At a General Assembly, began and held in the City of Raleigh, on the third Monday of November, in the year of our Lord one thousand eight hundred and thirty-two, and fifty-seventh Year of the Independence of the United States of America, being the day appointed by Law for the Meeting of the General Assembly, the same being the first Session thereof, the following Members appeared, produced their credentials, were qualified according to Law and took their seats.

**Anson County.** Moses W. Cumherton, Thos. D. Park.

**New Hanover.** Taliaferro Witcher, Jonathan Horton.

**Beaufort.** Richard A. Bonner, Henry S. Clark.

**Bertie.** Lewis Thompson.

**Bishop.** John J. McMullan, Robert Lyon.

**Brunswick.** Samuel A. Laspsey, John Waddell.

**Buncombe.** James Weaver, John Clayton.

**Bute.** Alver Ewing, Francis P. Glass.

**Cabarrus.** George Cuv.

**Cumberland.** Benjamin D. Harrison, Thomas Tillot.

**Carteret.** Gwaiy Barnew, David W. Roden.

**Caswell.** Barnwell Graves, Littleton A. Gwynn.

**Chatham.** John S. Cathrie, Hugh McQueen.

**Chowan.** Joseph H. Skinner, Baker F. Welch.

**Columbus.** Josiah Manisby, Caleb Stephens.

**Craven.** Abner Harty, Willie M. Nelson.

**Cumberland.** David M. McKiell.

**Catawba.** John B. Jones, Benjamin T. Simmons.

**Davie.** William Wiseman, Henry Ledford.

**Dorchester.** Joseph Gillespie, Alex. O. Grady.

**Edgar.** Gray Little, John W. Potts.

**Franklin.** Alfred A. Lancaster, Nathaniel R. Tunnall.

**Gates.** Wm.stellar Stallings, John Willey.

**Granville.** Spencer O'Brien, John C. Lityley.

**Greene.** James Harper, John Lec rawell.

**Hartford.** Charles Gee, John R. J. Linally.

**Hoke.** John L. Smith.

**Hertford.** Isaac Carter, Thomas V. Roberts.

**Hyde.** Daniel Murray, Foster Jarvis.

**Iredell.** Solomon Lowdermilk, George F. Davidson.

**Johnston.** John McLeod, Josiah Adams.

**Jones.** Nathen Eosen, John H. Hammond.

**Lee.** Allen W. Wooten, Council Wooten.

**Lincoln.** Miles W. Abernathy, Henry Cansler.

**McDowell.** James Whicker, Asaph Baloe.

**Martin.** James L. G. Baker, John Clonman.

**Mecklenburg.** John Hart, James Dougherty.

**Montgomery.** Francis Lache, Pleasant M. Mask.

**Moore.** William Wadsworth, John H. Hendon.

**Nash.** Joseph Arrington, George Foddie.

**New Hanover.** Thomas Hill, Lewis H. Maitler.

**Northampton.** Roderich B. Gav., Allen Pierre.

**Caswell.** George A. Thompson, Joseph J. Ward.

**Orange.** Joseph Allison, Prizley H. M.

**Pender.** William T. Relie, Frederickal Sawyer.

**Pender.** Joseph W. Townsend, Beve Millen.

**Person.** Benjamin Sumner, Robert Jones, James, Thomas Jordan.

**Randolph.** Alexander Cunningham, Abthe Brewer.

**Richmond.** Isaac Dockery, Duncan McLain.

**Robeson.** Alexander Watson, Benj. Lee.

**Rockingham.** Benjamin Settle, Philip H.

**Rowan.** Thomas G. Poll, Richmond and Pearson.

**Rutherford.** Thomas Dewes, Asyn B. 

**Sampson.** Archibald Monk, Dickson Scag.

**Stokes.** John F. Poindeexter, Leonard Zit.

**Surry.** Thomas J. Word, Daniel W. Con.

**Tyrrell.** Charles McCleese, Sam. B. Sp.


**Wren.** John Bragg, Thomas J. Judkirted

**Washington.** Samuel Hardison, Joseph Norman.

**Wayne.** John W. Hurst, Patrick S.

**Watauga.** William P. Emmet, John Sainwell.

**Wicke.** Wm. C. Emmett, John Saintstill.

**Town of Salisbury.** Burton Grage.

**Blackborough.** Thomas J. Fatefield.

**Hatfield.** William L. Long.

**Edgerton.** Samuel T. Sawyer.

**Ncbeh.** Charles B. Stephani

**Wilmington.** Daniel Sherwoodopinion
A quorum consisting of a majority of the whole number of members being present, Mr. Gwynn moved that Samuel T. Sawyer, the member elect from the town of Edenton, be appointed Speaker; and Mr. McMillan moved that Louis D. Henry, the member representing the town of Fayetteville, be added to the nomination. The House thereupon proceeded to ballot under the superintendence of Mr. Gwynn and Mr. McMillan, who, upon counting the ballot, reported that Louis D. Henry had received a majority of the whole number of votes, and was duly elected. The House concurred in the report and Mr. Henry was conducted to the Chair by Mr. McMillan, from which he made his acknowledgments to the House in an appropriate address.

On motion of Mr. Clayton, Charles Manly was unanimously appointed Principal Clerk, and Edmund B. Freeman, Clerk Assistant.

Mr. Hinton moved that Richard Roberts be appointed Doorkeeper, which was agreed to, and Messrs. John J. C. Wiatr, John Lumsden, John Cooper, Levi Wilkinson, Thompson Parham, Benj. Jones, Willie H. Williams and William Stokes were nominated for the appointment of Assistant Doorkeeper. A ballotine was then had, under the superintendence of Mr. Bragg and Mr. Hinton, who, upon counting the votes, reported that no person had received a majority of the whole number. The report was concurred in, and thereupon the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 20, 1832.

Ninian Edmonston, one of the members elect from the county of Haywood, and Allen Peeples and David Thomas, the representatives of the county of Guilford, appeared, produced their credentials, were qualified and took their seats.

The House proceeded, on motion, to ballot for an Assistant Doorkeeper, under the superintendence of Mr. Bragg and Mr. Hinton, who reported that there was no election. The report was concurred in, and, on motion of Mr. Smitt, the House again proceeded to ballot for this officer, M. O'Brien and W. Bonner being appointed superintendents.

On motion of Mr. Sumner, Resolved, That a select committee of five members be appointed by the Speaker, to prepare and report Rules for conducting the business of the House during the present session, and until such report be made and confirmed, that the Rules adopted by the House be last session be observed; thereupon the Speaker appointed Messrs. Sumner, Sawyer, Polk, Bragg and Pearson to compose said committee.

Mr. O'Brien, from the committee appointed to conduct the ballotine for a Doorkeeper, reported that no one had received a majority of the whole number of votes: the report was concurred in: and, on motion of Mr. Samtaclair, their ballotine, under the superintendence of the same committee, took place immediately.

A message was received from the Senate, informing of the organization of the body, and of the appointment of William D. Mosely, Speaker; Samuel Patterson, Principal Clerk and William J. Cowan, Clerk Assistant; Jas B. Wheeler, Principal and Green Hill, Assistant Doorkeepers, and their readiness to proceed on public business.

Mr. O'Brien, from the committee appointed to conduct the ballotine for a Doorkeeper, reported that John Cooper had received a majority of the whole number of votes and was duly elected. The report was concurred in.

On motion of Mr. O'Brien, ordered, that a message be sent to the Senate, informing them of the organ-
JOURNAL OF THE HOUSE OF COMMONS.

On motion of Mr. Gary,

Ordered, that a message be sent to the Senate, proposing to ballot immediately for three Engrossing Clerks, and informing that Daniel Coleman, Thomas G. Stone, and John W. Covington are nominated for the appointment. The names of Isaac C. Patridge and Thomas L. West were, on motion, added to the nomination.

A message from the Senate concurring in this proposition, and informing that Messrs. Montgomery, of Hertford, and Martin form their balloting committee. Ordered, that the Senate be informed, that Messrs. A. W. Wooten and Courts form said Committee on the part of the Commons.

On motion of Mr. McLoud,

Ordered, that a message be sent to the Senate, proposing to raise a select joint committee, whose day it shall be to wait upon His Excellency the Governor, and inform him of the disorganization of both branches of the Legislature, and of their readiness to receive any communication which he may see fit to make. Said committee, on the part of the Commons, consists of Messrs. McLoud, and Shepard.

A message from the Senate concurring in this proposition of the House, and informing that Messrs. Williams and Holmes compose their committee.

Mr. Shepard, from the select joint committee appointed to carry into effect the foregoing order of the two Houses, reported that they had discharged their duty, and that he was authorised to say, that the Governor would, on to-morrow, at 12 o'clock, make a communication in writing to the General Assembly.

Mr. Courts, from the committee appointed to conduct the balloting for three Engrossing Clerks, reported that Daniel Coleman, John W. Covington, and Thomas G. Stone, had each received a majority of the whole number of votes, and were duly elected. The report was concurred in; and thereupon the House adjourned until to-morrow morning, at 10 o'clock.

Wednesday, November 21, 1832.

David Outlaw, one of the members, elect from the county of Bertie, and John D. Eccles, one of the members from the county of Cumberland, appeared, produced their credentials, were qualified, and took their seats.

Mr. Graves submitted the following resolution:

Resolved, That the Speaker of this House be requested to assign seats within the Bar to one or more stenographers.

This resolution, on motion of Mr. Bragg, was laid on the table.

Mr. Sumner, from the committee heretofore appointed to prepare Rules of Order for the government of this House during the present session, reported the following, viz.

TOUCHING THE DUTY OF THE SPEAKER.

I. He shall take the Chair every day, precisely at the hour to which the House shall have adjourned on the preceding day; 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.

II. He shall preserve decorum and order; may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any member. On which appeal, no member shall speak more than once, unless by leave of the House.

III. He shall rise to put a question, but may state it sitting.

IV. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that, as the question may be, say Aye," and after the affirmative voice is expressed, "As
many as are of contrary opinion, say No." If the Speaker doubts, or a division is called for, the House shall divide: those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

V. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

VI. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

VII. 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; in case of such equal division, the question shall be decided by lot.

VIII. The Speaker shall arrange the orders of the day, unless the House shall otherwise direct.

IX. All acts, addresses and joint resolutions, shall be signed by the Speaker; and all warrants, warrants or subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

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

XI. Stenographers wishing to take down the debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere to effect their object, as shall not interfere with the convenience of the House.

ORDER OF BUSINESS OF THE DAY.

XII. As soon as the Journal is read, the Speaker shall call for petitions from the members. The petitions having been presented and disposed of, reports, first from the standing, and then from the select committees, shall be called for and disposed of. The above business shall be done at no other part of the day, except by permission of the House.

XIII. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received, without special leave of the House, until the former is disposed of.

OF DECORUM AND DEBATE.

XIV. 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.

XV. If any member, in speaking or otherwise, 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.

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

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

XVIII. 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, catertain private discourse, or pass between him and the Chair.

XIX. No member shall vote on any question, in the event of which he is immediately and directly interested; or in any case when he was not present when the question was put upon a division and count of the House on any question, no member without the bar shall be counted.

XX. 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.

XXI. 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 aloud by the Clerk before debated.

XXII. Every motion shall be reduced to writing, if the Speaker or any two members desire it.
JOURNAL OF THE HOUSE OF COMMONS.

XXXIII. 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.

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

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

XXXVI. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

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

XXXVIII. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or the succeeding day.

