct the balloting for a lieu. colonel of cavalry of the 2d brigade and 6th division, reported that William M. Allbritton had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Thomas, from the committee appointed to conduct the balloting for a trustee of the University, reported that no person had received a majority of the whole number of votes. The report was concurred in.

Messrs. Long and Davidson were appointed a committee to superintend, on the part of the Commons, the balloting for colonel of cavalry of the 3d brigade and 6th division of militia. A message from the Senate, informing that Messrs. Campbell and Hall compose said committee on the part of the Senate.

The bill to incorporate the North Carolina Central Rail Road Company, was read the third time. Mr. Outlaw proposed to amend the bill by adding the following proviso:

"Provided, That any application on the part of said company to the Federal Government for an appropriation of money or subscription of stock thereto, shall amount to a forfeiture of their charter."

This amendment was rejected—yeas 31, nays 92. The yeas and nays demanded by Mr. Sawyer.


The question on the passage of the bill its third reading was decided in the affirmative. Ordered that the said bill be engrossed.

The bill to incorporate the Cape Fear and Yadkin Rail Road Company, was read the third time, passed, and ordered to be engrossed.
Mr. Davidson, from the committee appointed to conduct the balloting for a colonel of cavalry of the third brigade and sixth division, reported that Gabriel Holmes had received a majority of the whole number of votes and was duly elected. The report was concurred in.

Mr. Polk, from the committee of Propositions and Grievances, to which was referred the petition of John Taylor, of Cumberland county, reported a bill to restore to credit John Taylor, of the county of Cumberland. The said bill was read the first time and passed.

The bill directing the manner in which constables shall hereafter be elected in the county of Wilkes; and the bill to authorise the erection of mills on Big Ivey Creek, in the county of Buncombe, were severally read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate Shiloh Academy in the county of Camden, was read the third time, passed, and ordered to be enrolled.

The resignation of James J. Phillips, of Edgecomb, of George Reinhardt, of Cabarrus, and of John Edmundson, of Greene county, justices of the peace, received from the Senate, were read and accepted.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

Friday, December 30, 1831.

Mr. Leak, from the committee of Claims, to which was referred the petition of Absalom Simonton, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Mebane presented a bill to alter the mode of keeping in repair the streets in the village of Chapel Hill; and Mr. Wyche, a bill to amend an act, passed in the year 1812, entitled an act to amend the laws relative to the Supreme Court. These bills were read the first time and passed.

Mr. Outlaw moved that the resolutions heretofore laid on the table, relating to the public lands of the United States, be now considered. They were accordingly read and adopted, and ordered to be engrossed.

A message from the Senate, informing that they do not concur in the amendment proposed by the House of Commons to the engrossed resolution in favor of Thomas Bragg. On motion by Mr. O'Brien, the House agreed to recede from said proposed amendment.

A message from the Senate, proposing that another balloting be had immediately for one trustee of the University. The proposition was agreed to, and Messrs. Gwyn and Glass appointed a committee to conduct said balloting on the part of this House.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to incorporate the Guilford Gold Mining Company, and to provide a mode in which corporations may be dissolved for misbehaviour; a bill to incorporate a company styled the Catawba Gold Mining Company; and a bill for the relief of William Simkins, of Craven county, and asking the concurrence of the Commons. The said bills were read the first time and passed.

A message from the Senate, informing that Messrs. Simmons and Selby attend this House to conduct, on behalf of the Senate, the balloting for one trustee of the University.

The bill to exempt from execution a certain portion of the land of the citizens of North Carolina, was read the third time. Mr. Houlder proposed to amend the bill by adding, after the first section, the words
"Provided, that the freehold shall not include any mill that is already built, or shall be built before the freehold is so laid off."

The motion was lost. Mr. Weaver proposed the following as an additional section:

"That hereafter a portion of the ordinary tools or implements of husbandry of each and every of the farmers, citizens of this State, shall be exempt from execution for all debts contracted, or causes of action arising after the fourth day of July next: Provided however, that this exemption shall only extend to one horse or mule, together with one set of the usual and ordinary implements of agriculture."

This motion was also lost. The question being then put on the passage of the bill its third reading, it was decided in the affirmative—yeas 63, nays 61. The yeas and nays called for by Mr. Cherry.


Ordered that the said bill be engrossed.

The bill to amend an act, passed in 1819, entitled an act to create a fund for Internal Improvements, and to establish a board for the management thereof, was read the third time, passed and ordered to be engrossed.

Mr. Gwyn, from the committee appointed to conduct the balloting for a trustee of the University, reported that no person had received a majority of the whole number of votes. The report was concurred in.

On motion by Mr. Edmondston, ordered that a message be sent to the Senate, proposing another balloting immediately for a trustee. A message from the Senate, agreeing to this proposition, and informing that Messrs. Sherard and Underwood attend this House as their balloting committee; and informing further, that the name of Thomas S. Singleton is withdrawn from the nomination. Messrs. Jarvis and M'Queen were appointed a committee of balloting on behalf of the Commons.

The bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county by the name of Yancey, was read the second time and rejected—yeas 57, nays 67. The yeas and nays demanded by Mr. Gaston.


Mr. M'Queen, from the committee appointed to conduct the balloting for a trustee of the University, reported that no person had received a majority of the whole number of votes.

The bill to vest the right of electing the clerks of the Superior and County Courts in the several counties within this State in the free white men thereof, was read the second time, and, on Mr. C. Wooten's motion, postponed indefinitely—Yeas 68, nays 59. The yeas and nays demanded by Mr. Weaver.


On motion by Mr. Abernathy, ordered that a message be sent to the Senate, proposing to ballot to-morrow for cavalry officers attached to the tenth brigade and fifth division of the militia; and informing that Henry Fullenweider as colonel and John D. Hoke as lieutenant colonel, are in nomination.

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

—the yeas and nays called for by Mr. Allison.


SATURDAY, DECEMBER 31, 1831.

The bill to repeal part of an act, passed in the year 1827, entitled an act to prevent obstructions to the passing of fish up the Roanoke and Casbie rivers, or their waters, was, on motion by Mr. Outlaw, taken up and considered and passed its second reading.

Mr. Robertson presented a bill to prevent free negroes and mulattoes from owning or carrying guns in this State; which was read the first time and passed.

Mr. M'Neil presented a resolution in favor of John Black, sheriff of Cumberland county; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Mebane, from the committee on Internal Improvements, to which was referred the memorial of sundry citizens of Beaufort county, asking
an appropriation for the improvement of the navigation of Pungo river, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof. The report was concurred in, and leave granted to Mr. Bonner to withdraw from the files the said memorial.

Mr. Gaston, from the committee on the Judiciary, to which was referred the bill more effectually to compel the attendance of witnesses for the purpose of procuring their depositions, to grant facilities for obtaining the testimony of witnesses in prison, and for other purposes, and to which was also referred the bill to provide for the final settlement of executors and administrators, reported unfavorably thereon. The said bills were accordingly the order of the day for Monday.

Mr. Gaston presented a bill to allow appeals to the Supreme Court from interlocutory judgments, orders and decrees of the Superior Courts of Law and Courts of Equity; which was read the first time and passed.

The bill to amend an act of 1830, entitled an act to prevent obstructing the passing of fish up the Pedee and Main Yadkin rivers, was read the second time, and, on Mr. Pearson's motion, indefinitely postponed.

Mr. M'Queen presented a bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Chatham; which was read the first and second times and passed.

Mr. Davidson asked and obtained leave to withdraw from the records of the House the petition, and papers accompanying, of Absalom Simonton.

Mr. Heartly presented a bill to authorize the wardens of the poor to hold property for the benefit of the poor; which was read the first time and passed, and referred to the committee on the Judiciary.

A message from the Senate, proposing another balloting immediately for a trustee of the University, and informing that the name of Hugh M'Queen is added to the nomination. The proposition was agreed to, and Messrs. Cherry and Jackson appointed a committee on the part of this House to conduct the balloting. A message from the Senate, informing that Messrs. Gilmore and Underwood attend this House as a balloting committee on the part of the Senate.

Mr. Gaston presented a bill in aid of the North Carolina Central Rail Road and Cape Fear and Yadkin Rail Road Companies; which was read the first time and passed, and, on Mr. Courts's motion, ordered to be printed.

A message from the Senate, agreeing to ballot, as heretofore proposed by this House, for colonel and lieutenant colonel of the tenth brigade and fifth division of the militia, and informing that Messrs. M'Daniel and Hoover attend the Commons to conduct the balloting. Messrs. Webb and Abernathy were appointed the committee on the part of this House.

The bill to incorporate the Cabarrus Gold Mining Company, and the bill to incorporate the Charlotte Gold Mining Company, were severally read the second time and passed.

Received from his Excellency the Governor the following communication:

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

GENTLEMEN,—I take the liberty of laying before you the accounts of expenditures incurred in preparing the Government House for the reception of the Legislature, including such alterations as have been made by the direction of the honorable the Speakers of the two Houses and the clerks.

On leaving the Government House, I have subjected myself to a small expense for house rent, which I have no doubt will be provided for. I have also to observe, that it has been customary to make an appropriation for keeping the Government House and lots in repair. I
avail myself of this opportunity to call your attention to the distribution of a small amount of bank stock and money mentioned in Gov. Owen's message of last year, as set apart for the benefit of James N. Forsythe, who was lost in the sloop of war Hornet.

I have only to observe that no information has reached me relative to the family of Maj. Forsythe since I came into office.

I am, gentlemen, most respectfully, your obedient servant,

M. STOKES.

Executive Office, 31st December, 1831.

The foregoing message was read, and, on motion by Mr. Wyche, ordered to be transmitted to the Senate, with a proposition that it be referred to the committee on Finance.

Mr. O'Brien presented a bill to incorporate the Oxford Volunteer Company, which was read the first time and passed.

Mr. Cherry, from the committee appointed to conduct the balloting for a trustee of the University, reported that no one had received a majority of the whole number of votes. The report was concurred in.

Received from the Senate the following message:

In Senate, 31st Dec. 1831.

Mr. Speaker,—The Senate having transmitted to the House of Commons the engrossed "bill to alter the time of holding the Superior Courts of Law and Equity in the counties of Martin and Pitt," and being desirous of regaining the possession of the said bill, respectfully request of the House of Commons to return the same to the Senate.

Signed D. F. CALDWELL, S. S.

By order, S. F. PATTERSON, C. S.

The said bill not having been announced and read to the House, and being therefore not strictly in its possession, it was ordered by the House of Commons that the same be returned to the Senate.

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

MONDAY, January 2, 1832.

Mr. Sloan presented a bill to amend an act, passed in the year 1826, entitled an act to amend an act, passed in the year 1825, entitled an act directing the manner in which constables shall be hereafter appointed in the county of Sampson; and Mr. Moody a bill allowing compensation to jurors of the County and Superior Courts of the county of Northampton. These bills were read the first time and passed.

Mr. Abernathy, from the committee appointed to conduct the balloting for cavalry officers attached to the 10th brigade and 5th division, reported that Henry Fullenweider was duly elected colonel and John D. Hoke lieutenant colonel. The report was concurred in.