XXXIX. 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.

XXX. 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 shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise; but shall lie on the table, to be taken up in the order they were read.

XXXI. No bill, petition, memorial or other papers, that may be introduced, shall be taken out of the possession of the House, or sent to the Senate, until the time for reconsideration shall have elapsed.

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

XXXIII. No member shall be called upon for words spoken in the House, but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

XXXIV. Any twenty members, including the Speaker, shall be authorised to compel the attendance of absent members.

XXXV. 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.

XXXVI. 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.

XXXVII. 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.

XXXVIII. 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.

XXXIX. 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.

COMMITTEES.

XL. Six standing committees shall be appointed at the commencement of the session, to wit: A committee on claims; a committee on propositions and grievances; a committee on education; a committee on agriculture; a committee on internal improvement; and a committee on privileges and elections. Each of said committees shall consist of thirteen members, one from each Congressional District, to be appointed by the members from the counties composing said District. In addition to the above standing committees, the Speaker shall appoint another; two members from each Judicial Circuit, to be denominated the committee on private bills.

XLI. 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."

XLII. Select committees shall consist of five members. It shall be the duty of the person first named on any committee to cause the members of the committee to convene when necessary, and when so convened, they shall appoint some one of their number Chairman.
XLIII. In forming a committee of the whole House, the Speaker shall leave his Chair, and a Chairman to preside in committee shall be appointed by the Speaker.

XLIV. Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question on its passage be taken.

XLV. All amendments made to an original motion in committee, shall be incorporated with the motion, and so reported.

XLVI. All questions, whether in committee, or in the House, shall be propounded in the order in which they were moved; except that in filling up blanks, the largest sum and longest time shall be first put.

XLVII. The rules of proceeding in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

XLVIII. In a committee of the whole House, a motion that the committee rise, shall always be in order, and shall be decided without debate.

OF BILLS, RESOLUTIONS, &c.

XLIX. Every bill shall be introduced by motion for leave or by order of the House on the report of a committee.

L. Every bill shall receive three several readings in the House previous to its passage; and the Speaker shall give notice at each, whether it be the first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

LI. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or amendment; but no bill shall be amended upon its third reading without commitment.

LII. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise; but no public bill shall be twice read on the same day, without the concurrence of two-thirds of the members present.

LIII. All resolutions which may grant money out of the Treasury, shall be treated in all respects in a similar manner with public bills.

LIV. 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.

LV. When a bill has been once rejected, no other upon the same subject shall be introduced again during the session.

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

The foregoing Rules were read and adopted, and, on motion of Mr. Emmit, ordered to be printed in connexion with the Rules of the Senate, the joint Rules of the two Houses, the Constitution of this State and of the United States, one copy for each member of the House.

A message from the Senate proposing that a joint select committee of five, on the part of each House, be appointed to revise the joint rules of order for the government of the two Houses; and informing that Messrs. Wellborn, Leake, Matthews, Montgomery, of Orange, and Askew form their committee.

The proposition was concurred in and Messrs. Graves, Hinton, McMillan, Burgin and Borden appointed to compose said committee on the part of the Commons, and the Senate so informed.

On motion of Mr. Long the House proceeded, under the Rules of Order, to the appointment of the following standing committees, viz.


Propositions and Grievances.—Messrs. Townsend, Spruill, Gillespie, Cuthbertson, Polk, Peeples, Saintclair, Outlaw, Harlcy, Boddie, Sumner, Abernathy and Enloe.

Education.—Messrs. S. T. Sawyer, Potts, Hill, McLaurin, Gwynn, Doherty, Courte, Daniel, Harper, Bidley, Faddes, McQueen and Irvine.
Agriculture.—Messrs. Tillett, Jordan, McMullen, Wadsworth, Thomas, Ury, Witcher, Gee, McLeod, Lancaster, Rand, Wiseman and Burgin.

Internal Improvement.—Messrs. John B. Jones, Norman, Monk, McNeill, Irion, Cansler, Word, L. Thompson, Bordin, Tunstall, Mangum, Craigie and Whitaker.


Mr. Bragg gave notice that he should on to-morrow move for the appointment of an additional standing committee, to be denominated the committee on private bills.

The Speaker laid before the House the annual report of the Public Treasurer; which, on motion of Mr. O'Brien, was ordered to be sent to the Senate, with a preposition that the said report, together with all the accompanying documents and exhibits be printed, one copy for each member of the General Assembly.

Mr. Pearson presented the petition of Richard H. Alexander, praying that the seat of Burton Craigie, the sitting member from the town of Salisbury be vacated, and that the petitioner be permitted to qualify in his stead.

The said petition was, on motion of Mr. Pearson, referred to the committee on privileges and elections.

The following resignations, viz. of John P. Dunn, of Lenoir, John D. McMullen, Aaron Kennedy and John Allen, of Montgomery, of John Michal, of Lincoln and of Aaron Askew, of Bertie county, justices of the peace, were received from the Senate, endorsed, read and accepted, and were also read and accepted by this House.

Received from His Excellency the Governor, by His Private Secretary, Mr. William R. Hill, the following communication.

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

Gentlemen:—The meeting of the Representatives of Freemen in all countries where freedom exists, is at all times an interesting spectacle; and when it is considered that they come from their homes—from their fire-side,—and relinquish the comforts of domestic life to attend to their public duties:—When they make great sacrifices of time, and of their private concerns, prompted by no other motive than the public good; claiming nor expecting no other reward than that of an approving conscience; it is not an easy task properly to estimate the sum of gratitude which is due from the People to their faithful Representatives. On the present occasion, suffer me to congratulate you upon the appearance of general prosperity in the State, and for the enjoyment of a common share of health by its citizens, at a time when other portions of the world have been visited by a most afflicting malady. For these blessings of health and prosperity, we have reason to be thankful to Almighty God. And it gives us just cause to rely with confidence upon His continued mercy in averting the calamities which threaten the peace and harmony of our beloved country. For it is not to be denied nor disguised from ourselves, that the measures recommended by an exerted portion of the Southern people, if persisted in, must have a tendency to weaken the tics which have hitherto so happily united us together as a nation. Whatever may be the issue of this struggle, I rejoice that the people of North Carolina have wisely avoided any interference calculated to disturb the public tranquility. It is in vain that we look for perfection in any human institutions: an overruling Providence has ordained it to be otherwise: but so far as we have been taught by the experience of nearly fifty years under our present form of Government, we have had reason to be satisfied with it; and it is hoped that we shall cling to the Union of the States as now connected, without adventuring upon hazardous experiments to change the terms of that connexion.

Having been appointed by the President of the United States a commissioner to treat with the Indians, and for other purposes, I have thought it my duty to accept the appointment, as much as the peaceable settlement and location of the Indians removing beyond the Mississippi, is a matter of great importance to the United States, and not less so to North Carolina; especially as regards the removal of that portion of the Cherokee nation now residing within the limits of this State. It is known to many of you, that these Indians have for a long time been orderly and peaceable, and their conduct has not made it necessary for the Legislature of North Carolina to extend the laws of the State over the Terr.
ory they occupy, or in any manner to interfere with their concerns, except for the purpose of protection. They deserve the fostering care of the General Government, and I have no doubt will receive it.

In retiring from the duties of my station, it has been my earnest desire and intention, that no part of the business committed to my care by the Legislature, should be neglected; and it is believed, that my retirement at this time will cause no inconvenience in any department of the government. With this determination, I have devoted my whole time and exerted my feeble talents in promoting the success of such special objects as the Legislature, by Resolution or otherwise, has directed. Under these circumstances I have deemed it inexpedient and unnecessary to offer any general recommendations for your consideration; confining myself to the task of rendering you a faithful account of the manner in which I have executed the trusts confided to me.

A Resolution of the General Assembly directed that a “contract should be made with Mr. Ball Hughes for the restoration of the Statue of Washington, upon the basis of the principles set forth in the Report of the joint select committee on that subject.” In obedience to this Resolution, a written contract was made with Mr. Hughes, and some time in May last he commenced the undertaking, and so far as I was able to judge, in a manner conformable to the principles laid down in the Report. Being desirous of removing his family and materials to this place, he returned to New York about the 1st of July, under an express promise to return and prosecute the work in fifteen days. With a constant reliance upon this promise, and to facilitate the speedy removal of his family, his workmen and materials, a sum of money was advanced, perhaps beyond the portion of labor done according to the terms of the contract. Of this, however, I confess myself not a competent judge. The whole sum advanced to Mr. Hughes amounts to two thousand eight hundred dollars. Mr. Hughes finding, as I understand from him, that sickness prevailed to an alarming extent in New York, he removed with his family to New Jersey, and has not returned to North Carolina. He has since requested that the mounds and casts for the repair of the Statue should be forwarded to New York, where he intended to prosecute the work. I thought proper to forbid the removal of any thing pertaining to the Statue, as the contract requires that the repairs shall be made at Raleigh. The contract, together with the letters of Mr. Hughes, are herewith submitted.

A Resolution of the General Assembly directs, that “all the Maps, Drafts and Plans, lately in the possession of the Engineer of this State, shall be placed in the Executive Office, and that they be repaired at the expense of the State, and be kept under the direction of the Governor, subject to the further disposition of the General Assembly.” This duty has been performed, and the Maps, Drafts and Plans have been repaired, and are securely deposited in the Executive Office.

The Resolution directing the “employment of an Agent to arrange in proper order all the papers belonging to the Senate and House of Commons, and others, which were saved during the conflagration of the State House, and that they be delivered to the proper officers of the State,” has been complied with, so far as the assorting and arrangement; but owing to the want of sufficient cases and shelves in the Government House, to hold the papers belonging to the Senate and House of Commons, they have been carefully labelled and filed in a room in the office of the Secretary of State, subject to such disposition as the General Assembly may hereafter make. This arrangement was a laborious one, and has been faithfully performed by my Private Secretary, Mr. William R. Hill, the former Librarian of the State.

The Acts of Assembly establishing Rail-roads have been attended to. Considerable difficulty and delay occurred in procuring an Engineer to make the Surveys required. The services of Mr. Francis W. Rawle, of Pennsylvania, were at last obtained, and he has been engaged in the Survey of both routes, which it is hoped will prove satisfactory. As soon as the Surveys are completed, a particular Report on that subject, as well as on other subjects which engaged the attention of the Board of Internal Improvements, will be laid before you, by the remaining members of the Board.

Pursuant to the Resolution directing the “Dredging machine belonging to the State to be secured in such manner as to preserve it from injury,” I gave directions for Capt. Bainey, in whose possession it was, to deliver it to Gen. Edward B. Dudley of Wilmington, for the purpose of having it secured. On examination it was found that the vessel containing the machine was so much decayed as to be unfit for use; that the machine itself was greatly injured; and that it would cost the State a considerable sum of money to have it taken to pieces and stored in safety. In the opinion of many persons, the cost would be more than the machine was worth. Under these circumstances, I have
directed it to be delivered to the Cape Fear Navigation Company, in which the State is much interested; and their agent has engaged that it shall be taken care of.

The Resolution directing the appointment of some "intelligent person to act on the part of the State, in collecting testimony, and causing such Surveys as may be necessary to the just prosecution of the suit pending in the Supreme Court in the name of the Attorney General for vacating certain grants made by this State;" has been attended to, and I have appointed for this purpose, Thomas Dew, Esquire of Rutherford, in whose integrity and capacity I have the most perfect reliance.