Mr. Faddis presented a bill for the better regulation of the town of Hillsborough; which was read the first time and passed.

Mr. Edmonston, from the committee on Roads, to which was referred the bill to appoint commissioners to lay off a road from Neil Howard's mills, in Wilkes county, up Elk creek, to Ashe county line, reported the same with an amendment. The bill was made the order of the day for to-morrow.

Mr. Edmonston, from the same committee, to which was referred the petition of Wilson Reid, reported a bill to authorise Wilson Reid to erect two gates across the public road leading through his farm along the bank of the Albemarle Sound. The said bill was read the first time and passed.

Mr. Leak, from the committee on Claims, to which were referred the petitions of Andre Mathiew, of Rowan, and Jesse H. Simmons, of Halifax, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subjects. The report was concurred in.
A message from the Senate, proposing another balloting for a trustee of the University. The proposition was agreed to, and Messrs. Edmonston and Tatham appointed a committee to conduct the balloting, and the name of Benjamin Sumner withdrawn from the nomination. A message from the Senate, informing that Messrs. Melcher and Howell form said committee on their part.

Mr. Wyche, from the committee on Finance, which was instructed to inquire into the emoluments appertaining to the office of clerk of the Supreme Court, reported a bill to amend an act, passed in the year 1812, entitled an act to amend the laws relative to the Supreme Court. This bill was read the first time and passed.

Mr. Arrington, from the committee on Military Affairs, to which the subject had been referred, reported a bill to distribute the remaining tactics; which was read the first time and passed.

Mr. Polk presented the petition of Daniel Call, executor of Robert Means, praying payment of certain public certificates alleged to be due his testator. The said petition was, on motion by Mr. O'Brien, ordered to lie on the table.

Mr. Weaver presented a bill for the protection of farmers; which was read, and, on Mr. Wyche's motion, laid on the table.

Mr. Edmonston, from the balloting committee for a trustee of the University, reported that no person had received a majority of the votes. The report was concurred in.

A message from the Senate, proposing another balloting immediately for a trustee. The proposition was agreed to, and Messrs. Grandy and Broadhurst appointed a committee to superintend the balloting. A message from the Senate, informing that Messrs. Rowland and Brittain form their committee on the said balloting.

The bill to establish two banks, one by the name and style of the Farmers' Bank of North Carolina, and the other by the name and style of the Merchants' Bank of North Carolina, was read the second time, and postponed, on motion by Mr. Townsend, indefinitely—yeas 84, nays 39. The yeas and nays called for by Mr. Thomas.


The bill to establish a bank by the name and style of the President and Directors of the Bank of Albemarle, was read, and, on motion by Mr. Emmett, indefinitely postponed.

The resolution in favor of Green B. Palmer, was read the second time and passed, and, two thirds of the House concurring, the said resolution was read the third time, passed and ordered to be engrossed.
The bill for the protection of farmers, was, on Mr. Wyche's motion, taken up and referred to the committee on the Judiciary.

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

**Tuesday, January 3, 1832.**

Mr. Edmonston presented a bill to compensate justices of the peace in the county of Haywood for their services; Mr. Calloway, a bill declaring valid all grants for land issued by this State, where the owners have been chain carriers in surveying the same; and Mr. Freeman, a bill for the better government of the Washington Toll Bridge Company. These bills were severally read the first time and passed.

Mr. Sumner, from the committee on the Judiciary, who were instructed to inquire whether titles to real estate can be tried on petitions for partition, reported a bill to provide for the partition of lands, tenements and hereditaments held in common. The said bill was read the first time and passed, and, on Mr. Sumner's motion, ordered to be laid on the table and be printed.

Mr. Henry, from the committee on the Judiciary, to which were referred the bill to protect honest debtors from imprisonment for debt; and the bill to amend an act, passed in 1777, entitled an act declaring what fences are sufficient, and to provide a remedy for abuses, reported the same without amendment. The said bills were accordingly made the order of the day for to-morrow.

On motion by Mr. Settle, ordered that a message be sent to the Senate, proposing another balloting immediately for a trustee of the University; and informing that the name of William M. Green is withdrawn from the nomination.

Mr. Mc Cain asked and obtained leave to withdraw from the files of this House the petition of Selah Smith, of Montgomery county.

Mr. Henry, from the committee on the Judiciary, who were instructed by resolution to inquire into the propriety of amending the law relative to clerks and masters, reported that it is not expedient to legislate upon the subject in the manner contemplated in said resolution, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Henry, from the same committee, to which was referred the bill for the relief of co-securities, reported the same with an amendment. The bill was accordingly made the order of the day for to-morrow.

Mr. Henry, from the same committee, to which was referred the bill to establish an entry taker's office in the county of Macon, reported unfavorably thereon. The said bill was made the order of the day for to-morrow.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Mecklenburg Gold Mining Company; and the bill to authorise the erection of mills on Big Ivey creek in the county of Buncombe; and the resolution for board of Internal Improvements, with amendments, and asking the concurrence of this House therein. The said several amendments were read and concurred in, and the Senate informed thereof.

A message from the Senate, informing that Messrs. Kerr and Rencher form their balloting committee for a trustee of the University. Messrs. Houlder and Speight were appointed said committee on the part of this House.
A message from the Senate, informing that they had passed the engrossed bill concerning corporations, the officers and managers of corporations, and trustees of funds for public purposes; and asking the concurrence of this House. The said bill was read the first time and passed. On motion by Mr. Henry, two thirds of the House concurring, the bill was again read the second time. Mr. Haywood moved to strike out the words "reimburse the stockholders thereof," in the fourth section of the bill, and insert the words "pay one half the surplus (if any) into the Treasury of this State, subject to the directions of the General Assembly of this State." The motion was rejected, and the bill passed its second reading.

Mr. Cox moved that the House do now proceed to the orders of the day, and take up the resolutions heretofore submitted, in relation to the expediency of calling a convention. The House refused now to consider them, and, on motion by Mr. Cox, the said resolutions were referred to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Houlder, from the committee appointed to conduct the balloting for a trustee of the University, reported that John Bragg had received a majority of the whole number of votes and was duly elected. The report was concurred in.

The bill to repeal part of an act, passed in the year 1827, entitled an act to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters, was read the third time, passed and ordered to be engrossed.

The bill to authorise the building of a bridge over Roanoke river at the town of Weldon, and to incorporate a company for that purpose, was read the third time, amended, on motions by Mr. Wyche and Mr. L. Thompson, passed, and ordered to be engrossed.

The bill to incorporate the Cabarrus Gold Mining Company was read the third time and passed—yeas 58, nays 21. The yeas and nays demanded by Mr. Cherry.


The House adjourned till 4 o'clock, P. M.

The bill to incorporate the Plymouth Volunteer Guards; the bill for the better regulation of a light infantry company in the county of Beaufort, called the Washington Guards; and the bill to incorporate the Charlotte Gold Mining Company, were each read the third time, passed and ordered to be engrossed.

The bill to increase the liability of sheriffs, and to provide more effectively for the collection of taxes, was read the second time, amended and passed.

The bill directing the manner in which Constables shall hereafter be elected in the county of Stokes, was read the second and third times, passed and ordered to be engrossed.
The bill to regulate the toll of millers in the county of Washington, was read the second time and rejected.

The bill to incorporate the Lenoir Volunteer Guards; the bill to incorporate Tick Creek Academy, in the county of Chatham; the bill to incorporate the Bertie Legion; the bill to incorporate the Oxford Volunteer Company; and the bill to restore to credit John Taylor, of Cumberland county, were severally read the second and third times, passed and ordered to be engrossed.

The engrossed bill to incorporate Contentnea Academy, in the county of Pitt, and to appoint the trustees thereof; and the engrossed bill to incorporate the Charlotte Fire Engine Company, were severally read the second and third times, passed and ordered to be enrolled.

The bill to incorporate a volunteer company called the Beard's Creek Guards; and the bill to prevent the falling of timber in, or otherwise obstructing the channel of Hunting creek in the counties of Rowan and Ire- dell, were severally read the second and third times, passed and ordered to be engrossed.

The bill to prevent the falling of timber in Haw river, in Guilford and Rockingham counties, and Mair's Fork, in Guilford county, was read the second and third times, passed and ordered to be enrolled.

The bill for the better regulation of the militia of Haywood county; the bill to prevent obstructions to the passage of fish up Aramuse creek, in the county of Camden; and the bill for the better government of the Washing- ton Toll Bridge Company, were severally read the second and third times, passed and ordered to be engrossed.

The bill to provide for the payment of jurors for the county of Moore, was read the second and third times, amended, on Mr. Seawell's motion, and passed, and ordered to be engrossed.

The bill for the better regulation of the Court of Pleas and Quarter Ses- sions for the county of Chatham, was read the third time, passed and ordered to be engrossed.

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

The engrossed bill to appoint one additional place of sale in Hyde coun- ty, was read the second and third times, passed and ordered to be enrolled.

The bill concerning the County Court of Orange county, was read the second and third times, passed and ordered to be engrossed.

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

WEDNESDAY, JANUARY 4, 1832.

John B. Thompson obtained leave of absence from the service of this House from and after this day for the residue of the session.

Mr. Henry, from the committee on the Judiciary, to which the subject had been referred, reported a bill to authorise the Superior and County Courts of this State to compel plaintiffs in certain cases to give security for the costs of suit. The said bill was read the first time and passed.

Mr. Pearson presented a bill to incorporate the Rowan Troopers; which was read the first time and passed.

The engrossed bill to give longer time for paying in entry money, was read the second time, amended and passed.
A message from the Senate, informing that they had passed the follow-
ing engrossed resolutions, viz. Resolution on the subject of fuel for the
use of the Legislature; a resolution in favor of Nevin Clark, of Moore
county; and a resolution in favor of Wilkings & Co. These resolutions
were read the first time and passed.

A message from the Senate, agreeing to the proposition of this House,
that the communication of his excellency the Governor relative to the
expense of fitting up the Government House for the reception of the Le-
gislature, be referred to the committee on Finance.

A message from the Senate, informing that they had passed the engross-
ed bills altering the laws in respect to the allotment of widows' dower, and
to authorise the sheriff of Hyde county to execute warrants and collect ex-
ecutions for sums less than one hundred dollars; and the engrossed resolu-
tion for Public Treasurer; and asking the concurrence of the Commons.
The said bills and resolution were read the first time and passed.

A message from the Senate, proposing that the two Houses ballot imme-
diately for colonel, lieutenant colonel and major of cavalry of the 18th
brigade; and nominating Thomas J. Harper for the first, Nathan W.
Fletcher for the second, and Joseph B. G. Roulhac for the third ap-
pointment named. The proposition was agreed to, and Messrs. Spruill
and Smith appointed a committee to conduct the balloting.

A message from the Senate, proposing to the House of Commons that
the proceedings which were had on Saturday last, in relation to the bill to
regulate the time of holding the Superior Courts of Law and Equity for
the counties of Martin and Pitt, be expunged from the Journals of both
Houses, informing that the said bill had been inadvertently sent to this
House before the time for reconsideration had expired. Ordered that the
Senate be informed that the House of Commons do not agree to expunge
from their own Journal their notice of said proceedings.

Mr. Wyche moved that the resolution to appoint an agent to collect evi-
dence and attend to the surveying of the lands which are the subject of a
suit, &c. be now taken up and considered. The said resolution was read
the first time, amended and passed.

A message from the Senate, informing that they had passed the engross-
ed bill to regulate the time of holding the Superior Courts of Law and E-
quity for the counties of Martin and Pitt; and asking the concurrence of
this House. The said bill was read, and, on motion by Mr. Cherry, inde-
finitely postponed.

The House, on motion by Mr. Cox, resolved itself into a committee
of the Whole, Mr. Haywood in the Chair, and took into consideration the
following resolutions heretofore submitted by Mr. Whitaker:

Whereas many of the good people of North Carolina entertain the opinion that the Consti-
tution of the State is defective in some of its fundamental provisions, and requires amend-
ments—more especially in the present mode of representation, which, instead of being on the just
and equitable basis of taxation and population, is according to counties, unequal in size, and
greatly disproportionate in wealth and numbers:

And whereas local jealousies and divisions, growing out of this state of things, have for man-
years existed among us, creating dissensions among the people, distracting the councils of the
State, and obstructing liberal and wholesome legislation—a condition of things which the char-
acter and prosperity of the State loudly require should be removed from among us, that
we may become one people, possessing common rights, and influenced by a common principle:

And whereas many of the good people of this State entertain the opinion that the seat of go-
vernment should be removed to some place uniting more advantages than the city of Raleigh.
Therefore, for the purpose of removing these defects on principles of compromise and mutu-
concession, and with a view of restoring good feeling among our citizens and harmony in the councils of the General Assembly, 

Be it resolved by the General Assembly of the State, and it is hereby resolved by the authority of the same, That it is expedient to call a Convention of the free men of North Carolina, for the purpose of considering the propriety of amending the Constitution of the State, and also of removing the seat of government.

2. Resolved further, That it shall be the duty of the sheriffs of the several counties in this State, on the day of next, after twenty days' notice, to open polls at the places where elections are usually held in their respective counties, under the same rules and regulations as elections for members of the General Assembly are now held; and all free white men over the age of twenty-one years, having been citizens of the State twelve months immediately preceding the day of election, are requested to attend said polls, and vote for delegates to a Convention.

3. And be it further resolved, That the delegates to be chosen shall be distributed among the several counties as follows, the same being on the basis of federal numbers, that is to say: the counties of Ashe, Bladen, Brunswick, Columbus, Carteret, Currituck, Chowan, Camden, Gates, Greene, Hertford, Hyde, Haywood, Jones, Lenoir, Macon, Martin, Nash, Onslow, Pasquotank, Perquimans, Robeson, Tyrrell and Washington, each one delegate. The counties of Anson, Berkle, Beaufort, Cabarrus, Chatham, Cumberland, Caswell, Craven, Duplin, Davison, Edgecombe, Franklin, Halifax, Johnston, Moore, Montgomery, Northampton, New Hanover, Person, Pitt, Randolph, Rockingham, Richmond, Sampson, Surry, Wilkes, Warren and Wayne, each two delegates. The counties of Buncombe, Burke, Guilford, Granville, Iredell, Mecklenburg, Richmond, Stokes and Wake, each three delegates. And the counties of Lincoln, Orange and Rowan, each four delegates.

4. Be it further resolved, That the delegates so chosen shall meet in Convention on the day of next; and when duly organized, shall proceed to consider the propriety of adopting the following articles as a part of the Constitution of the State; and said Convention shall be restricted and limited to the propriety of adopting or rejecting these articles, or any or either of them, and no others:

Article I. The Senate shall be composed of members biennially chosen, one from each county in the State. Both Senators and their electors shall possess the same qualifications as are now required of each respectively by the Constitution.

Article II. The House of Commons shall be composed of members biennially chosen by the free white men of the State in the manner hereinafter prescribed; and the members and their electors shall possess respectively the same qualifications as now required by the Constitution.

Article III. Representation in the House of Commons shall be equal and uniform, and shall be regulated and ascertained by the General Assembly once in every ten years, on the basis of federal numbers; that is, three-fifths of the black population added to the whole of the white population. The ratio on which the representatives shall be distributed among the several counties at the period of every ten years, shall be so fixed by law as not to give fewer than ninety, nor more than one hundred members to the House of Commons, over and above the representation of the towns, if the borough system should be retained.

When a county may not contain a sufficient amount of federal numbers to entitle it to a member, and when the fractions of the adjacent counties added thereto are still less than the ratio, then two or more counties may be joined together for the purpose of sending one or more members, according to what they may be entitled to send by the settled ratio.

When there are two or more counties adjacent to each other having fractions over and above the ratio fixed on, if such fractions when added together will amount to the ratio, then one member shall be added to the county having the largest fraction.

The first arrangement on the principle of this amendment shall be made by the General Assembly in the year 1841, and until then the House of Commons shall be composed of members from the several counties as follows, to wit: Anson, &c.

Article IV. The General Assembly shall meet once in every two years; but should the public interest require it, the Governor in the interim may call an extra session.

Article V. The Governor, Public Treasurer and Secretary of State shall be biennially chosen by joint ballot of the two Houses. No person shall be eligible to the office of Governor longer than four years in eight successive years.

Article VI. Whenever any town in this State, not now entitled to representation, shall possess a population of souls, such town shall become entitled to send one member to the House of Commons; and when any town, now represented, or hereafter to be represented, shall cease to possess a population of souls, then such town shall forfeit the right of representation.

Article VII. No higher taxes shall be imposed on the slave than on the white poll; and slaves shall not be taxed at an earlier age than twelve years, nor at a later age than fifty years.

Article VIII. The Convention shall determine on the expediency of removing the seat of government; and if they determine on removing it, then they shall fix the place of removal, which shall become the permanent seat of government until removed by the people in Convention assembled.
After some time spent in the consideration of the subject, the committee rose, and the Speaker having resumed the Chair, the chairman reported that the committee had made progress therein, and asked leave to sit again. Leave was granted.

And thereupon the House adjourned until to-morrow morning, 10 o'clock.

Thursday, January 5, 1832.

Mr. Haywood presented a bill to regulate retailers of spirituous liquors; and Mr. Seawell a bill to compel the clerks of the County and Superior Courts, and other officers, of the county of Moore, to keep their respective offices at the court house of said county. These bills were read the first time and passed.

A message from the Senate, informing that Messrs. Allen and Moye, of Pitt, attend this House to conduct the balloting for cavalry officers of the 18th brigade.

The engrossed resolution in favor of Marmaduke Powell, and the engrossed resolution in favor of Elizabeth Forbis, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to give longer time for paying in entry money, was read the third time and passed. Ordered that the concurrence of the Senate be asked in the amendment heretofore made in this House.

The bill to increase the liability of sheriffs and to provide more effectually for the collection of taxes, was read the third time, passed, and ordered to be engrossed.

The bill to change the disposition of the money constituting the Agricultural Fund; the resolution in favor of Jacob Caler; the resolution in favor of David L. Swain and Romulus M. Saunders; the resolution in favor of the Public Treasurer; and the resolution in favor of Bynum W. Bell, were severally read the second time and passed.

A message from the Senate, proposing to ballot immediately for lieut. colonel of cavalry of the third brigade, and informing that Robert H. Cowan is nominated for the appointment. The proposition was agreed to, and Messrs. Bonner and Rand appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Guinn and Hoke form said committee on behalf of the Senate.

The House now proceeded to the order of the day, and, on motion by Mr. Outlaw, again resolved itself into a committee of the Whole, Mr. Haywood in the Chair, on the convention resolutions; and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the committee of the Whole had considered the subject, and instructed him to report the said resolutions to the House without amendment.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

Friday, January 6, 1832.

Mr. Wyche, from the committee on Finance, to which was referred a message from the Governor relating to work done on the Government House, reported a resolution to pay sundry persons for work and materials used in preparing for the accommodation of the General Assembly; which was read the first time and passed; also a resolution to provide for repairs and furnishing Governor's House; also a resolution in favor of James N. Forsythe's relatives; which were read the first time and passed.
Resolution in favor of David L. Swain and Romulus M. Saunders, and a resolution in favor of the Public Treasurer, were severally read the third time, passed, and ordered to be enrolled.

Resolution in favor of Bynum W. Bell was read, and, on motion by Mr. Wyche, ordered to lie on the table.

A bill to change the disposition of the money constituting the Agricultural Fund, was read the third time, passed, and ordered to be engrossed.

Mr. Monk with leave presented a bill to incorporate the Jackson Mounted Guards; which was read the first time and passed.

Mr. Polk, from the committee on Propositions and Grievances, to which was referred the resolution in favor of John Black, sheriff of Cumberland county, reported the resolution without amendment, and recommended its adoption. The resolution was made the order of the day for to-morrow.

Mr. Polk, from the same committee, to which was referred the memorial of Archibald D. Murphy, and a bill to encourage the publication of a history of North Carolina, reported that it is inexpedient and improper to raise the necessary funds in the manner proposed in said memorial. The bill was made the order of the day for to-morrow.

Resolution in favor of Jacob Caler was read the third time, passed, and ordered to be engrossed.

Alexander Little obtained leave of absence from the service of this House, from and after this day, until the end of the session.

Mr. C. Wooten with leave presented a bill to repeal the second section of an act, passed in the year 1823, entitled an act to amend the militia laws of this State relative to the cavalry; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. A bill to authorize William M. Davidson to erect a gate or gates on his own land across the road leading through his plantation on Jonathan's creek, in Haywood county; a bill to incorporate three light infantry companies and one company of cavalry in the county of Edgecomb; a bill prescribing the manner of taking sheriffs' bonds for the counties of New Hanover, Bertie and Onslow; and a bill to amend an act, entitled an act to authorize the justices of the Court of Pleas and Quarter Sessions of the county of Northampton to employ a suitable person to transcribe part of the records of said county; and a resolution in favor of John M. Allen, sheriff of Montgomery. These bills and resolution were read the first time and passed.

Mr. Bonner with leave presented a bill to extend the powers of the commissioners of the town of Washington; which was read the first time and passed.

The engrossed bill concerning corporations, the officers and managers of corporations, and trustees of funds for public purposes, was read the third time. Mr. Haywood moved to strike out, in the conclusion of the fourth section, the words "and afterwards to reimburse the stockholders thereof, under such rules, regulations, provisions and restrictions as the court rendering such final judgment shall direct," and insert the following:

"And out of the surplus, if any there be, the Court shall direct 5 per cent. on the capital stock of said company to be retained, and the residue shall be divided among the stockholders after such rules and regulations as the court shall deem just and right: Provided, that the said 5 per cent. shall never exceed one thousand dollars; and the court shall further direct one half of the said sum retained to be paid to the State where
there is a relator, and the other half to the relator. And if there be no relator, the court shall direct the whole of it to be paid to the State.