With respect to the Resolution in favor of the Sisters of the fall blood of James N. Porythe, I have felt myself somewhat at a loss how to proceed. No claim has been made for the money, nor do I know where the family resides. I have not made the transfer of the shares to the State as directed by the Resolution inasmuch, as in my absence, there was no person authorized to receive and pay away the money appropriated for the said four shares. I have therefore left the shares as they were, and have deposited in the State Bank, the money placed in my hands as Guardian, ex officio, of James N. Porythe, amounting to 174 dollars 50 cents. This money is subject to the draft of my successor in office. The Certificate of stock of the four shares, is left in the hands of the Public Treasurer.

The Resolution requiring the Governor to "appoint some person resident in the City of Raleigh, who shall correspond with different persons in this State for the purpose of procuring copies of the Acts and Journals of the General Assembly," to replace those destroyed by the burning of the State House and Public Library, has been attended to; and Mr. Joseph Gales, of Raleigh, has been appointed for that purpose. The progress he has made in performing the duty required, shew that the business could not have been placed in better hands.

The Resolution requiring the "Governor to make application to the proper authorities of the United States for as many pistols and sabres as may be necessary to supply such troops of Cavalry as are now organized or are about to be organized, within this State," has been complied with, and one thousand pair of pistols and five hundred sabres have been received from the United States, as part of this State's quota of public arms. They have been partly distributed agreeably to the law on that subject, and the remainder are in the Arsenal at Fayetteville.

In obedience to the Resolution directing the "Mathematical Instruments belonging to the State, and formerly attached to the Engineer's Department, to be collected and placed under the care of D. H. Bingham, of the City of Raleigh, an order was issued to that effect, and many of the instruments are now in the hands of Mr. Bingham. It is to be regretted that they were much injured before they came into his possession, and some of them rendered unfit for use without repairs. A list of those collected, is here-with furnished.

Since the adjournment of the Legislature, I have received from the Secretary of State of the United States, a number of copies of the Acts of the second session of the twenty-first Congress, which are in the Executive office, subject to your order for their distribution. I have also received from the same source, three copies of the 'Fifth Census, or enumeration of the inhabitants of the U. S. taken in 1830,' to which is prefixed a schedule of the whole number of persons within the several districts of the U. S. taken according to the Acts of Congress of 1790, 1803, 1810 and 1820," one for the Executive office, and one for each House of the General Assembly. This is a valuable document, and will be delivered to you by my private secretary with this message.

An elegant Map and Atlas, with statistical views of the state of Maine, has by the direction of the Legislature of that state been presented to North Carolina: and I beg leave to recommend that a similar donation be made in return, as soon as the new Map of this State is completed.

I have received communications from the Governors and Legislatures of several states, which I am requested to lay before you. Those from Massachusetts, relate to the unsettled question of the North East boundary of the United States. Those from Tennessee relate to the subject of the public lands of the United States, and to the powers of the General Government to make appropriations for Internal Improvements; and approving the conduct of the President of the United States in placing his veto on the Lexington and Maysville Turnpike Road bill. Those from Louisiana, relate to the establishment of a Rail Road from New Orleans, to pass through the states of Louisiana, Mississippi, Tennessee, Alabama, N. Carolina, and Virginia, to the city of Washington.
The resignations of militia officers and justices of the peace, received since the adjournment of the General Assembly, are laid before you in the file marked A.

In this last act of my political relations with the state of North Carolina, I should be ungrateful in withholding the expression of my unfeigned thanks for the many testimonies of confidence and support which I have received from the Legislature and from the people, in the course of a public life of forty-seven years spent in their service, in various stations: in all of which I have received the most unequivocal proofs of their indulgence. I have the honor to be, gentlemen, your obedient servant,

Executive office, N. C. Nov. 19, 1832.

MONTFORT STOKES.

The foregoing message was read, and, on motion, ordered to be transmitted to the Senate, with a proposition that it be printed, one copy for each member of the General Assembly.

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

THURSDAY, NOVEMBER 22, 1832.

The Speaker in obedience to the Rules of Order appointed the following committees. The committee on the judiciary, consisting of Messrs. Pearson, Eccles, O'Brien, Sumner, Bragg, Dawes, Courts, Sawyer, Daniel; and the committee on finance, consisting of Messrs. Polk, Skinner, Gary, Mangum, G. A. Thompson, Emmett, Waddell and Parke.

Mr. Bragg, in pursuance of notice yesterday given, now moved that in addition to the standing committees, the Speaker shall appoint another two members from each judicial circuit, to be denominated the committee on private bills. The motion was agreed to, and Messrs. McCleese, Carter, A. W. Wooten, Sheppard, Judkins, Little, Allison, Graves, Montgomery, Dockery, Clayton and Edmonston were appointed to compose said committee.

On motion of Mr. Polk,

Resolved, That so much of the Governor's Message as relates to the contract with Balls Hughes, for restoring the Statue of Washington, be referred to a joint select committee of the two Houses.

Resolved, That so much thereof as relates to the arrangement and disposition of the papers belonging to the Senate and the House of Commons, which were saved from the conflagration of the State House, be referred to a select committee.

Resolved, That so much thereof as relates to the surveys of the Rail-roads, directed by an act of the last General Assembly, be referred to the committee on internal improvement.

Resolved, That so much thereof as refers to the collection of copies of the Acts and Journals of the General Assembly, to replace those destroyed by the burning of the State House, be referred to a select committee, with instructions to report what disposition shall be made of the Acts and Journals already collected, and what compensation shall be made to the commissioner employed in this service.

Resolved, That so much thereof as relates to the communications from the Governors and Legislatures of the States of Massachusetts, Tennessee and Louisiana, be referred to a joint select committee, and that said committee have leave to report by bill or otherwise.

On motion of Mr. Sumner,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, to inquire if any and what alterations are necessary to be made in the Congressional Districts of the State, under the last Census and Apportionment of Representatives, and that they have leave to report by Bill or otherwise.

On motion of Mr. Bonner,

Resolved, That the committee on the Judiciary be instructed to inquire whether any, and if any, what provisions are necessary to be made in our laws for the relief of insolvents, so as to enable certain persons when insolvent to be discharged from imprisonment, viz: such persons as are imprisoned for a fine for non-attendance at musters and reviews; also persons imprisoned who have been convicted of an offence which disqualifies them from being heard as a witness in courts; and that they report by bill or otherwise.

Mr. Pearson submitted the following Resolution, which was read the first
second and third times, passed and ordered to be engrossed, and sent to the Senate for concurrence.

Resolved unanimously, by the Senate and House of Commons of the General Assembly of the State of North Carolina, That it is with feelings of profound regret they have received the intelligence of the death of Charles Carroll, of Carrollton, the last of that band of patriots and sages, who proclaimed the Independence of the United States of America, and pledged for its support their lives, their fortunes and their sacred honor. And that this General Assembly, with the people whom they represent, cherish a deep veneration for the virtues, the services and the character of the deceased, and sympathise with his family, his friends and his country, in the bereavement which all have sustained.

Mr. Frederick A. Sawyer presented the petition of Abner H. Grandy praying that the seat of Benjamin D. Harrison, one of the sitting members from the county of Camden may be vacated, which was: on Mr. Sawyer's motion, referred to the committee of privileges and elections.

Mr. Guthrie presented the petition of Thomas Ragland, Admin. of Richard Kemmon, deceased, praying to have refunded to him certain monies paid into the Public Treasury by his Intestate, under the confiscation laws of this State, which was, on Mr. Guthrie's motion, referred to the committee of claims.

Mr. Outlaw presented the petition of sundry citizens of Bertie county, asking that a law may be passed, exempting Britton Jones, a free man of color, from the operation of the laws, prohibiting the migration of free negroes into this State. The said petition was, on Mr. Outlaw's motion, referred to the committee of propositions and grievances.

Mr. Eccles presented the certificate of the county court of Cumberland, in favor of Isabella Campbell, a pensioner of the State, showing an allowance made her of forty dollars, as a pensioner for the present year, which was countersigned by the Speaker and ordered to be transmitted to the Senate.

The certificate of the county court of Warren, in favor of Elizabeth Harris, a pensioner, allowing her for the present year ninety dollars, was received from the Senate, countersigned by the Speaker, and was, on Mr. Bragg's motion, ordered to be countersigned by the Speaker of the Commons and returned to the Senate.

A message from the Senate concurring in the proposition of this House, to print the annual report of the Public Treasurer.

Received also from the Senate a message, proposing that said Report, with the accompanying documents and exhibits, be referred to the joint select committee on finance, which was concurred in.

A message from the Senate, proposing that the two Houses ballot immediately for a Solicitor of the first judicial circuit, and informing that John L. Bailey is nominated for the appointment. The proposition was agreed to, and Messrs. Irvine and L. Thompson appointed a committee to conduct the balloting on behalf of the Commons.

A message from the Senate, informing that Messrs. Wilson and Hogan form said committee on their part.

The resignations of Woodson Daniel, of Granville county; of William Hix, of Montgomery county; of Berry Barnett, of Burke and of James Satchwell, of Beaufort county, justices of the peace, and of John Clayton, as colonel-commandant; of George C. Nail, as lieutenant-colonel, and of Isaac Wilkerson, as major of the first regiment of Militia, of the county of Buncombe, were presented, read and accepted.

Mr. L. Thompson, from the committee appointed to conduct the balloting for a Solicitor of the first judicial circuit, reported that John L. Bailey had received a majority of the whole number of votes and was duly elected. The report was concurred in.

And then the House adjourned until to-morrow morning, 10 o'clock.
Under the resolution of yesterday the Speaker appointed the following committees, viz. Messrs. Courts, Long, J.B. Jones, Summer, Hinton, to constitute the joint select committee on so much of the Governor’s message as relates to the contract with Ball Hughes.

Messrs. O’Brien, Canseker, Townsend, Nelson and McLeod the select committee on so much thereof as relates to the arrangement of the papers of the Senate and House of Commons.

Messrs. Arrington, C Wooten, Whitaker, Gwynn and Monk, on that part relating to the collection of copies of the Acts and Journals of the General Assembly.

Messrs. Mangum, Shepard, L. Thompson, Guthrie and Poindexter, to compose the joint select committee on the part of the House, on so much of said message as relates to the communications from the Governors and Legislatures of Massachusetts, Tennessee and Louisiana; and

Messrs Summer, Pearson, Bragg, Eccles and Potts to compose the joint select committee upon the subject of re-organizing the Congressional Districts.

The Speaker also appointed under the Joint Rules of Order, Messrs. Outlaw, Hill and McQueen to constitute, on the part of the Commons, the joint select committee on the Library.

The resignation of John C. Nash, a justice of the peace of the county of Camden, received from the Senate, endorsed, read and accepted, was also read and accepted in this House. The resignation of Daniel May, a justice of the peace of the county of Anson, was presented, read and accepted.

Mr. McNeill presented the certificate of the county court of Cumberland, in favor of Ann Morrison, a pensioner of the State, showing an allowance made her of forty dollars for the present year, which was read and countersigned by the Speaker of this House and transmitted to the Senate.

A message from the Senate, proposing that a joint select committee of five from each House, to be styled the committee on military affairs, be appointed, and informing that Messrs. Hawkins, Wilson, Kerr, Marshall and McDowell form said committee on their part. The proposition was concurred in, and Messrs. Ziglar, Ledford, Bonner, Arrington and Marsteller appointed to form said committee on the part of the Commons.