"Be it further enacted, That the court shall have power in all cases brought before them under this act, to make an allowance to the attorney of the State corresponding with his labor and trouble in the suit, and such allowance shall be paid by the defendants, if judgment be rendered against them, and it shall be paid by the relators, if the court shall adjudge in favor of the defendants, and if the court shall be of opinion that it is just and proper to charge the same against the relator."

This amendment was rejected. Mr. Pearson moved to strike out the word "gross," in the last page and twelfth line of the bill; which was agreed to. The said bill as thus amended then passed its third reading. Ordered that the concurrence of the Senate be asked in said amendment.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Lenoir Volunteer Guards with an amendment, and asking the concurrence of this House. The said message was, on motion by Mr. C. Wooten, laid on the table.

Mr. Spruill, from the committee appointed to conduct the balloting for cavalry officers attached to the 18th brigade, reported that Thomas J. Harper was duly elected colonel, Nathaniel W. Fletcher, lieutenant colonel, and Joseph B. G. Roulhac, major. The report was concurred in.

Mr. Bonner, from the committee appointed to conduct the balloting for lieutenant colonel of cavalry of the third brigade, reported that Robert H. Cowan was duly elected. The report was concurred in.

The resignations of John D. Jones, lieut. col. of cavalry of the third brigade and sixth division; of Calvin Coor, major of the 40th regiment of North Carolina militia, and of Calvin R. Blackman, as lieut. colonel of said regiment, were presented, read and accepted.

The House, on motion by Mr. Cherry, proceeded to the unfinished business of yesterday, and again took up the convention resolutions. Mr. Edmondston moved that the said resolutions lie on the table. This question was decided in the negative. Mr. Davis moved that their further consideration be postponed indefinitely. Pending this motion, Mr. Henry renewed the motion that the said resolutions lie on the table. The Speaker decided this motion to be now out of order. An appeal was taken from this decision to the House, and the decision of the Chair sustained. Mr. Pearson moved that the House adjourn until to-morrow morning, 10 o'clock. This question was decided in the negative—yeas 2, nays 122. The yeas and nays called for by Mr. Davis.

Those who voted in the affirmative, were Messrs. Davidson and M'Queen.


Mr. Henry again moved that the said resolutions lie on the table. The
Speaker (pro tem. Mr. Sawyer) again decided the motion out of order, and Mr. Henry again appealed from this decision to the House. On the question is the decision of the Chair correct? Mr. Singleton demanded the yeas and nays, and the question was decided in the affirmative—yeas 66, nays 59.


The question then recurring on the indefinite postponement of the resolutions, it was decided in the affirmative—yeas 70, nays 56. The yeas and nays demanded by Mr. Davis.


Whereupon the House adjourned until 4 o'clock, P. M.

The bill for the better regulation of the town of Tarborough, in the county of Edgecomb; the bill to authorize Wilson Reed to erect two gates across the public road leading through his farm along the bank of the Albemarle Sound; the bill to appoint an additional place of sale in the county of Rutherford; the bill to authorise the County Court of Richmond county to transcribe and record certain papers in the office of the County Court Clerk; and the bill to incorporate the Jackson Mounted Guards, were severally read the second and third times, passed and ordered to be engrossed.

The bill to alter the name of Edwin Stokes and to legitimate him, was, on Mr. Wyche's motion, postponed indefinitely.

The amendment proposed by the Senate to the engrossed bill to incorporate the Lenoir Volunteer Guards, was taken up and concurred in, and a proposition made to the Senate further to amend said bill.

The engrossed bill to allow compensation to the jurors of the County and Superior Courts of the county of Macon; the bill amendatory of an act, passed in the year 1830, in relation to the appointment of commission-ers to superintend the erection of a court house in the county of Burke, were read the second and third times, passed and ordered to be enrolled.
The bill allowing compensation to jurors of the County and Superior Courts of the county of Northampton; the bill to amend an act, passed in the year 1826, entitled an act to amend an act, passed in the year 1825, entitled an act directing the manner in which constables shall be hereafter appointed in the county of Sampson; and the bill to alter the mode of keeping in repair the streets in the village of Chapel Hill, were severally read the second and third times, passed and ordered to be engrossed. The engrossed bill to amend an act, passed in the year 1818, entitled an act to establish the town of New Salem, on the lands of Benjamin Marmon, Esquire, was read the second and third times, passed, and ordered to be enrolled.

The bill for the better regulation of the town of Waynesborough, in Wayne county, and for other purposes, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

Mr. Outlaw moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was decided in the affirmative—yeas 56, nays 37. The yeas and nays demanded by Mr. Davis.


Saturday, January 7, 1832.

Mr. Weaver presented the following resolution, which was read, and, on Mr. Wyche's motion, laid on the table:

Resolved, That from and after Monday next it shall not be in order to introduce any new bill into this House.

Mr. M'Millan presented a bill making compensation to tales jurors in the county of Bladen; which was read the first, second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. a bill to incorporate two companies of light infantry in the county of Pitt; a bill to alter the manner of appointing inspectors for the town of Wilmington; and a resolution in favor of Robert Ray; and asking the concurrence of this House. The said bills and resolution were severally read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, and asking the concurrence of this House, viz. a bill providing for the assignment of dower and for the partition of the whole real estate of deceased persons, where a part thereof lies in North Carolina and part in other States; a bill extending the provisions of an act, entitled an act securing to the widows of intestates the surplus of the personal estates of their deceased husbands, where no kindred claim the same, passed in the year of our Lord 1823; a bill to repeal the eighth section of an act, passed in the year of our Lord 1828, entitled an
act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions, issued by justices of the peace; a bill giving longer time to register grants of land in this State, mesne conveyances, powers of attorney, &c. &c. a resolution in relation to the Cherokee bonds; a resolution in favor of Levin Armwood; and a resolution in favor of John Bryson. These bills and resolutions were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Fayetteville and Yadkin Rail Road Company, and proposing that said bill be printed, three copies for each member of the Legislature. The proposition to print was agreed to.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the North Carolina Central Rail Road Company, with an amendment, and proposing that said bill be printed, three copies for each member of the Legislature. The proposed amendment and proposition to print were concurred in.

A message from the Senate, informing that they had passed the engrossed bill to incorporate a light infantry company in the town of Plymouth, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, concurring in the amendment proposed by the House of Commons to the engrossed bill to give longer time for paying in entry money.

Mr. Henry presented the following resolution:

Whereas the publication of an accurate map of this State is an enterprise of great risk and expense, and requires much time, and is an object of indispensable utility to the government of this State and its citizens at large; and whereas John M'Rae has completed a map of this State, except the engraving, and that the same is now in the hands of Henry S. Tanner, a celebrated map engraver of Philadelphia, and will be ready for delivery in a few months; and whereas the State made a loan of $5000 heretofore to the said John M'Rae, ($2000 of which has been paid,) under the expectation that he would be able to pay it out of the proceeds of the sale of his map, when completed, but which will be prevented by the intrinsic difficulty and expense of the project:

Resolved, therefore, That the Public Treasurer be instructed not to enforce the collection of the bond of the said John M'Rae, of three thousand dollars, due the 1st December last, until the 1st of December next, unless the safety of the debt may require its earlier collection; and provided also, that he shall continue to renew the said bond in the manner heretofore prescribed.

Mr. Fleming proposed to strike out the whole of the preceding resolution, and to insert the following:

Resolved, That his excellency the Governor be requested to procure from John M'Rae twenty-seven copies of the maps of this State as soon as the same may be completed, and present one copy to the General Government, and one to each of the States; and that he be authorized to draw upon the Treasurer for the amount expended in procuring and transmitting said copies.

Resolved further, That the Public Treasurer be directed to require payment from John M'Rae the balance of the five thousand dollars loaned by the State to said M'Rae, which still remains unpaid, being the sum of three thousand dollars, secured by the note of said John M'Rae, in the office of the Treasurer.

This amendment was rejected. The question then recurring on Mr. Henry's resolution, the same was adopted, and ordered to be engrossed.

The amendment proposed by the Senate to the engrossed bill to incorporate the North Carolina Central Rail Road Company, was reconsidered, and the said amendment amended by the House of Commons, by striking out the name of Littleton A. Gwyn.

The resolution in favor of Samuel Calvert and others; the bill respecting the toll to be paid by horsemen for crossing Beard's Bridge, on the
Yadkin river, in Rowan county; the bill to amend the law relative to malicious maiming and wounding; the bill to prevent the felling of timber in, or otherwise obstructing the run of Catherine creek and Warwick swamp, in Gates and Chowan counties; the bill to appoint commissioners to lay off a road from Neill Howard's mills, in Wilkes county, up Elk creek, to Ashe county line, were severally read the second time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend the fifth section of an act, passed A. D. 1816, chapter 912, entitled an act for the more speedy trial of slaves in capital cases, with amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

Mr. Bonner presented the following resolution, which was read, and, on Mr. Mebane's motion, laid on the table:

Resolved, That a message be sent to the Senate, proposing that the two Houses adjourn sine die on Friday next, and that the Clerks make out their estimates to that day inclusive.

The resignations of Wm. M. Ballard, of Orange county; and of Jo. Regan, of Robeson county, justices of the peace, were received from the Senate, and read and accepted.

The bill to exempt certain persons from paying toll on the turnpike road from Old Fort, in Burke, to Asheville, in Buncombe county, was read and rejected.

The bill to establish the dividing line between Duplin and Wayne counties, was read the second time. Mr. Gillespie proposed, by way of amendment and substitute, "a bill, entitled 'a bill to authorise the County Courts of the counties of Duplin and Wayne to appoint commissioners to run and mark the dividing line between the counties of Duplin and Wayne." The said amendment was rejected, and the bill passed its second reading.

The bill to extend the jurisdiction of justices of the peace, was read, and, on motion by Mr. Freeman, ordered to lie on the table.

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

MONDAY, January 9, 1832.

Mr. Pittman presented a bill founded on a memorial of sundry citizens of Tarborough, to incorporate the Tarborough and Hamilton Rail Road Company; which was read, and, on Mr. Freeman's motion, postponed indefinitely.

Mr. Wyche gave notice that he would on to-morrow move that so much of the seventeenth rule of order as requires that no bill, petition, memorial, resolution or other papers that may be addressed to the House, shall be taken out of the possession of the House, or sent to the other House, until the time shall have elapsed for reconsideration, be rescinded for the remainder of the session.

The bill to amend the law relative to malicious and unlawful maiming and wounding, was read the third time, passed and ordered to be engrossed.

The resolutions in favor of Samuel Calvert and others, were read the third time. Mr. Allison moved that they be postponed indefinitely, and called for the yeas and nays. The question thereon was decided in the affirmative—yeas 61, nays 47.

Those who voted in the affirmative, were messrs. Abernathy, Allison, Arrington, Barringer, Bell, Boddie, Bonner, Colloway, Cansler, Clayton, Courts, Davidson, Davis, Fleming, Flowers, Freeman, Gause, Glass, Glenn, Grandy, Gwyn, Harper, Hartt, Hill, Hogan,


Caleb Stephens obtained leave of absence from the service of this House, from and after to-morrow, until the end of the session.

Mr. Haywood presented a resolution to provide for a collection of the old Journals and Acts of the General Assembly from 1776 to 1830; and Mr. Crump, a bill to authorise the County Court of Northampton county to lay a tax to defray the expenses of the militia called out during the late insurrection in Virginia. The said resolution and bill were severally read the first time and passed.

The bill to prevent the felling of timber in, or otherwise obstructing the run of Catharine creek and Warwick swamp, in Gates and Chowan counties; and the bill to appoint commissioners to lay off a road from Neil Howard's mills, in Wilkes county, up Elk creek, to Ashe county line, were severally read the third time, passed and ordered to be engrossed.

Resolution authorising and directing the Public Treasurer to procure specie coin, was read the third time, passed, and ordered to be enrolled.

The bill to establish the dividing line between Duplin and Wayne counties, was read, and, on Mr. Gillespie's motion, laid on the table.

The engrossed bill to incorporate a company styled the Guilford Gold Mining Company, and to provide a mode in which corporations may be dissolved for misbehavior; and the engrossed bill to incorporate a company styled the Catawba Gold Mining Company, were severally read the second time and passed.

The bill to limit and define the power of courts in issuing attachments and inflicting punishments for contempt, was read, and, on motion by Mr. Fleming, postponed indefinitely—yeas 56, nays 33. The yeas and nays called for by Mr. Toole.


The bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases, was read the second time, amended and passed.

The bill to alter the time of holding the Superior Courts for the county of Haywood, was read the second time and passed.

The bill to prevent slaves and free persons of color from commanding boats on the Roanoke river; the bill to provide for the collection of demands against ships and vessels; and the bill to carry into effect the provisions of an act, passed in the year 1825, entitled an act to provide for the
removal of the shoal in the Tar river below the town of Washington, were severally read and postponed indefinitely.

The resignation of William Bradshaw, a justice of the peace of the county of Orange, was presented, read and accepted.

The bill to authorise the County Courts of this State to appoint committee of finance; and the bill for the better regulation of the County Courts of Haywood, were read the second time and passed.

The bill for the better regulation of cavalry, was read, and, on Mr. Barringer’s motion, laid on the table.

The bill supplemental to an act, passed in the year 1830, entitled an act to regulate the time of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson; and the bill to alter the time of laying the county and poor taxes and appointing constables in the county of Orange, and for other purposes, were read the second time and passed.

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

The bill to compel the clerks of the County and Superior Courts and other officers of the county of Moore to keep their respective offices at the court house of said county; and the bill respecting the toll to be paid by horsemen for crossing Beard’s Bridge on the Yadkin river, in Rowan county, were read the second and third times, passed and ordered to be engrossed.

The engrossed bill for the relief of William Simkins, of Craven county, was read the second and third times, passed and ordered to be enrolled.

The bill to extend an act, passed in the year 1830, chapter 151, entitled an act to authorise Major J. Clark, or him and his associates, to build a toll bridge across Pungo river at Loghouse Landing; the bill to authorise the County Court of Guilford to appoint overseers and hands to clear out the channel of the Reedy Fork of Haw river, in Guilford county; the bill to repeal in part an act, passed in the year 1829, to provide for the payment of jurors in the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; the bill to incorporate the Rowan Troopers; the bill to repeal an act, passed in the year 1827, entitled an act to compel the sheriff of Burke county to give written summons to the jurors of said county, were severally read the second time and passed.

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

The engrossed bill to amend an act, entitled an act to authorise the justices of the Court of Pleas and Quarter Sessions of the county of Northampton to employ a suitable person to transcribe part of the records of said county, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The engrossed bill to incorporate three light infantry companies and one company of cavalry in the county of Edgecomb; the engrossed bill to authorise the sheriff of Hyde county to execute warrants and collect executions for sums less than one hundred dollars; and the engrossed bill to authorise Wm. M. Davidson to erect a gate or gates on his own land across the road leading through his plantation on Jonathan’s creek, in Haywood county, were severally read the second time and passed.

The bill to compensate justices of the peace in the county of Haywood
for their services, was read, and, on Mr. Wyche's motion, postponed inde-
finitely.

The bill to extend the powers of the commissioners of the town of Wash-
ington, was read the second and third times, passed, and ordered to be
engrossed.

The engrossed bill to incorporate two companies of light infantry in the
county of Pitt, was read the second and third times, passed, and ordered
to be enrolled.

A message from the Senate, informing that they had passed the engrossed
bills for the better regulation of a light infantry company in the county of
Beaufort, called the Washington Guards; and the bill to incorporate the
Oxford Volunteer Company, with sundry amendments, and asking the con-
currence of this House. The said amendments were read and concurred in.

A message from the Senate, informing that they had passed the engross-
ed bill to authorise and empower the County Courts of Haywood to appoint
commissioners to make alterations or to lay out new roads in said county,
with an amendment, and asking the concurrence of this House. The mes-
gage was laid on the table.

A message from the Senate, informing that they had passed the engrossed
bill to prevent obstructions to the passage of fish up Tar river, with
amendments, and asking the concurrence of this House. This message
was also laid on the table.

A message from the Senate, informing that they had rejected the en-
grossed bill to repeal part of an act, passed in the year 1827, entitled an
act to prevent obstruction to the passage of fish up the Roanoke and Ca-
shie rivers.

A message from the Senate, informing that they had passed the follow-
ing engrossed bills and resolutions, and asking the concurrence of this
House, viz. A bill to secure the more perfect administration of justice in
certain cases; a bill pointing out the mode whereby the militia of this State
shall hereafter be called into service in cases of insurrection or invasion
and outlawed and runaway negroes; a bill for the relief of the citizens of
this State; a bill for the distribution of a part of the public arms among the
several counties of this State, and for the preservation and accounting for
of the same; a bill to amend an act, passed in 1817, chapter 22, entitled an
act to revise and amend the laws respecting wrecks and wrecked proper-
ty in this State; a bill giving the power to regimental courts martial of lay-
ing off and altering the several captains' districts within their regiment;
resolution respecting the Literary Fund; resolution for the Governor; and
a resolution approbatory of the administration of Andrew Jackson.

The engrossed bill for the more perfect administration of justice in cer-
tain cases, was read the first time and passed, and, on Mr. Gaston's mo-
tion, referred to the committee on the Judiciary.

The engrossed bill for the distribution of a part of the public arms
among the several counties of the State, and for the preservation and ac-
counting for of the same; the engrossed bill giving the power to regiment-
tal courts martial of laying off and altering the several captains' districts
within their regiment; also the engrossed bill pointing out the mode where-
by the militia of this State shall hereafter be called into service in cases
of insurrection or invasion and outlawed and runaway negroes; also the
engrossed bill to amend an act, passed in the year 1817, chapter 22, enti-
ted an act to revise and amend the laws respecting wrecks and wrecked property in this State, were severally read the first time and passed.

The engrossed bill for the relief of the citizens of this State; also the engrossed resolution for the Governor; also the engrossed resolution appointing the administrative of Andrew Jackson, were severally read and laid on the table.

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

TUESDAY, JANUARY 10, 1832.

Mr. Peebles presented a bill to repeal an act of 1801, entitled an act to fix a uniform time for taking the list of taxable property throughout the State, and for enforcing the collection of taxes, so far as relates to the county of Guilford; which was read the first time and passed.

Mr. Emmett presented a resolution authorising the Secretary of State to issue a grant of 50 acres of land to William Brown, of the county of Wilkes; which was read and adopted, and ordered to be engrossed.

The bill to authorise the County Courts of this State to appoint committees of Finance; the bill supplemental to an act, passed in the year 1830, entitled an act to regulate the time of holding the Superior Courts of Law and Equity for the counties of Moore, Montgomery and Anson; the bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases; the bill for the better regulation of the County Courts of Haywood, were severally read the third time, passed, and ordered to be engrossed.

The bill to alter the time of laying the county and poor taxes and appointing constables in the county of Orange, and for other purposes, was read the third time, amended and passed, and ordered to be engrossed.

The bill to alter the time of holding the Superior Courts for the county of Haywood, was read the third time, passed, and ordered to be engrossed.

A message from the Senate, concurring in the several amendments proposed by the House of Commons to the engrossed bills to incorporate the Lenoir Volunteer Guards; for the better regulation of the town of Waynesborough, in Wayne county, and for other purposes; and the engrossed bill concerning corporations, the officers and managers of corporations, and trustees of funds for public purposes.

A message from the Senate, informing that they had passed the engrossed resolution in favor of Jacob Caler with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

The engrossed resolution for the Governor was called up by Mr. Sumner, amended and adopted. Ordered that the concurrence of the Senate be asked in said amendment.

The House, on motion by Mr. Fleming, agreed to reconsider the vote of yesterday rejecting the bill to incorporate the Tarborough and Hamilton Rail Road Company. The said bill was, on Mr. Bragg's motion, laid on the table.

The House, on Mr. Wyche's motion, ordered that a part of the seventeenth rule of order be rescinded for the residue of this session, according to the notice given by Mr. Wyche on yesterday.

Mr. Henry, from the committee on the Judiciary, who were instructed to inquire whether the bastardy laws require amendment, reported that it is inexpedient to make any alteration or amendment of said laws, and
prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. O'Brien, from the committee on the Judiciary, to which was referred the bill to exempt from execution growing crops, and to secure debtors a certain portion of the same after they shall have been severed from the freehold, reported the same with an amendment. The bill was accordingly made the order of the day for to-morrow.

Mr. Haywood presented a bill to create a fund for purchasing a public library for the State; and Mr. Edmonston a bill amendatory of the act to authorise and point out the method how the road, commonly called the State road, running through the county of Haywood, may hereafter be altered. These bills were read the first time and passed.

Mr. Haywood, from the committee on Claims, to which was referred the petition of the Roanoke Navigation Company claiming interest on the subscriptions of the State to the stock of said company, made a detailed report thereon unfavorable to said claim, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Haywood moved that the bill to amend an act, passed in 1829, entitled an act to enable the State Bank to wind up gradually and to fix a uniform rate of collection, be now taken up and considered. The motion was agreed to, and the bill was read. Mr. Haywood moved to amend the bill by striking out the second section, and Mr. Sawyer moved that the said bill be postponed indefinitely. The question on Mr. Sawyer's motion was decided in the negative—yeas 46; nays 66. The yeas and nays demanded by Mr. Cherry.


Mr. Wyche moved to amend the amendment by striking out the whole of said bill after the enacting clause, and to insert: "That it shall and may be lawful for the President and Directors of the State Bank and the Banks of Newbern and Cape Fear, at their discretion, to make loans on notes payable at any time or times not extending beyond the 31st Dec'r, 1834." The question thereon was decided in the negative. The question then recurring on Mr. Haywood's motion to strike out the second section, it was decided in the affirmative. The said bill was then, on motion by Mr. Pearson, postponed indefinitely.