Mr. Peeples presented a bill to repeal an act, passed at the last session of the General Assembly, chapter 121, entitled, an act 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; and Mr. Parke, a bill to authorise Jeremiah Ingram to erect a gate across a public road. Those bills were read the first time and passed, and on motion referred to the committee on private bills.

On motion of Mr. Peeples:

Resolved, That the committee on the Judiciary be instructed inquire into the propriety of amending the act of 1828, entitled an act to amend the law relative to the collection of debts from the estates of deceased persons, as to provide that the real estate shall be charged with the costs incurred in all suits against executors or administrators, when the plea of fully administered is found in favor of the defendants.

On motion of Mr. Brower:

Resolved, That so much of the Governor’s message as relates to the fund in the hands of the executive, belonging to the Representatives of the late James N. Forsythe be referred to a select committee; said committee consists of Messrs. Brower, Abernathy, Laspeyre, Skinner and Gary.

The resignation of Hodge Raburn, a justice of the peace of the county of Buncombe, was presented, read and accepted.
Mr. Dewes presented a bill to authorise Laxton Lynch, of Rutherford county, to erect certain gates, which was read the first time and passed and referred, on motion of Mr. Outlaw, to the committee on private bills.

Whereupon the House adjourned until tomorrow morning, 10 o'clock.

Saturday, November 24, 1832.

Mr. O'Brien, from the committee of privileges and elections, to whom was referred the petition of Abner H. Grandy, contesting the right of Benjamin D. Harrison, of Camden county, to a seat in this House, reported unfavorably thereon, recommending a rejection of the petition, and praying that the committee be discharged from the further consideration of the subject. The report was concurred in.

Mr. Saintclair presented the petition of sundry citizens of Wilkes county, praying to have granted them a small parcel of land, for the purpose of erecting thereon a meeting-house for Christian worship, which was, on Mr. Saintclair's motion, referred to the committee of propositions and grievances.

On motion of Mr. Bragg, ordered, that a message be sent to the Senate, proposing that the two Houses ballot, on Monday next, for a Public Printer, and informing that Lawrence and Lemay and Charles R. Ramsay are nominated for the appointment.

The resignations of Daniel Smith, of Anson county, W. B. Kilpatrick, of Lenoir county and of Evan Ellis and George Wheatley, of the county of Wilkes, justices of the peace, were presented, read and accepted.

The certificate of the county court of Cumberland county, in favor of Isabella Campbell, was returned from the Senate countersigned by the Speaker of that body.

A message was received from the Senate, agreeing to the proposition of this House, to refer so much of the Governor's message as relates to the contract with Ball Hughes to a joint select committee, and informing that Messrs. Boddie, Dobson, Houston, Lilly and Hall compose the committee on the part of the Senate.

A message also from the Senate, agreeing to refer so much thereof as relates to the communications from the Governors and Legislatures of the States of Massachusetts, Tennessee and Louisiana, to a joint select committee, and informing that Messrs. Spaight, Toomer, Williams, Wilson and Skinner form their branch of the committee.

A message from the Senate, informing that Messrs. Skinner, Wilson, Moyer, of Pitt, Stedman, Carter, Wellborn, Leake and Simmons constitute on their part the committee of finance.

A message from the Senate, proposing to raise a joint select committee, to be composed, on the part of each House, of one member from each of the Congressional Districts in this State, to inquire what alterations, if any, are necessary to be made in said Districts, under the last Census and Apportionment of Representatives.

The proposition was concurred in, and Messrs. Skinner, Gary, Potts, C. Wooten, McMillan, Bragg, Eccles, Sumner, Graves, Pearson, Cansler, Dewes, Emmet were appointed to compose said committee on the part of this House.

A message from the Senate, informing that they had passed the engrossed resolution, relative to the death of Charles Carroll, of Carrollton, with an amendment, and asking the concurrence therein of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed
bill, to amend the law respecting the appointment of Sheriffs, so far as relates to the county of Surry, and asking the concurrence of this House. The said bill was read the first time and passed. The resignation of Daniel Cross, a justice of the peace of the county of Cabarrus, received from the Senate, was read and accepted. The resignation also of William Selby, a justice of the peace, of County, received from the Senate, was read and accepted.

A message from the Senate, proposing to ballot immediately for Secretary of State, and nominating William Hill, the present incumbent for the office. The proposition was agreed to, and Messrs. Harper and Irion appointed a committee to conduct the ballot on the part of this House.

A message from the Senate, informing that Messrs. Montgomery, of Orange, and Mathews form their committee to conduct said ballotting.

A message from the Senate, agreeing to ballot on Monday next for Public Printer.

Mr. Irvine presented a bill to vest in Rutherford county court, power to appoint places of Public Sale in said county; and Mr. Arrington a bill to amend an act, entitled, an act to establish a separate election in each Captain's District, in the county of Nash, passed in the year 1818, chapter 121. These bills were severally read the first time and passed.

Mr. Shepard presented a bill to legitimate and change the name of Daniel Alexander; which was read the first time and passed. Mr. Shepard moved that the bill be now read the second time, and it was read accordingly. Mr. Sumner moved that the bill lie on the table; which was not agreed to; and the question recurring, shall the bill pass its second reading, was decided in the negative.

Mr. F. A. Sawyer presented a bill to amend an act, passed in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company and for other purposes, and an act amendatory of the same, passed in the year 1828; and Mr. Clayton a bill to authorise Robert Henry to erect a mill on Hominy creek in Buncombe county. These bills were severally read the first time and passed; and the first named, on motion of Mr. Shepard, was referred to the committee on Internal Improvements, and the latter, on Mr. Pearson's motion, to the committee on private bills.

Mr Bonner presented a bill fixing a uniform mode of assessment of the real estate, with the improvements thereon; which was read the first time and passed, and, on motion of Mr. Bragg, referred to the committee on finance and ordered to be printed one copy for each member.

Mr. Harper from the committee appointed to conduct the ballotting for Secretary of State, reported that William Hill had received a majority of the whole number of votes and was duly elected. The report was concurred in.

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

MONDAY, NOVEMBER 26, 1832.

James Blowe, one of the members elect from the county of Pitt, and Daniel M. Barringer, one of the members from the county of Cabarrus, appeared this day and were qualified and took their seats.

On motion, leave of absence from this day until Wednesday next was granted to Messrs. Faddis and Mangum.

Mr. Bragg moved that a message be sent to the Senate proposing to postpone to a future day the ballotting for Public Printer heretofore agreed on to be held this day; this motion was rejected, and Messrs. Edmonston and Hartly appointed a committee to conduct the ballotting immediately. A message from
the Senate, informing that Messrs. Simmons and Faison form the committee to conduct said balloting on their part.

Mr. Gary presented the following resolution;

Resolved, That the committee of Finance be and they are hereby authorised and instructed to burn such treasury notes as may be found in the office of public treasurer unfit for circulation, and report the amount to this Legislature.

The said resolution was read the first time and passed.

Mr. Whitaker presented the petition of sundry citizens of Macon county, praying that Thomas Daves of said county, heretofore convicted and punished for Petit Larceny, be restored to the privileges of a citizen. The said petition was referred to the committee of Propositions and Grievances.

On motion of Mr. Bragg, ordered that a message be sent to the Senate proposing to ballot on Wednesday next for a major general of the fifth division of N. Carolina militia, and informing that Messrs. Alney Burgin and William Horton are nominated for the appointment.

Mr. Edmiston from the committee appointed to conduct the balloting for Public Printer, 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, and thereupon, on motion of Mr. Bragg, it was ordered that a message be sent to the Senate proposing that another balloting be had immediately.

Mr. Bonner presented the following resolution.

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 brandia g; and that they report by bill or otherwise.

This resolution was read and rejected.

Mr. O'Brien presented a bill to vest the right of electing the clerks of the County and Superior Courts of the several counties within this State in the free white men thereof; and Mr. Saintclair a bill to exempt from execution a portion of the land of the citizens of North Carolina. These bills were severally read the first time and passed, and, on motion, ordered to be printed.

Mr. Pearson presented the following resolution.

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee on the subject of a convention, to be composed of one member from each congressional district on the part of the Senate, and one member from each congressional district on the part of this House; with permission to report by bill or otherwise.

The Speaker decided under the fifty third rule of order that the foregoing resolution must be read three several times in this House, and it was accordingly read the first time and passed.

Mr. Sawyer gave notice that he should on to-morrow move such amendment and modification of said rule as to dispense with the reading of similar resolutions three several times.

Mr. Peeples from the balloting committee for Public Printer reported that no one had received a majority of the whole number of votes. The report was concurred in.

Mr. Gutherie moved that a proposition be made to the Senate to ballot for this officer on to-morrow, which was not agreed to, and on motion of Mr. Ward, ordered that a message be sent to the Senate proposing that said balloting be held immediately. A message from the Senate, concurring in this proposition, and informing that Messrs. Allen and Askew form their balloting committee. Ordered that Messrs. Burgin and F. A. Sawyer form said committee on behalf of the Commons.

A message from the Senate, informing that Messrs Montgomery of Hertford,
Seawell and Allison are appointed on behalf of the Senate the committee on the library; and that Mr. Montgomery of Hertford is added to the joint select committee on military affairs.

A message from the Senate, informing that Messrs. Carter and Hogan form, on the part of the Senate, the committee on enrolled bills. Under the joint rules of order, Messrs. F. A. Sawyer, Ridley, McNeill and Guthrie were appointed to compose said committee on the part of the Commons.

The certificate of the county court of Cumberland county in favor of Ann Morrison, allowing her a pension of forty dollars, was received from the Senate, countersigned by the Speaker of that House.

A message from the Senate, informing that they had passed the engrossed resolution authorising and instructing the committee of finance to burn certain treasury notes in the office of the public treasurer, and asking the concurrence of this House. The said resolution was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, proposing to ballot on Thursday next for Governor of the State, and informing that John Branch and Thomas G. Polk are in nomination for the appointment. The proposition was concurred in.

The resignations of William Joyce, sen., of Stokes county; of James White, of Bertie county, justices of the peace; and of William Scarborough, major of the militia of Hyde county, received from the Senate, were read and accepted.

The resignation of Reuben Allen, a justice of the peace for the county of Beauford, was presented, read and accepted.

Mr. F. A. Sawyer, from the committee appointed to conduct the balloting for Public Printer, reported that Charles Ramsay had received a majority of the whole number of votes and was duly elected. The report was concurred in.

On motion of Mr. S. T. Sawyer,

Resolved, That the Governor be requested to communicate for the information of this House the number of Indians now resident in this State, together with the extent of territory they occupy, the character of their laws and form of government, their habits and pursuits, the nature and design of the aggressions committed upon that region of country by some of the citizens of Georgia and other states; and whether by the laws of this state any authority is vested in the Executive to repel such aggressions and protect said Indians and territory.

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 Mr. Clayton's motion, referred to a select committee: said committee consists of Messrs. Clayton, Burzgin, Mangum, Borden and Dockery.

Mr. Bragg presented the following resolutions; which were read and rejected:

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, whose duty it shall be, in conjunction with the Speakers of both Houses to order and superintend such repairs in the Presbyterian Church and Session House in this city, as may be necessary to adapt them to the accommodation of this General Assembly.

Resolved, That when said committee shall have discharged their duty and reported; both Houses of the Legislature will adjourn to meet again at the Presbyterian Church.

Mr. Bragg moved that the bill to legitimate and change the name of Daniel Alexander, which was rejected on Saturday last, be re-considered; the House agreed to re-consider, when the said bill was read and again rejected.

The bill to vest in Rutherford county courts, the power to appoint places of Public Sale in said county, was read the second and third times, amended on motion of Mr. Whitaker, by extending the provisions of the bill to the county of Macon, passed and ordered to be engrossed.
Mr. P. A. Sawyer presented a bill to amend an act, passed in the year 1829, entitled, an act to authorize the forming of a Fire-Engine Company, in the town of Elizabeth City, which was read the first, second and third times, passed and ordered to be engrossed.

The bill to amend an act, entitled, an act to establish a separate election in each Captain's District, in the county of Nash, passed in the year 1818, chapter 121, was read, and on Mr. O'Brien's motion laid upon the table.

Mr. Long introduced a bill, making an appropriation and appointing commissioners for the rebuilding of the Capitol, in the city of Raleigh.

The said bill was read the first time and passed, and, on motion by Mr. Long, ordered to be printed.

Whereupon the House adjourned until Tuesday morning, 10 o'clock.

Tuesday, November 27, 1832.

In pursuance of notice yesterday given, Mr. Pearson moved that the whole of the 53d Rule of Order be stricken out, and the following substituted in lieu thereof:

Rule 53. All resolutions which may grant money out of the treasury shall be treated in all respects in a similar manner with public bills. The motion prevailed, and the foregoing was by the competent majority adopted as the 53d Rule of Order.

On motion of Mr. Sainclair:
Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of so amending the 10th section of an act, passed in the year 1741, entitled an act for the better observation and keeping of the Lord's Day, commonly called Sunday, and for the more effectual suppression of vice and immorality, as to provide that the bonds therein required to be given shall in future be made payable to the chairman of the county court for the time being and his successors; and that they report by bill or otherwise.

On motion of Mr. J. B. Jones,
Resolved, That the committee on military affairs be instructed to inquire into the expediency of so amending the military laws as to exempt the militia company of Knott's Island from attending general and battalion musters at Currituck courthouse; and that they report by bill or otherwise.

On motion of Mr. McNeill,
Resolved, That the committee on military affairs be instructed to inquire into the expediency of so amending the militia laws as to exempt such persons as have held commissions and discharged the duties assigned them for the term of five years, from the performance of military duty afterwards, except in cases of invasion or insurrection; and that they report by bill or otherwise.

On motion of Mr. Dewes,
Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, composed of one member from each judicial circuit in each House, to inquire into the measures most expedient to be adopted to insure the more prompt administration of justice in the superior courts of Burke, Buncombe, Lincoln and Rutherford counties; and that they report by bill or otherwise.

On motion of Mr. Gee,
Resolved, That the joint select committee on military affairs be instructed to inquire into the expediency of revising, printing, and distributing to the general, staff, field and platoon officers of the volunteer and militia companies of militia of the state, the militia laws of this state, and that the said committee be further instructed to inquire into the expediency of appointing two other subaltern officers to each volunteer and militia company, so as to comport with the present military system of drill, and that they report by bill or otherwise.

On motion of Mr. Borden, ordered, that a message be sent to the Senate, informing that the name of Richard D. Spaight is added to those already in nomination for the office of Governor of the State.

On motion of Mr. L. Thompson,
Resolved, That a message be sent to the Senate, proposing to raise a joint select committee on banks and the future disposition of bank stock belonging to the State.
Mr. Samuel T. Sawyer presented a bill, defining and limiting the power of courts in inflicting punishments for contempts; which was read the first time and passed, and, on Mr. Marsteller’s motion, referred to the committee on the judiciary, and, on motion of Mr. Clayton, ordered to be printed.

Mr. Glass presented a bill to repeal an act, passed in the year 1828, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county; Mr. Stallings a bill to incorporate the Gatesville Troopers; Mr. Carter a bill to incorporate the Hertford county Troop of Cavalry; Mr. Jarvis a bill to amend an act, entitled, an act to appoint one additional place of sale in Hyde county, passed in the year 1831; and Mr. Whitaker a bill to incorporate the Franklin Guards. These bills were severally read the first time and passed.

Mr. Pearson’s resolution of yesterday, proposing to raise a joint select committee on the subject of a Convention, was now taken up and adopted.

A message from the Senate, informing that they have passed the engrossed bill, to give exclusive jurisdiction to the superior courts of law for the county of Buncombe, and asking the concurrence of this House; the said bill was, on motion, referred to Mr. Weaver’s motion, laid on the table.

The certificate of the county court of Mecklenburg county, in favor of Martha Thompson, showing an allowance of fifty dollars, made her as a pension for the years 1831 and 1832, received from the Senate, countersigned by the Speaker of that body, was, on motion of Mr. Doherty, countersigned by the Speaker of this House.

The resignation of Lewis Moore, as Colonel-commandant of the 32d regiment of the Militia of this State, received from the Senate, was read and accepted.

The resignation of Moses Whitesides, a justice of the peace for the county of Buncombe, was presented, read and accepted.

The resolution instructing the committee of finance to burn the mutilate Treasury notes, was read the second time and passed.

The bill to amend an act, entitled, an act to establish a separate election in each Captain’s District in the county of Nash, passed in the year 1818 chapter 121, was, on motion of Mr. O’Brien, taken up, read the second time amended and passed.

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

Wednesday, November 28, 1832.

The petition of sundry citizens of Surry county, praying that Abner Dunnagan, of said county, may be restored to the privileges of a citizen heretofore forfeited by his conviction and punishment for the crime of petit larceny, was presented by Mr. Word, and, on his motion, referred to the committee on propositions and grievances.

Mr. Edmondston presented a resolution in favor of Ephraim Chnstophine which was read and adopted and ordered to be engrossed.

On motion of Mr. Lefford,
Resolved, That the committee on military affairs be instructed to inquire into the expediency of so altering the 4th and 5th military divisions as to make from them an additional division.

Mr. Wiseman presented a bill to amend an act, passed in the year 1823 entitled an act for the relief of debtors for debts which may be contracted after the first day of May next; which was read the first time and passed and, on Mr. Barringer’s motion, referred to the committee on the judiciar
Mr. Townsend from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Wilkes county, praying to have granted them a piece of land, reported that the aid of the Legislature is not requisite to effect the object of the petitioners, and prayed that the committee be discharged from the further consideration of the subject. The report was concurred in.

On motion of Mr. Lancaster.

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of so amending the law relative to executors and administrators as to require them in all cases of insolvent estates to make rateable payment of all claims against the estate of their testator or intestate.

Mr. Gary presented a bill amending the several acts of Assembly incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode for enforcing the collection of tolls; and Mr. Park a bill to incorporate the Anson Dragoons. These bills were read the first time and passed.

The resolution instructing the committee of Finance to burn certain Treasury notes, was, on Mr. Gary's motion, laid on the table.

The bill declaratory of the law now in force, giving to the Courts of Pleas and Quarter Sessions of the several counties within this State the power to alter and fix separate places of election, was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Abernathy, ordered, that a message be sent to the Senate proposing to ballot on to-morrow for a Brigadier General of the tenth Brigade and fifth Division of the militia of this State, and informing that Joseph Brevard and Edmund Bryan are nominated for the appointment.

The bill to repeal an act passed in the year 1823, entitled an act to repeal the several acts establishing and regulating the special courts of Burke county; the bill to amend the law respecting the appointment of sheriffs, so far as relates to the county of Surry; the bill to amend an act, entitled an act to appoint one additional place of sale in Hyde county, passed in the year 1831; the bill to incorporate the Hertford county troop of cavalry; the bill to incorporate the Franklin Guards; and the bill to incorporate the Gatesville Troopers, were severally read the second time and passed.

Mr. Bonner presented a bill to appoint an additional place of public sale in the county of Beaufort; Mr. Jordan a bill authorizing Samuel Latham, of the county of Pitt, to erect a gate across a public road; Mr. Watson a bill making compensation to tales jurors in the county of Robeson; Mr. Guthrie a bill concerning the upper regiment of Chatham county militia, and Mr. McQueen a bill to incorporate the Haywood boating company; these bills were severally read the first time and passed.

Mr. Smith presented a bill re-appointing commissioners for the town of Waynesville, in Haywood county, which was read the first time and passed, and on Mr. Smith's motion, referred to the committee on private bills.

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

THURSDAY, NOVEMBER 29, 1832.

Mr. Townsend, from the committee of propositions and grievances, to whom was referred the petition of sundry citizens of Macon county, reported a bill to restore to credit Thomas Dives of said county, which was read the first time and passed.

Mr. Endee presented the following resolution:

Whereas by the several acts of Assembly, prescribing the mode of surveying and sel-
JOURNAL OF THE HOUSE OF COMMONS.

ing the lands lately acquired by treaty from the Cherokee Indians, it was made the duty of the principal surveyor to make three connected plats, one of which to be transmitted to the office of His Excellency the Governor, one other to the office of the Secretary of State, and the third to be placed in the office of the clerk of the county court of Haywood county; and whereas, since the erection of that territory into a separate county, it is found necessary for the convenience of the citizens and others that the map now in the clerk's office of the county of Haywood be removed and placed in the clerk's office of the county of Macon.

Resolved, therefore, That the clerk of the county court of Haywood be, and he is hereby directed, on application made to him, to deliver the same into the hands of the clerk of the county court of the county of Macon.

The said resolution was read and adopted and ordered to be engrossed.

A message from the Senate, informing that Messrs. Massey & Hoke attend this House to conduct on behalf of the Senate the balloting yesterday agreed on to take place this day, for Brigadier General of the tenth Brigade and fifth Division; ordered, that Messrs. Abernathy and Ward compose said committee on the part of the Commons.

A message from the Senate, informing that Messrs. Dobson, Allen, Martin, Massey, Howell, Skinner, Williams, Moffitt, Montgomery of Orange, Hussey, Spaight, Moyle of Pitt and Askew form the committee on the part of the Senate, to inquire what alterations, if any, are necessary to be made in the congressional districts of this State.

A message from the Senate proposing to raise a joint select committee consisting of one member from each congressional district, in each House to inquire into the measures most expedient to be adopted to ensure the more prompt administration of justice, in the Superior Courts of Burke, Buncombe, Lincoln and Rutherford counties. The proposition was concurred in, and Messrs. Davidson, Dewes, Barringer, Pearson, Poindexter, Sumner, Eccles, Bragg, McMillan, Shepard, Spruill, Daniel and S. T. Sawyer appointed said committee on the part of this House.

A message from the Senate agreeing to the proposition of this House to raise a joint select committee to be composed of one member from each congressional district in each House on the subject of a convention; and informing that Messrs. Bailey, Hinton, Marshall, Dishongh, Montgomery of Orange, Carter, Norman, Houston, Leake, Moore, Dobson, Faison and Carson compose said committee on their part. Messrs. Pearson, Courts, Cansier, Dewes, Peeples, Mangum, Eccles, Arrington, Laspeyre, Burns, Potts, Outlaw and J. B. Jones form said committee on behalf of the Commons.

A message from the Senate agreeing to raise a joint select committee on banks, and the future disposition of the bank stock belonging to the State, and informing that Messrs. Toomer, Martin, Bailey, Wilson and Carson form their branch of said committee. Messrs. Barringer, Polk, Hill, G. A Thompson and Sumner form said committee on behalf of the Commons.

A message from the Senate informing that they had passed the engrossed bill to divorce John Roberts and his wife Agnes, and the engrossed resolution in favor of James Lay, Sheriff of Perquimans county, and asking the concurrence of this House. The same were read the first time and passed, and the said bill on Mr. Borden's motion was referred to the committee on Propositions and Grievances, and the resolution on Mr. Outlaw's motion to the committee of claims.