The engrossed resolution approbatory of the administration of Andrew Jackson was taken up, adopted and ordered to be enrolled—yeas 88, nays 19.

The bill to amend an act, passed in the year 1812, entitled "an act to amend the laws relative to the Supreme Court," was read, and, on motion by Mr. Wyche, laid on the table.

The bill reported by the committee on Finance, entitled "a bill to amend an act, passed in the year 1812, entitled an act to amend the laws relative to the Supreme Court; also the resolution in favor of William Parker; also the resolution in favor of Luke G. Lamb, sheriff of Camden; also the resolution in favor of Samuel W. W. Vick, sheriff of Nash county; also the bill to repeal the second section of an act, passed in the year 1823, entitled an act to amend the militia laws of this State relative to the cavalry," were severally read the second time and passed.

The bill to repeal an act, passed in the year 1827, entitled an act to reduce the number of petty musters to two in a year, was read the second time and rejected—yeas 48, nays 53. The yeas and nays called for by Mr. Weaver.


The resolution in favor of William T. Preswood was read the second time and passed.

The bill to alter the time of holding elections in the counties of Halifax and Northampton was read the second time, amended and passed.

The bill to incorporate the Wilmington Transportation Company, in the town of Wilmington, was read, and, on motion by Mr. Wilson, laid on the table.

The resolution in favor of John Black, sheriff of Cumberland county, was read the second time and passed. Mr. Mebane moved that the said bill be now read the third time. It was so ordered, and upon the passage of the resolution its third reading Mr. Outlaw called for the yeas and nays, and the vote was, yeas 72, nays 34.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Arrington, Barclay, Barringer, Boddie, Bogle, Bonner, Broadhurst, Brooks, Burgin, Cansler, Chamblee, Cherry, Clayton, Cloman, Cox, Cunningham, Davidson, Davis, Edmonston, Emmett, Fleming, Flowers, Gause, Gillespie, Glass, Grandy, Gwyn, Hartt, Haywood, Hill, Houlder,
The bill to extend an act, passed in the year 1830, chapter 151, entitled an act to authorise Major J. Clark, or him and his associates, to build a toll bridge across Pungo river at Loghouse Landing; also the bill to incorporate the Rowan Troopers, were read the third time, passed and ordered to be engrossed.

The bill to incorporate a company styled the Catawba Gold Mining Company, was read the third time, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The engrossed bill to incorporate the Guilford Gold Mining Company, was read the third time, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The engrossed bill to authorise the County Court of Guilford to appoint overseers and hands to clear out the channel of the Reedy Fork of Haw river, in Guilford county; also the engrossed bill to repeal in part an act, passed in the year 1829, to provide for the payment of jurors in the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin; also the engrossed bill to repeal an act, passed in the year 1827, entitled an act to compel the sheriff of Burke county to give written summons to the jurors of said county; and the engrossed bill to incorporate three light infantry companies and one company of cavalry in the county of Edgecomb, were severally read the third time, passed, and ordered to be enrolled.

The engrossed bill to authorise the sheriff of Hyde county to execute warrants and collect executions for sums less than one hundred dollars, was read, and, on Mr. Sawyer's motion, laid on the table.

The engrossed bill to authorise Wm. M. Davidson to erect a gate or gates on his own land across the road leading through his plantation on Jonathan's creek, in Haywood county, was read the third time, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz. A bill to amend an act, entitled an act, passed in the year 1830, to authorise and direct the Public Treasurer to sell the public lands therein named belonging to the State; a bill to raise a fund to establish free schools in the county of Johnston, and for the management thereof; a bill to compel the clerk of the Superior Court in the county of Northampton, and the register of said county to keep their offices at the court house in the town of Jackson; a bill to incorporate a gold mining company called the Greensborough Gold Mining Company; a bill in addition to an act, passed at the last session of the General Assem-
bly of this State, in relation to the burning of the records of the county of Hertford; a bill to incorporate the Salisbury Gold Mining Company; and a resolution in favor of Edward Rigsby; and asking the concurrence of the Commons therein. The said bills and resolutions were severally read the first time and passed.

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

**Wednesday, January 11, 1832.**

On motion by Mr. Clayton,

Resolved, That a message be sent to the Senate, proposing that the two Houses adjourn sine die on Saturday next, and the clerks be instructed to make up the estimates to that day inclusive.

Mr. M'Queen presented the petition of Thomas Ragland, of Chatham county, praying to be relieved from a decree obtained against him in the Supreme Court of this State, at the instance of R. & C. M'Nair; which was, on Mr. M'Queen's motion, referred to the committee on Claims.

Mr. Pearson, from the committee on the Judiciary, to which was referred the engrossed bill to secure the more perfect administration of justice in certain cases, reported the same with an amendment. The said bill was accordingly made the order of the day for to-morrow.

Mr. Robertson gave notice that he should on to-morrow move a suspension, for the residue of the session, of the first clause of the 41st rule of order.

Mr. Whitaker, from the committee on Incorporations, to which was referred the memorial of a number of the citizens of Mecklenburg, in favor of granting acts of incorporation to mining companies, reported that the committee instructed him to return the said memorial to the House, and to ask to be discharged from the further consideration thereof. The committee was discharged.

Mr. M'Neill presented a bill to incorporate Flea Hill Academy, in the county of Cumberland, which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Bragg called up the bill to incorporate the Tarborough and Hamilton Rail Road Company; which was read the first time and passed.

The message from the Senate, proposing certain amendments to the engrossed bill to prevent obstructions to the passage of fish up Tar and Pamlico rivers, was taken up, and the said amendments concurred in.

The bill to repeal the second section of an act passed in the year 1823, entitled an act to amend the militia laws of this State relative to the cavalry, was read the third time, passed and ordered to be engrossed.

Mr. Courts moved that the House reconsider the vote of yesterday, postponing indefinitely the bill to amend an act, passed in 1829, entitled an act to enable the State Bank to wind up gradually, and to fix a uniform rate of collection. The question on reconsidering was decided in the negative—yeas 41, nays 70. The yeas and nays demanded by Mr. Haywood.

Those who voted in the affirmative, were messrs. Barclay, Barringer, Boddie, Bonner, Bragg, Burgin, Courts, Cox, Crump, Cunningham, Davidson, Freeman, Gaston, Haywood, Henry; Hunt, Judkins, Larkins, Lyon, Mebane, Moore, M'Cain, M'Lean, M'Millan, M'Neill, M'Queen, Outlaw, O'Brien, Petty, Polk, Robertson, Sanders, Sherwood, J. H. Skinner, Sumner, Toole, Townsend, Weaver, Witcher, Worth, A. W. Wooten—41.

Those who voted in the negative, were messrs. Abernathy, Allison, Arrington, Beckwith, Bell, Bogle, Brevard, Brooks, Cansler, Chamblee, Cherry, Clayton, Clemman, Daniel, Davis, Dozier, Edmonston, Fadils, Fleming, Flowers, Garland, Gause, Gillespie, Glass, Glenn, Grandy, Gwyn, Harper, Hurt, Hurdly, Hill, Hague, Houlder, Jackson, Jarvis, J. B. Jones,

The bill to establish the dividing line between Duplin and Wayne counties, was read the third time, passed and ordered to be engrossed.

The bill prescribing the manner of taking the sheriffs' bonds for the counties of New Hanover, Bertie and Onslow, was read, and, on Mr. Wyche's motion indefinitely postponed.

The bill to extend the jurisdiction of justices of the peace, was read, and, on motion by Mr. Toole, postponed indefinitely—yeas 88, nays 23.

The yeas and nays called for by Mr. Bonner.


Those who voted in the negative, were Messrs. Allison, Bell, Bonner, Brooks, Cherry, Cloman, Flowers, Freeman, Glass, Grandy, Hartt, Heartly, Houlder, Jackson, Judkins, Larkins, Rand, Robertson, Spruill, Townsend, Wadsworth, Weaver, Ziglar—23.

The resignation of Robert Wooten, a justice of the peace of the county of Lenoir, was presented, read and accepted.

The resolution authorising the repairing of the Statue of Washington, was now taken up. Mr. Mebane moved to amend the same by striking out all after the word "Resolved," and insert the following:

"That the Governor be requested to have all the parts of the Statue of Washington enclosed in such manner as to preserve it as much as can be from the influence of the atmosphere."

Pending this question, Mr. Davis moved that said resolution be indefinitely postponed. The question thereon was decided in the negative—yeas 24, nays 92. The yeas and nays called for by Mr. Edmonston.


The question recurring on Mr. Mebane's motion, the said amendment was rejected. Mr. Courts moved that the following be added as an amendment, viz.

"Resolved further, That the Governor be authorised at any time pending the execution of the work to suspend the same if in his judgment the said artist shall not be likely to effect it in the same and manner proposed by him."

This was agreed to, and, thus amended, the resolutions passed their second reading—yeas 86, nays 30. The yeas and nays demanded by Mr. Clayton.

Those who voted in the affirmative, were Messrs. Arrington, Barringer, Beckwith, Bell, Baldie, Bogie, Bonner, Bragg, Brevard, Broadhurst, Burgin, Canler, Chamblee, Cloman, Courts, Cox, Crump, Daniel, Dozier, Edmonston, Faddis, Fleming, Flowers, Freeman, Gause, Gillespie, Glenn, Granty, Gaston, Hartt, Haywood, Heartly, Henry, Hogan,


Two-thirds of the House concurring, the said resolutions were again read the third time, passed and ordered to be engrossed.

Mr. Moody asked and obtained leave to withdraw from the files the papers accompanying the resolutions in favor of Samuel Calvert and others.

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

A message from the Senate, concurring in the amendment proposed by the House of Commons to the Senate's amendment to the engrossed bill to incorporate the North Carolina Central Rail Road Company.

The bill to alter the time of holding elections in the counties of Halifax and Northampton; also the bill to amend an act, passed in the year 1812, entitled an act to amend the laws relative to the Supreme Court; also the resolution in favor of William T. Preswood; also the resolution in favor of William Parker, were severally read the third time, passed and ordered to be engrossed.

The engrossed resolution respecting the Literary Fund, was read, adopted, and ordered to be enrolled.

The bill for the better regulation of the patrol, was read the second time, and, on motion by Mr. J. H. Skinner, postponed indefinitely.

The bill to distribute the remaining Tactics, was read the second and third times, passed and ordered to be engrossed.

The bill to authorise the making of a turnpike from the top of the Smoky Mountain down the Oconoluftee river; as far as the house of John Beck, on said river, in Haywood county; and to incorporate a company for that purpose, was read the second time, amended and passed.

The engrossed bill in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford, was read the second time and passed.

The bill to authorise the County Court of Northampton county to lay a tax to defray the expenses of the militia called out during the late insurrection in Virginia, was read the second and third times, passed and ordered to be engrossed.

The bill to encourage the formation of volunteer companies, was read, and, on Mr. Haywood's motion, postponed indefinitely.

The resolutions in favor of the Onslow militia, were read the second and third times, passed and ordered to be engrossed.

The bill to authorise a justice of the peace to take depositions in certain cases, was read the second and third times, amended and passed, and ordered to be engrossed.

The bill to repeal an act of 1801, entitled an act to fix an uniform time for taking the list of taxable property throughout the State, and for enforcing the collection of taxes, so far as relates to the county of Guilford, was read the second time and rejected.
The resolution in favor of James N. Forsythe's relatives, was read the second and third times, passed and ordered to be engrossed.

Abner Heartly obtained leave of absence from the service of this House, from and after Friday next, until the end of the session.

The bill to prevent free negroes and mulattoes from owning or carrying guns in this State, was read, and, on motion by Mr. Mebane, postponed indefinitely.

The bill to extend the time within which the Reports of the Supreme Court shall be published; the bill to regulate retailers of spirituous liquors; the resolution to provide for repairing and furnishing the Governor's house; the resolution to pay sundry persons for work and materials used in preparing for the accommodation of the General Assembly; and the bill declaring valid grants for land, issued by this State, when the owners have been chain carriers in surveying the same, were severally read the second and third times, passed, and ordered to be engrossed.

The bill more effectually to compel the attendance of witnesses, for the purpose of procuring their depositions, to grant facilities for obtaining the testimony of witnesses in prison, and for other purposes, was read, and, on Mr. O'Brien's motion, indefinitely postponed.

The bill to aid in making the Tennessee river road, in Macon county, was read the second time, amended and passed.

The bill to protect honest debtors from imprisonment for debt, was, on Mr. Haywood's motion, laid on the table.

The bill to allow appeals to the Supreme Court from interlocutory judgments, orders and decrees of the Superior Courts of Law and Courts of Equity; and the resolution to provide for a collection of the old Journals and Acts of the General Assembly from 1776 to 1830, were severally read the second and third times, passed and ordered to be engrossed.

The bill amendatory of the act to authorise and point out the method how the road, commonly called the State Road, running through the county of Haywood, may hereafter be altered, was read the 2d time and passed.

The engrossed resolution in favor of Nevin Clark, of Moore county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill giving exclusive jurisdiction to the Superior Court of Montgomery county of all pleas and prosecutions of the State; and the engrossed resolution in favor of John M. Allen, sheriff of Montgomery; and the engrossed resolution in favor of Wilkings & Co. were severally read the second time and passed.

The engrossed resolution on the subject of fuel for the use of the Legislature; also the engrossed resolution in favor of John Bryson; and the engrossed resolution in favor of Robert Ray, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution in favor of Levin Armwood, was read and amended, and laid on the table.

A message from the Senate, agreeing to the proposition of this House to adjourn without day on Saturday next, and that the Clerks make up the estimates to that day inclusive.

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

Thursday, January 12, 1832.

Mr. Hartt obtained leave of absence from the service of this House, from and after this day, until the end of the session.
Mr. Glass asked and obtained leave to withdraw from the files of the House the Comptroller's certificate accompanying the resolution in favor of Wilson Carter.

Mr. Lewis Thompson, from the select joint committee to which was referred the communication of the Public Treasurer of the 5th December last, reported a resolution instructing the Public Treasurer; which was read and adopted, and ordered to be engrossed.

On motion by Mr. Gaston, ordered that a message be sent to the Senate, proposing that six additional members be placed on the committee on enrolled bills, and informing that Messrs. Sumner, Courts, L. Thompson and Crump are added from the Commons. The Speaker placed Mr. G. A. Thompson also on this committee, in the place of Mr. Alexander Little, who had obtained leave of absence.

The bill to aid in draining White Marsh, in Columbus county, and the bill for the better regulation of cavalry, were read and indefinitely postponed.

The resignations of Daniel Conrad and Joseph Lorance, justices of the peace of the county of Lincoln, were presented, read and accepted.

The engrossed resolution in favor of Bynum W. Bell, was read the third time, passed, and ordered to be enrolled.

The bill to subject to entry certain lands in the county of Haywood, was read the second time and rejected.

The engrossed bill for the relief of the citizens of this State, was read, and, on Mr. Wilson's motion, indefinitely postponed.

The bill to aid in making the Tennessee river road in Macon county; and the bill to incorporate the Oconaluftee Turnpike Company in Haywood county, were severally read the third time, passed and ordered to be engrossed.

Leave of absence from the service of this House, from and after to-morrow, was granted to Mr. O'Brien.

A message from the Senate, concurring in the various amendments proposed by the House of Commons to the following engrossed bills, viz. A bill to incorporate a company, styled the Guilford Gold Mining Company; the bill to authorise Wm. M. Davidson to erect a gate or gates on his own land across the road leading through his plantation on Jonathan's creek, in Haywood county; the bill to incorporate a company, styled the Catawba Gold Mining Company; the bill to amend an act, entitled an act to authorise the justices of the Court of Pleas and Quarter Sessions of the county of Northampton to employ a suitable person to transcribe part of the records of said county; and the resolution for the Governor. Ordered that said bills and resolution be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, viz. a bill to appoint commissioners to lay off a road from Neill Howard's mills in Wilkes county, up Elk creek, to Ashe county line; a bill to authorise the clerks of Courts of Pleas and Quarter Sessions to receive entries of vacant land in certain cases; and a bill to incorporate the Rowan Troopers, with sundry amendments, and asking the concurrence of the Commons. The several proposed amendments were read and agreed to.

The bill to authorise the Superior and County Courts of this State to compel plaintiffs in certain cases to give security for the costs of suit, was read the second time and passed.

The bill in aid of the North Carolina Central Rail Road and Cape Fear
and Yadkin Rail Road Companies, was read the second time and passed—

yeas 51, nays 49. The yeas and nays called for by Mr. Weaver.


On motion, the said bill was again read the third time. Mr. Powell moved that said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 53, nays 57. The yeas and nays demanded by Mr. Emmett.


The question then recurring on the passage of the said bill its third reading, it was decided in the affirmative, and the bill ordered to be engrossed.

Joseph H. Skinner obtained leave of absence from the service of the House from and after to-morrow.

Mr. Sawyer presented a resolution authorising the appointment of additional engrossing clerks for the residue of the session; which was read and adopted, and ordered to be engrossed.

The bill to insure the fair valuation of lands in this State when the same shall be given in for taxation; the bill to establish an entry taker's office in the county of Macon; the bill to provide for the final settlement of executors and administrators; and the bill to encourage the publication of a history of North Carolina, were severally read, and, on motion, postponed indefinitely.

The engrossed resolution in favor of Levin Armwood, was read and rejected.

The bill to create a fund for purchasing a public library for the State; and the bill to exempt from execution growing crops, and to secure to debtors a certain portion of the same after they shall have been severed from the
reehold, were severally read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, agreeing that six additional members be placed on the committee on enrolled bills, and informing that Messrs. Gilmore and Brownrigg are added from the Senate.

The resignation of Allen Richardson, a justice of the peace of the county of Johnston, was presented, read and accepted.

A message from the Senate, informing that they had passed the engrossed bill to prevent obstructions to the passage of fish up Neuse and Trent rivers, with sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the conduct of negroes, slaves and free persons of color, and asking the concurrence of this House. The said bill was read the first, second and third times, amended and passed.

On the third reading of the bill, Mr. Thomas demanded the yeas and nays, and the vote was—yeas 73, nays 23.


Those who voted in the negative, were Messrs. Allison, Bogle, Burgin, Cansler, Clayton, Crump, Cunningham, Edmonston, Gause, Glass, Lyon, Mebane, Monk, M'Millan, Peeples, Smith, Spruill, Thomas, Watson, Weaver, Whitaker, Witcher, Worth—23.

Ordered that the concurrence of the Senate be asked in said amendment.

The House then adjournd until 6 o’clock, P. M.

A message from the Senate, informing that they had rejected the engrossed bill to exempt from execution a certain portion of the land of the citizens of North Carolina.

The bill to incorporate the Tarborough and Hamilton Rail Road Company, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to amend the second section of an act, passed A. D. 1796, entitled an act to enforce the duty of inspectors in this State, was read the second time and passed.

The engrossed bill for the distribution of a part of the public arms among the several counties of the State, and for the preservation and accounting for of the same; also the engrossed bill to amend an act, passed in the year 1817, chapter 22, entitled an act to revise and amend the laws respecting wrecks and wrecked property in this State; and the engrossed resolution in favor of Leslie Gilliam, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill amending the laws relative to the manner of appointing jurors for the Superior and County Courts of this State, was read the second time and passed.

The engrossed bill for the relief of co-securities, was, on Mr. Henry’s motion, laid on the table.

The resignation of Tignal Jones, a lieutenant colonel of the second re-
giment of Wake county militia, and of Warren Harris, a justice of the peace of the county of Halifax, were presented, read and accepted.

The engrossed bill to amend an act, passed in 1777, entitled an act declaring what fences are sufficient, and to provide a remedy for abuses; also the engrossed bill to incorporate a gold mining company, called the Greensborough Gold Mining Company; also the engrossed bill to incorporate the Salisbury Gold Mining Company; and the engrossed resolution in favor of Edward Riggsbee, were severally read the second time and passed.

Leave of absence, from and after to-morrow, was granted to Mr. J. B. Jones.

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

Friday, January 13, 1832.

Mr. Larkins presented a bill to repeal in part an act, passed in the year 1830, regulating quarantine in this State; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Leak obtained leave of absence, from and after this day, until the end of the session.

The engrossed bill in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford; also the engrossed resolution in favor of Luke G. Lamb, sheriff of Camden; also the engrossed resolution in favor of John M. Allen, sheriff of Montgomery; also the engrossed resolution in favor of Wilkins & Co.; also the engrossed resolution in favor of Edward Riggsbee; and the engrossed resolution in favor of Samuel W. W. Vick, sheriff of Nash county, were severally read the third time, passed, and ordered to be enrolled.

Mr. Rand presented a resolution in favor of Richard Roberts; which was read and adopted, and ordered to be engrossed.

On motion by Mr. Mebane,

Resolved, That the Governor be requested to have the dredging machine which belongs to the State, secured in such manner as to preserve it from ruin.

The engrossed bill to incorporate the Salisbury Gold Mining Company, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to incorporate a gold mining company, called the Greensborough Gold Mining Company; also the engrossed bill to amend the second section of an act, passed A. D. 1796, entitled an act to enforce the duty of inspectors in this State; also the engrossed bill giving exclusive jurisdiction to the Superior Court of Montgomery county of all pleas and prosecutions of the State; and the engrossed bill amending the laws relative to the manner of appointing jurors for the Superior and County Courts of this State, were severally read the third time, passed and ordered to be enrolled.