A message from the Senate informing that they had passed the engrossed resolution in favor of William Ellison and Charles Baldwin and asking the concurrence of this House. The said resolutions were read severally the first time and passed.
A message from the Senate informing that Messrs. Allen and Carter, attend this House to conduct the balloting for Governor of the State herefore agreed on to be held this day. Messrs. Emmit and Cromwell were appointed to conduct said balloting on the part of this House.

Mr. Abernathy from the committee appointed to conduct the balloting for a Brigadier General of the 10th brigade and fifth division of the militia of this State, reported that Edmund Bryan had received, a majority of the whole number of votes and was duly elected. The report was concurred in.

The certificates of the County Court of Craven county in favor of John Rhem, Thomas Ewell and Christopher Bexley, pensioners of the state, showing an allowance of one hundred dollars to said Rhem, and fifty dollars each to Ewel and Bexley, to have been allowed by said court, were received from the Senate countersigned by the Speaker of that body. The same were on Mr. Hartley's motion countersigned by the Speaker of this House.

Mr. Emmit from the committee appointed to conduct the balloting for a Governor of the State, 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 that another balloting take place immediately, for Governor of the State. The proposition was concurred in, and the Senate informed that the name of Thomas G. Polk is withdrawn from the nomination and that Messrs. Emmit and Cromwell are appointed a committee to conduct the balloting on the part of the Commons. A message from the Senate informing that Messrs. Hawkins and Carter compose said committee on the behalf of the Senate.

Mr. S. T. Sawyer introduced a bill to alter and amend the criminal laws of the State, which was read the first time and passed, and on Mr. O'Brien's motion referred to the committee on the judiciary, and on motion of Mr. Oatlaw ordered to be printed.

A message from the Senate informing that they had passed the engrossed bill to authorize the County Court of Wake to lay a tax for building a substantial fire proof Court House, or a substantial fire proof Office, for the safe keeping of the public records of the county, and asking the concurrence of this House. The said bill was read the first time and passed.

The resignation of Philip Hendrick a Lieut. Col. and T. S. Harris, as Major of the first regiment of the militia of Davidson county, received from the Senate, were read and accepted.

The resignation of William W. Price as Col. Commandant of the Caswell Regiment of Militia, was presented, read and accepted.

Mr. Courts presented a bill vesting in the Courts of Pleas and Quarter Sessions of the several counties within this State, the right of establishing additional places of public sale in their respective counties; Mr. Allison a bill to repeal in part an act passed in the year 1806, entitled an act to revise the militia laws of this State relative to the infantry; Mr. Marsteller a bill to authorise seven justices of New Hanover to receive, take and renew the bonds of the sheriffs and clerks of the court of pleas and quarter sessions of said county; Mr. Cuthbertson a bill to prevent disputes in consequence of a late survey of the line dividing the counties of Anson and Mecklenburg; Mr. Gee a bill to incorporate the Scotland Neck Guards; and Mr. Weaver a bill to compel the register of Buncombe county to keep his office in Ashville during the weeks of the county and superior courts. These bills were severally read the first time and passed.
The bill to vest the right of electing the clerks of the county and superior courts within the several counties of this State in the free white men thereof was read the second time. Mr. Emmitt moved to strike out the word "two" in the third section and insert "four," so as to make the term of service of said officers four years instead of two; which motion prevailed. The bill was further amended in the same section on motion of Mr. Pearson, by striking out the words "the sheriff shall give the casting vote," and by inserting, "the county court shall make the election as now prescribed by law in case of sheriff's elections."

Mr. Edmondston moved to amend the bill by adding after the words "superior court clerks" in the first section the words, "and county solicitors." This motion was rejected, Yeas 30, Nays 101. The yeas and nays demanded by Mr. Obien.


Mr. McLeod moved to amend the bill by adding after the word clerks in the first section the words, "and constables" and called for the yeas and nays. This motion was also lost, yeas 21, nays 108.


Mr. Outlaw moved that said bill be postponed indefinitely. The question thereon was decided in the negative; yeas 39 nays 91. The yeas and nays called for by Mr. Emmitt.


Those who voted in the negative were, Messrs. Abernathy, Adams, Allison, Arrington, Blow, Boddie, Bonner, Brower, Burgin, Cansler, Carter, Clayton, Cloman, Courts, Craige, Cromwell, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Emmitt, Enloe, Faddis, Foscoe, Gillespie, Glass, Grady, Guthrie, Hammond, Harrison, Hart, Horton, Hurst, Irion, Irvine, Jarvis, J. B. Jones, R. Jones, Jordan, Lancaster, Lee, Ledford, Little, Locke, Louder-

The question then recurring on the passage of the bill, as amended, its second reading, it was decided in the affirmative, yeas 93, nays 38. The yeas and nays demanded by Mr. O'Brien.


Mr. Emmett from the committee appointed to conduct the balloting for Governor of the State, reported that no one of the gentlemen in nomination had received a majority of the whole number of votes; the report was concurred in:

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

FRIDAY, NOVEMBER 30, 1832.

Mr. McLeod submitted the following resolution, which was read and rejected.

Whereas, the charters of the present banks, are already so near their end, as to render their usefulness as such to the commerce of the State of but little benefit; and whereas the continuance of the United States Bank any longer than the period of its present charter is put beyond a doubt, a duty therefore devolves upon this Legislature to provide other and new means, for a currency of this State: And whereas both experience and the nature of our Government present us a cautious admonition against the creation of any single banking corporation with a capital large enough for the demands of the State, and with power to establish its branches in various sections of the State, such an institution may and will in times suited for such an occasion either directly or indirectly influence the first privileges of the citizen through its various branches, and those connected with them, let the capital belong to whom it may; Resolved therefore, That the joint select committee on Banks, be directed to inquire into the expediency of creating distinct and various banking corporations, located in the different sections of the State, and each with such a capital only, as the commercial exigencies of such locations may actually require, with ample provisions for the soundness of their issues by a retained supervising power in the Legislature; thus creating a complete organization in their business and a check upon their action unknown to a large mother bank and branches; and that the committee report by bill or otherwise.

A message from the Senate proposing that another balloting be had immediately, for Governor of the State. The proposition was agreed to. The name of David L. Swain was added to the nomination and Messrs. Gwynn and Hartley appointed a committee to conduct said balloting on behalf of the Commons. A message from the Senate informing that Messrs. Wilson and Harrison for an committee on the part of the Senate.

Mr. Townsend from the committee of propositions and grievances, to
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160 JOURNAL OF THE HOUSE OF COMMONS.

whom was referred, the petition of sundry citizens of the county of Surry, praying that Abrer Dunnagan may be restored to credit, reported unfavourably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

A message from the Senate informing that they had passed the following engrossed bills and resolutions, viz. A bill authorizing the county court of Gates 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; a bill to incorporate the Experimental Rail-road Company, in the city of Raleigh; a bill to abolish the office of county Trustee, in the counties of Bancombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort; a bill exempting Powell's Point and Poplar Branch Companies of Militia, in Currituck county, from attending regimental masters, at the Court House therein; a bill to regulate the courts of pleas and quarter sessions of Davidson, Hyde and Onslow counties; resolutions in favor of William C. Butler and others, and a resolution in favor of Joshua Williamson, Sheriff of Columbus county, and asking the concurrence of this House therein. The said bills and resolutions were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to vest in the county courts of Macon and Rutherford counties, power to appoint places of Public Sale in said counties, with an amendment, and asking the concurrence of this House therein. The said amendment was read and concurred in.

A message from the Senate, proposing that the two Houses ballot immediately for Major-general of the 5th Division, and informing that the name of William D. Smith is added to the nomination. The proposition to ballot was disagreed to.

Mr. Gwynn, from the committee appointed to conduct the balloting for Governor, reported that no one of the persons in nomination had received a majority of the whole number of votes. The report was concurred in. On motion of Mr. Hartley, ordered, that a message be sent to the Senate, proposing another balloting for this officer immediately. A message from the Senate, agreeing to this proposition of the House, and informing that Messrs. Mathews and Moore form their balloting committee. Messrs. Cunningham and Hurst form said committee on behalf of the Commons.

Mr. Eccles presented a bill, founded on a petition of sundry citizens of Raleigh and Fayetteville, to emancipate Horace, a slave. The said bill was read the first time and passed, and, on Mr. Eccles motion, referred to the committee on propositions and grievances.

Mr. Dockery, from the committee, to whom was referred a bill to repeal an act, passed at the last session of the General Assembly, chapter 122, entitled, an act to authorize 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, reported favorably thereon. The said bill was read the first time and passed.

Mr. Ledford introduced a bill, directing the manner in which Constables shall hereafter be elected in the county of Davidson, which was read the first time and passed, and, on Mr. Outlaw's motion, referred to the Committee on private bills.

Mr. Cunningham presented a resolution in favor of John Robbins, of Randolph county, which was read the first time and passed, and, on Mr. Cunningham's motion, referred to the committee on claims.
Mr. Cunningham, from the committee appointed to conduct the ballot ing for Governor of the State, reported that no one had received a majority of the whole number. The report was concurred in. On motion of Mr. Gaynn, ordered, that a message be sent to the Senate, proposing another balloting immediately for this officer. The proposition was agreed to by the Senate, and the Commons informed by message that Messrs. Williams and Dobson from their balloting committee; Messrs. Marsteller and Hinton compose this committee on behalf of the Commons.

Mr. Murray presented a bill to repeal in part an act, passed in the year 1828, entitled, an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace; and Mr. Tillet a bill amending the patrol laws, so far as relates to the county of Cameron. These bills were read the first time and passed.

Mr. Bragg introduced a bill to compel executors, administrators and guardians to make due returns of inventories and accounts, under certain penalties; and Mr. Pierse a bill requiring warrants, issued by justices of the peace in civil cases, to be returned in the district in which the defendant may reside. These bills were read the first time and passed and referred to the committee on the judiciary.

The bill to vest the right of electing the clerks of the county and superior courts, within the several counties in this State, in the free white men thereof, was, on motion of Mr. O'Brien, referred to a committee of the whole House, and made the order of the day for to-morrow.

The bill to repeal an act, passed in the year 1828, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county, was, on Mr. Bargin's motion, referred to the committee on private bills. The bill making compensation to tales-jurors, in the county of Robeson; and the bill to appoint an additional place of Public Sale, in the county of Beaufort, were read the second time and passed; and the last named bill, on Mr. Bonner's motion, referred to the committee on private bills.

The bill to amend an act, entitled, an act to appoint one additional place of Sale in Hyde county, passed in the year 1831. The bill to amend the law respecting the appointment of Sheriffs, so far as relates to the county of Surry. The bill to incorporate the Gatesville Troopers; the bill to incorporate the Hertford county Troop of Cavalry; and the bill to incorporate the Franklin Guards, were severally read the third time, passed and ordered to be engrossed.

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

Saturday, December 1, 1832.

Mr. Marsteller, from the committee appointed to conduct the balloting for Governor of the State, reported that no one 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 Governor, and informing that the name of John Branch is withdrawn from the nomination; the proposition was agreed to; the name of Joseph H. Bryan was added to the nomination, and Messrs. Whitaker and Blythe appointed a committee to conduct the balloting. Messrs. Kerr and Bell attended as a committee on behalf of the Senate to conduct said balloting.

Mr. Saintclaire presented a resolution, founded on a petition in favor of
Abidell Darnall, of Wilkes county, which was read the first time and passed.

Mr. Maultsby presented the petition of sundry citizens of Whiteville, in Columbus county, praying an alteration in the plan of said town, which was read, and on Mr. Maultsby's motion referred to the committee on propositions and grievances.

Mr. Mangum, from the committee on internal improvements, to whom was referred the bill to amend an act, passed in the year 1826, entitled, an act to incorporate a Company, entitled, the Roanoke Inlet Company and for other purposes; and an act amendatory of the same, passed in the year 1828, reported the same without amendment; the said bill was thereupon read the second time and passed.

Mr. Abernathy presented a bill to secure a more perfect administration of justice in certain cases, which was read the first time and passed, and referred, on the motion of Mr. Abernathy, to the committee on the judiciary.

Mr. Whitaker, from the committee appointed to conduct the balloting for Governor of the State, reported that no person had received a majority of the whole number of votes; the report was concurred in.

A message from the Senate, proposing another balloting to be had immediately for this officer; the proposition was agreed to, and Messrs. McLaurin and Roberts appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Montgomery, of Orange, and Wilder, form said committee on their part.

Mr. Eccles, from the committee on the judiciary, to whom was referred the bill defining and limiting the power of courts in inflicting punishments for contempts, reported the same without amendment. The said bill was, on Mr. Eccles' motion, referred to a committee of the whole House, and made the order of the day for Tuesday next.

Mr. Irvine presented a bill to repeal an act, passed A. D. 1830, entitled, an act to prohibit the circulation in this State, after the time therein mentioned, of bank notes under the denomination of five dollars; and Mr. Smith a bill to authorize the altering and amending of the State-road, running through the county of Haywood. These bills were 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 incorporate a Cavalry Company, in the county of Duplin; a bill to restore John Bates, of Macon county, to credit; a bill to restore Joshua Pinnion, of Wilkes county, to credit; and a resolution in favor of William Heath. The said bills were read the first time and passed, and the said resolution read and adopted and ordered to be enrolled.

The bill making compensation to tales-jurors, in the county of Robeson, was read the third time and passed and ordered to be engrossed.

The Speaker laid before the House a communication from the Public Treasurer, transmitting a statement of the affairs of the Bank of Cape Fear and the State Bank of North Carolina, received at his office since the date of his annual report. On motion of Mr. Bragg, ordered, that it be transmitted to the Senate, with a proposition that the statement be printed.

The resignations of John Kineaid, as colonel-commandant, and David Tate, as lieutenant-colonel, of the first regiment of the Militia of Burke county; and of Peter Simmons, as a justice of the peace of Surry county, were presented, read and accepted.
The House, on motion of Mr. O'Brien, now resolved itself into a committee of the whole, Mr. Polk in the Chair, and took up the bill to vest the right of electing clerks of the county and superior courts, within the several counties in this State, in the free white men thereof; and after some time spent therein the Speaker resumed the Chair, and the Chairman, on behalf of the committee, reported the said bill to the House with sundry amendments. The amendments were read and concurred in. The bill as amended was then read the third time, passed and ordered to be engrossed.

Yeas 93. Nays 30. The yeas and nays called for by Mr. G. A. Thompson.


Mr. McLaurin, from the committee appointed to conduct the balloting for a Governor of the State, reported that David L. Swain had received a majority of the whole number of votes and was duly elected. The report was concurred in. The House then adjourned until Monday morning 10 o'clock.

Monday, December 3, 1832.

Mr. Cunningham presented the petition of Jacob and Elizabeth Rhouts, praying their daughter Celia be legitimated and made the lawful heir of the said Jacob; the said petition was, on Mr. Cunningham’s motion, referred to the committee on propositions and grievances.

Mr. Abernathy presented the petition of sundry citizens of the county of Lincoln, upon the subject of a Convention. The memorial was read, and on Mr. Abernathy’s motion, referred to the joint select committee raised on that subject.

A message from the Senate, informing that Messrs. Hoke, Seawell, Wilder, Matthews, Kerr, Boddie, Stedman, Montgomery, of Hertford, Wellborn, Gavin, Toomer, Moye, of Greene, and Carson; from the committee on the part of the Senate, to inquire into the measures most expedient to be adopted, to insure the more prompt administration of justice, in the superior courts of Buncombe, Burke, Lincoln and Rutherford.

A message from the Senate, informing that they had passed the engrossed bill to prevent the felling of timber in, or otherwise obstructing the navigation of Goshen, between Hurst’s Bridge and the North east River, and asking the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, proposing that a joint select committee, consisting of two members on the part of each House, be raised to wait on His Excellency the Governor elect, informing him of his election; and to ascertain at what time it will be convenient for him to take the oaths of qualification, and
informing that Messrs. Matthews and Leake form said committee on behalf of the Senate. The proposition was agreed to, and Messrs. Barringer and Dockery appointed said committee on the part of this House.

Mr. Mangum, from the select committee, to whom 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, which, on Mr. Emmitt's motion, was ordered to be printed; and the said bill, on the motion of Mr. Clayton, made the order of the day for Friday next.

Mr. Monk introduced the following resolutions:

Whereas the union of the States of this confederacy ought to be a subject near and dear to every American bosom; and whereas many parts of the present constitution of the United States are susceptible of different constructions, viz: the right of the General Government to make works of internal improvement within the states, the right of the General Government to erect a bank, the right of the General Government to appropriate money for works of internal improvement, the right of the General Government to dispose of the public lands or common domain, the right of the General Government of laying duties and import on foreign imports having a tendency to the protection of domestic manufactures; and whereas Congress have passed laws believing them to be in conformity with the true spirit and meaning of the constitution, which threaten to sever the bonds which unite us together; and whereas many of the good citizens of this State do believe and entertain the opinion that there is no tribunal which can amicably and satisfactorily decide and adjust the foregoing contested articles, but by recurring to first principles, therefore

Resolved by the General Assembly of the State of North Carolina, That our senators in Congress be instructed, and our representatives requested to use their best endeavors to call a general convention of the states of this confederacy to take into consideration all articles in the present constitution of the United States susceptible of misconstruction, and give such an interpretation to the same as will save the Union from anarchy.

And be it further resolved, That the Governor of this state be, and he is hereby requested to forward a copy of these resolutions to the President of the United States, to the Executive of each of the States, and to each of our senators and representatives in Congress.

The foregoing resolutions were read and ordered to be printed and referred to a select committee, consisting of Messrs. Daniel, Monk, Eccles, Sumner and Hill. To the same committee were also referred the following resolutions, submitted by Mr. Daniel.

Resolved, That in the opinion of this Legislature the laws enacted by Congress for the protection of domestic manufactures are unconstitutional and unjust, as well in reference to the different classes of society as the different sections of the Union.

Resolved, That the said laws have tended to weaken the union of these states by impairing the confidence of a large portion of the southern people in the justice of the General Government, and that the permanent establishment of those laws is incompatible with the integrity of the Union.

Resolved, That although we witnessed with painful anxiety the opposition made by the friends of protection to the slight relief which the act of Congress of the 14th of July, 1832, affords to the south, we have not yet lost all confidence in the justice of the General Government, and will not, therefore, yet sanction any measure tending to a dismemberment of the Union.

Resolved, That while we sympathise with the people of South Carolina, we do not approve of their doctrine of nullification, believing it to be erroneous in theory, and calculated to put in jeopardy the civil and political liberty we enjoy.

Resolved, That the Governor of the State be requested to transmit a copy of these resolutions to the President of the U. States and to the executive of each of the States.

The foregoing resolutions were also ordered to be printed.

Mr. A. W. Wooten submitted a resolution in favor of the executor of Walter Davenport, which was read the first time and passed, and, on Mr. Wooten's motion, referred to the committee of claims.

On motion of Mr. Clayton, ordered, that a message be sent to the Senate, proposing that the two Houses ballot immediately for a Major-general of
Militia, of the 5th Division, and informing that the name of David Newland is added to the nomination. The proposition was concurred in by the Senate, and the Commons informed that the name of William D. Smith is withdrawn from the nomination, and that Messrs. Stedman and Morris form their balloting committee. Ordered, that Messrs. Hart and Clark conduct said balloting on the part of the Commons.

On motion of Mr. McLaurin:

Reported, That the committee on private bills be instructed to inquire into the expediency of vesting the power in the county courts, a majority of the acting justices being present, to authorize the erection of gates across the public roads in their respective counties; and that they have leave to report by bill or otherwise.

Mr. Barringer presented a bill providing compensation for jurors, in the county of Cabarrus; Mr. Hart a bill to alter the time of electing and renewing the bonds of certain officers in the county of Mecklenburg; Mr. Bonner a bill to provide for having the Militia Laws of this State digested, revised and published; Mr. Doherty a bill to extend the provisions of an act, passed in the year 1830, entitled, an act to prevent slaves from attending muster or election grounds, on the day of muster or election, in the counties of New Hanover, Sampson, Onslow, Jones, Craven, Lenoir, Wayne, Carteret, Johnston, Brunswick, Duplin, Camden, Hyde, Tyrrell and Currituck; and Mr. Borden a bill to repeal an act, passed in the year 1830, chapter 48, entitled, an act to alter the time of holding the superior Courts of law and equity for the counties of Carteret, Onslow, Lenoir and Craven, and to lengthen the term of Craven superior courts. These bills were severally read the first time and passed.

The bill to incorporate the Scotland Neck Guards; the bill to compel the Register of Buncombe county to keep his office in Asheville, during the weeks of the county and superior courts; the bill to incorporate the Haywood Boating Company; the bill concerning the upper regiment of Chatham county Militia; the bill to incorporate the Anson Dragoons; and the bill to prevent disputes in consequence of a late survey of the line, dividing the counties of Anson and Mecklenburg, were severally read the second time and passed.

The bill to amend an act, passed in the year 1821, entitled, an act to incorporate a Company, entitled, the Roanoke Inlet Company and for other purposes; and an act amendatory of the same, passed in the year 1828, was read the third time, passed and ordered to be engrossed; the bill authorizing Samuel Latham, of the county of Pitt, to erect a gate across a public road, was, on motion of Mr. Jordan, referred to the committee on private bills.

Mr. Hart, from the committee to conduct the balloting for Major-general of the 5th Division, reported that no one had received a majority of the whole number of votes; the report was concurred in; the name of William Horton was withdrawn from the nomination, and a message sent to the Senate proposing another balloting immediately. A message from the Senate disagreeing to this proposition, and proposing that another balloting be held to-morrow, which was concurred in by the House.

Received from His Excellency the Governor, by his private Secretary, Mr. Hill, the following communication.

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

Gentlemen,

In obedience to the act of the General Assembly of 1815, I lay before you for your inspection, the original returns of the votes given in the several counties in the State of North Carolina, for electors to vote for President and Vice-President of the United States, and declare and make known, that from an accurate examination of the said returns, it
appears that the electors chosen are, Mr. Robert Love, of Haywood county; George Lee Davidson, of Iredell; Peregrine Roberts, of Lincoln; Thomas G. Polk,*of Rowan; Thos. SETtle, of Rockingham; John M. Morehead, of Guilford; Walter F. Leake, of Richmond; Abram W. Venable, of Granville; Josiah O. Watson, of Johnston; Joseph J. Daniel, of Halifax; William B. Lockhart, of Northampton; Matthias E. Sawyer, of Chowan; Francis E. Ward, of Washington; Richard Dobbs Spaight, of Craven; Owen Holmes, of New Hanover. I have the honor to be, your obedient servant,

Executive Office, December 3, 1832.