The engrossed bill to extend the provisions of an act, passed A. D. 1828, entitled an act to establish a poor house in the county of Person, was read the third time, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

Mr. Henry, from the committee on the Judiciary, to which were referred the bill to authorise the wardens of the poor to hold property for the benefit of the poor; and the bill for the protection of farmers, reported the same without amendment, and asked to be discharged from the further consideration of the subject. The said bills were, on motion, laid on the table.
The bill amendatory of the act to authorise and point out the method
how the road, commonly called the State Road, running through the coun-
ty of Haywood, may hereafter be altered; and the bill to authorise the Su-
perior and County Courts of this State to compel plaintiffs in certain cases
to give security for the costs of suit, were read the third time, passed and
ordered to be engrossed.

Mr. Henry, from the committee on the Judiciary, to which were refer-
red sundry resolutions submitted by Mr. Haywood on the 8th ult. report-
ed that for want of time the committee had not been able to devote proper
attention to the various subjects therein embraced, and prayed to be dis-
charged from the further consideration thereof. The report was concurred in.

Mr. Haywood, from the committee on the Judiciary, to which was re-
ferred the bill for revising and digesting the law of executors and admin-
istrators, reported the same with an amendment. The said bill was read
the second time and amended, also the third time and passed, and ordered
to be engrossed.

The engrossed bill to amend an act, passed in 1777, entitled an act de-
claring what fences are sufficient, and to provide a remedy for abuses, was
read the third time; and the engrossed bill to repeal the eighth section of
an act, passed in 1828, entitled an act to amend the law with respect to
the collection of debts from the estates of deceased persons, and the law
in relation to the levying of executions, issued by justices of the peace,
was read the second and third times and passed. Ordered that said bills
be enrolled.

The engrossed bill to amend an act, entitled an act passed in the year
1830, to authorise and direct the Public Treasurer to sell the public lands
therein named belonging to the State, was read the second time and passed.

The engrossed bill providing for the assignment of dower and for the
partition of the whole real estate of deceased persons, where a part
thereof lies in North Carolina and part in other States; also the engrossed
resolution in relation to the Cherokee bonds, were read the second and
third times, passed and ordered to be enrolled.

The engrossed resolution to appoint an agent to collect evidence and
attend to the surveying of the lands which are the subject of a suit in the
Supreme Court, was read the third time and passed. Ordered that the con-
currence of the Senate be asked in the amendment heretofore made to
the said resolution.

The engrossed bill altering the laws in respect to the allotment of wi-
dows' dower, was read the second time and rejected.

Leave of absence from the service of this House, from and after to-mor-
row, was, on motion, granted to Messrs. C. Wooten, Long, Clayton and
Barringer.

The engrossed bill to alter the manner of appointing commissioners of
navigation and pilotage for the Cape Fear river; also the engrossed bill giv-
ing longer time to register grants of land in this State, deeds of mesne con-
voyance, powers of attorney, &c. also the engrossed bill to authorize the
Courts of Pleas and Quarter Sessions of the several counties in this State
to erect poor houses in their respective counties; also the engrossed bill
extending the provisions of an act, entitled an act securing to the widows of
intestates the surplus of the personal estate of their deceased husbands,
where no kindred claim the same; also the engrossed bill to alter the man-
ner of appointing Inspectors for the town of Wilmington, were severally read the second and third times, passed and ordered to be enrolled.

The engrossed bill giving the power to regimental courts martial of laying off and altering the several captains' districts within their regiment, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The engrossed bill pointing out the mode whereby the militia of this State shall hereafter be called into service in cases of insurrection or invasion and outlawed and runaway negroes, was read the second and third times, passed and ordered to be enrolled.

The engrossed bill to amend an act, entitled an act, passed in the year 1830, to authorize and direct the Public Treasurer to sell the public lands therein named belonging to the State, was read the third time, passed and ordered to be enrolled.

The engrossed bill to secure the more perfect administration of justice in certain cases, was read the second and third times, amended and passed. Ordered that the concurrence of the Senate be asked in said amendment.

The engrossed bill to raise a fund to establish free schools in the county of Johnston, and for the management thereof, was read the second and third times, passed and ordered to be enrolled.

Mr. Gwyn asked and obtained leave to withdraw from the files of the House the petition and accompanying papers of Benjamin Long.

Mr. Polk also asked and obtained leave to withdraw from the files the petition, and documents accompanying, of Daniel Call.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill for the better regulation of the town of Tarborough, in Edgecomb county; a bill to regulate retailers of spirituous liquors; and a resolution in favor of William T. Preswood, with amendments, and asking the concurrence of the Commons therein. The said amendments were severally read and agreed to.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill declaring valid all grants issued by this State where the owners have been chain carriers in surveying the same.

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

The engrossed bill to compel the clerk of the Superior Court in the county of Northampton, and the register of said county to keep their offices at the court house in the town of Jackson, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to provide for having the militia laws of this State digested, amended and published, with an amendment, and asking the concurrence of this House. The said amendment was read, and thereupon the House of Commons refused to concur therein.

A message from the Senate, informing that they had passed the engrossed bill to authorize the Governor to grant certain lands to the trustees of Franklin Academy, in the county of Macon, and asking the concurrence of this House. The said bill was read the first, second and third times, passed and ordered to be enrolled.

On motion by Mr. Mebane,
Resolved, That a message be sent to the Senate, proposing that the two Houses ballot immediately for a colonel commandant of the lower regiment of the militia of Chatham county, and informing that John W. Bynum and Edwin Horton are nominated for the appointment.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Yadkin and Neuse Manufacturing Companies; the bill to prevent the sale of spirituous liquors in less quantities than one gallon at public places, in the counties therein named; and the bill to repeal a part of the third section of the militia laws of 1831, relative to general officers; and asking the concurrence of the Commons. The first named bill was read the first, second and third times, amended and passed; and the two last named bills, on motion, indefinitely postponed.

A message from the Senate, proposing that when the two Houses adjourn this evening, they adjourn to meet at 6 o'clock to-morrow morning. This proposition was agreed to.

A message from the Senate, informing that they had indefinitely postponed the following engrossed bills, viz. A bill to alter the time of holding elections in the counties of Halifax and Northampton; a bill to exempt from execution growing crops and to secure to debtors a certain portion of the same after they shall have been severed from the freehold; and the bill to create a fund for purchasing a public Library for the State.

A message from the Senate, concurring in several amendments made by the House of Commons to the engrossed bill to extend the provisions of an act, passed in the year 1828, entitled an act to establish a poor house in the county of Person; also the bill for the better regulation of the conduct of negroes, slaves and free persons of color. Ordered that said bills be enrolled.

A message from the Senate, informing that they had passed the engrossed bills to alter the time of holding the Superior Courts for the county of Haywood; and to authorize the building of a toll bridge over Roanoke river at the town of Weldon, and to incorporate a company for that purpose, with sundry amendments, and asking the concurrence of this House.

The said amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed resolution in favor of James N. Forsythe's relatives, with an amendment, and asking the concurrence of this House. The amendment was read and disagreed to.

A message from the Senate, informing that they had passed the engrossed bill to extend the time within which the reports of the Supreme Court shall be published; and the bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations or to lay out new roads in said county, with amendments, and asking the concurrence of this House. The said proposed amendments were read and disagreed to by the Commons.

The bill fixing a uniform mode of assessment of the real estate, with its improvements thereon, in the county of Beaufort, was read, and, on Mr. Moody's motion, postponed indefinitely.

A message from the Senate, informing that they had passed the following engrossed resolutions, viz. Resolution concerning the Public Library, and a resolution in favor of the Doorkeepers, and asking the concurrence of this House. These resolutions were read and adopted and ordered to be enrolled.

A message from the Senate, informing that they had postponed indefinitely the engrossed resolution in favor of the militia of Onslow county.
The resignation of Thomas Robinson, Anson Gaskill and William Wallace as commissioners of navigation and pilotage for the port of Ocracoke, received from the Senate, was read and accepted.

The House then adjourned until to-morrow morning, 6 o'clock.

Saturday, January 14, 1832.

A message from the Senate, informing that they had passed the engrossed bill giving additional fees to registers in certain cases. The said bill was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed in 1819, entitled an act to create a fund for internal improvements, and to establish a board for the management thereof, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in.

Mr. Daniel asked and obtained leave to withdraw from the files of the House the petition of sundry citizens of Halifax; and Mr. Freeman obtained leave to withdraw also the memorial of a number of the citizens of Washington, accompanying a bill for the regulation of a light infantry company.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to authorise the Governor to appoint a commissioner to revise and digest the laws of this State as to executors and administrators, and the engrossed bill to alter the time of laying the county and poor taxes and appointing constables in the county of Orange, and for other purposes.

A message from the Senate, informing that they recede from their amendments to the engrossed bill to extend the time within which the reports of the Supreme Court shall be published; and that they also recede from the amendments to the engrossed resolution in favor of James N. Forsyth's relatives.

On motion, ordered that a message be sent to the Senate, proposing that the two Houses ballot immediately for a Superintendent of Public Works.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Tarborough and Hamilton Rail Road Company, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, concurring in the proposition of this House to ballot immediately for a Superintendent of Public Works, and informing that Messrs. Mebane and M'Farland are in nomination for the appointment; and informing that Messrs. Davenport and Hawkins attend this House as their balloting committee. Messrs. Rand and Arrington were appointed said committee on the part of the Commons.

A message from the Senate, concurring in the several amendments made by this House to the engrossed bills, entitled a bill to incorporate the Yadkin and Neuse Manufacturing Companies; a bill to secure the more perfect administration of justice in certain cases; a bill giving the power to regimental courts martial of laying off and altering the several captains' districts within their regiments; and the engrossed resolution to appoint an agent to collect evidence and attend to the surveying of the lands which are the subject of suit. Ordered that said bills be enrolled.
A message from the Senate, informing that they recede from their amendment to the engrossed bill to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations or lay out new roads in said county.

A message from the Senate, informing that they had passed an engrossed bill authorising the Comptroller to allow sheriffs for insolvents; and asking the concurrence of this House. The said bill was read, and, on motion by Mr. Gaston, postponed indefinitely.

Mr. Rand, from the committee of balloting for a superintendent of public works, reported that no person had received a majority of the whole number of votes. The report was concurred in. On motion, ordered that a message be sent to the Senate, proposing another balloting immediately for this officer. This proposition was agreed to, and Messrs. Dobson and Brittain, on the part of the Senate, and Messrs. Cherry and Watson, on behalf of the Commons, were appointed superintendents; the name of Mr. M'Farland being withdrawn from the nomination.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the town of Pittsborough, in the county of Chatham, and asking the concurrence of this House. The said bill was read, and, on motion by Mr. Singleton, indefinitely postponed.

Mr. Cherry, from the committee appointed to conduct the balloting for a superintendent of public works, reported that James Wyche had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

On motion by Mr. Moody,

Resolved unanimously, That the thanks of this House are due, and are hereby tendered to the Honorable Charles Fisher, Speaker of the House of Commons, for the able, impartial and dignified manner in which he has discharged the duties of the Chair during the present session.

Whereupon the Speaker made his acknowledgments to the House in an appropriate address, and then adjourned the same without day.

CHS. FISHER, S. H. C.

By order.

Chas. Manly, C. H. C.