M. STOKES.

The foregoing communication was read, and, on Mr. Bragg's motion, ordered to be transmitted, together with the documents accompanying, to the Senate.

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

TUESDAY, DECEMBER 4, 1832.

Messrs. Word and Sherwood were appointed a committee to conduct, on the part of this House, the balloting for Major-general of the 5th Division of the Militia of this State.

Mr. Locke presented the petition of sundry citizens of the county of Montgomery, praying that Ralph Freeman, a freeman of color of said county, may be allowed to preach the Gospel; the petition was, on Mr. Locke's motion, referred to the committee on propositions and grievances.

A message from the Senate, informing that Messrs. Latham and Dishongh form their balloting committee for a major-general.

Mr. Whitaker presented a bill amendatory of the act of 1831, entitled, an act to authorize the Governor to grant certain lands to the trustees of Franklin Academy, in the county of Macon, and Mr. Reelfe a bill to incorporate two volunteer companies, in the county of Pasquotank; these bills were read the first time and passed.

Mr. Weaver presented a resolution in favor of Zachariah Candler, of Buncombe county, which was read, and, on Mr. Weaver's motion, referred to the committee on claims.

Mr. O'Brien, from the committee on privileges and elections, to whom was referred the petition of Richard H. Alexander, contesting the right of Burton Craigie, the member from the town of Salisbury, to a seat in this House, made a report thereon, concluding with a resolution that the said Burton Craigie is entitled to hold his said seat. Mr. Davidson, on behalf of the minority of said committee, made a counter report, which was read to the House. Mr. S. T. Sawyer moved that the resolution be laid on the table, and that the report and counter report be printed. This motion was negatived. On motion of Mr. Pointdexter, leave was granted Mr. Alexander to be heard at the bar of the House. Discussion thereupon arising on the said resolution, on motion of Mr. Daniel, the House adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 5, 1832.

Mr. Word from the committee appointed to conduct the balloting for major general of the 5th division of militia, reported that David Newland had received a majority of the whole number of votes and was duly elected. The report was concurred in.

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

A message from the Senate, informing that they had passed the engrossed bill to exempt the militia residing on Knott's Island, from attending general regimental or battalion musters at the Court House of Currituck, and asking
the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, transmitting the annual report of the adjutant general, and proposing that the same be printed and referred to the joint select committee on military affairs. The proposition was agreed to.

Mr. Dockery, from the committee on private bills to whom was referred the bill directing the manner in which constables shall hereafter be elected in the county of Davidson and the bill re-appointing commissioners for the town of Waynesville in Haywood county, reported the same without amendment.—Those bills were ordered to be placed on the files to be taken up in their regular order.

Mr. Outlaw, from the committee on propositions and grievances, to whom was referred the engrossed bill to divorce John Roberts and his wife Agnes, reported the same without amendment; and the said bill was placed on the files of the House, in its appropriate place.

Mr. Dockery, from the committee on private bills, to whom was referred, the bill to authorise Robert Henry, to erect a mill on Hominy creek in Buncombe county, reported the same without amendment. Mr. Dockery, from the same committee, to whom was referred the bill to repeal an act, passed in the year 1828, entitled an act repealing the several acts, establishing and regulating the special courts of Burke county, reported unfavorably thereon. The said bills were accordingly placed in their appropriate files.

Mr. Dockery, from the same committee to whom was referred a resolution, instructing them to inquire into the expediency of vesting the power of erecting gates across public roads in the county courts, reported that no legislative action on said subject was expedient. The report was concurred in.

Mr. Bragg, from the committee on claims, to whom was referred the resolution in favor of John Robbins of Randolph county; the resolution in favor of James Long, sheriff of Perquimans county: and the resolution in favor of the executor of Walter Davenport, of Lenoir county, reported the same without amendment. The said resolutions, were accordingly placed in their appropriate files.

Mr. Barringer, from the committee appointed to wait on His Excellency the Governor elect, and inform him of his election, reported that his Excellency would at 12 o’clock to-morrow, attend in the House of Commons, and take the oaths of office.

On motion of Mr. Clayton,
Resolved, That the committee on education be instructed to inquire into the expediency of establishing free schools in the different counties in this State, and that they report by bill or otherwise.

On motion of Mr. Whitaker,
Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, whose duty it shall be to inquire into the number and condition of the Cherokee Indians, who are now living in this State, the nature of their laws and the expediency of extending the laws of this State as far as our chartered limits extend, and that they report by bill or otherwise.

Mr. Whitaker, presented the petition of Joseph Welch of Macon county, praying that the costs of a certain law suit determined against him, should be refunded; the same having been incurred in defending his title to a tract of land, sold to him, by the State. The said petition was referred to the committee on claims.

Mr. Barringer, presented the petition of Absalom Simonton of Iredell county, praying to have certain errors corrected in a grant for land heretofore is-
The said petition was on motion of Mr. Barringer, referred to the committee on claims.

Mr. McNeill, presented a resolution in favor of Daniel Graham of Cumberland county, which was read and adopted, and, ordered to be engrossed.

Mr. Park, presented a bill to provide for the final settlement of executors and administrators, also the annual settlement of guardians in the county of Anson, which was read, and, on Mr. Waddell's motion, referred to the committee on propositions and grievances.

Mr. Hart, presented a bill to amend the militia law respecting cavalry, which was read the first time and passed, and, on Mr. Hart's motion, referred to the committee on military affairs.

The House now resumed the unfinished business of yesterday, and took up the resolution, reported by the committee on privileges and elections in the following words: viz.

Resolved, That Burton Craig, Esq. is entitled to hold his seat in this House, as a member from the town and borough of Salisbury.

Mr. Pearson, moved to strike out the whole of said resolution, after the word "Resolved" and to insert the following,

"That Burton Craig, the sitting member from the town and borough of Salisbury, is not entitled to hold his said seat, but that the same be vacated, and that Richard H. Alexander be permitted to qualify and take his seat as a member from the said town and borough."

Mr. called for a division of the question, and the first question being on striking out as moved for, it was decided in the negative, yeas 36, nays 84. The yeas and nays demanded by Mr. Gutherie.

Those who voted in the affirmative were Messrs. Barringer, Borden, Beeman, Burgin, Cloman, Courts, Cunningham, Cuthbertson, Davidson, Dewes, Eccles, Grady, Guthrie, Harper, Hart, Hill, Irvine, Mangum, Marsieller, Murray, McLaurin, McLeod, McMillan, McQueen, Park, Pearson, Poindexter, Polk, Sloan, Spruill, Sumner, Thomas, Waddell, Ward, C. Wooten, Word.—36.


Mr. Dewes offered the following resolution, viz:

Resolved, That the question shall be put to the House, whether the vote of Cade was a legal vote? whether the vote of Shriver was a legal vote? whether the vote of Shears was a legal vote? each question to be proposed separately.

This resolution was decided to be out of order. Mr. Mangum, moved to insert after the word "Resolved" the words

"That neither the sitting member, Mr. Craig, nor the petitioner, Mr. Alexander, appear to have received a majority of legal votes, and that a writ of election for a member to represent said town, issue to the sheriff of Rowan."

This resolution was rejected. The question then recurring upon the passage of the resolution as reported by the committee of privileges and elections, it was decided in the affirmative, yeas 75, nays 32. The yeas and nays demanded by Mr. Gary.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Arrington, Blake, Bodie, Bonner, Brower, Cansler, Carter, Clayton, Cromwell, Daniel, Dockery, Doherty, Edmondston, Enloe, Faddis, Gary, Gee, Gillespie, Glass, Graves, Gwynn, Hammond, Hardison, Harrison, Hartly, Horton, Hurst, Irion, Jarvis, J. B. Jones, R. Jones,
JOURNAL OF THE HOUSE OF COMMONS.


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

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

Gentlemen,—I have the honor to transmit you the Report of the Board of Internal Improvement for the last year, and am, very respectfully, your ob'dt serv't.

Executive Office, 4th Dec. 1832.

M. STOKES.

The message was read and ordered to be sent to the Senate, with a proposition that the said report be printed.

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

THURSDAY, DECEMBER 6, 1832.

A message was received from the Senate, informing that they had passed the engrossed bill to repeal an act, passed in the year 1830, chapter 40, to prohibit the circulation in this State, after the 4th of July 1832, of bank notes, under five dollars, issued by the banks of other States, also, that they had passed the engrossed bill to authorize David W. Borden of Carteret county, to erect a gate across the road leading from the cross roads on White Oak river to Borden's ferry; and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend an act passed, in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company and for other purposes, and an act amendatory of the same, passed in the year 1828, with an amendment, and asking the concurrence of this House therein. The amendment was read and concurred in.

Mr. Roberts, presented a bill to allow commissions to constables in Hertford county, which was read the first time and passed, and on Mr. Mangum's motion referred to the committee on private bills.

Mr. Glass, presented a bill to repeal so much of an act passed, A. D. 1830, entitled an act to appoint commissioners to superintend the building of a Court House in the county of Barke. Mr. Smith, a bill to authorise the making of a turnpike road in the county of Haywood, and to incorporate a company for that purpose; Mr. McLaurin, a bill to exempt the teachers and students of Literary schools from militia duty; Mr. Ward, a bill to incorporate the Onslow Troopers; Mr. Eccles, a bill to incorporate the Lafayette Hotel Company, in the town of Fayetteville. Mr. Carter, a bill to repeal the third section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State, relative to the cavalry, chapter 709; and Mr. Word a bill to alter the line separating the north and south regiments of militia, in the county of Surry. These bills were read the first time and passed.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Bertie county, upon that subject, reported a bill for the relief of Britton Jones of Bertie county. The said bill was read the first time and passed.
The resolutions in favor of William C. Butler and others, was read the second time, amended on motion of Mr. Ridley and passed.

The resolution in favor of James Long, sheriff of Perquimans county, was read the second time and passed.

Mr. Jarvis, presented a bill to create two additional wreck districts in the county of Hyde and for other purposes, which was read the first time and passed.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the petition of Jacob and Elizabeth Phonts, reported unfavorably thereon, and prayed that the committee be discharged from the further consideration thereof. The report was concurred in.

On motion of Mr. Gary, Ordered that a message be sent to the Senate informing them 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, David L. Swain, 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 Common's Hall, and took and subscribed the several oaths of office prescribed by law for his qualification; the oaths having been administered by the Honorable Joseph J. Daniel, one of the judges of the superior courts of law and equity.

On motion of Mr. Hinton, the bill making an appropriation and appointing commissioners for the rebuilding of the Capitol in the City of Raleigh, was made the order of the day for Tuesday next.

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

Friday, December 7, 1832.

On motion of Mr. Bonner, ordered that a message be sent to the Senate proposing that Wednesday evening next, be set apart for the recommending of field officers and justices of the peace.

Mr. Brower, presented a resolution instructing the committee on the judiciary to inquire into the expediency of so regulating sales under execution, as to allow lands to be sold upon a credit by instalment; such regulation not to interfere with the enforcing of any contract already made. This resolution was rejected.

Mr. Pearson, presented the memorial of the 64th regiment of militia, complaining of the inequality of the present representation, of the people of this State, in the State Legislature, and praying the calling of a convention, for a revision of the subject. The said memorial was referred to the joint select committee on convention.

On motion of Mr. Pearson.

Resolved, That the committee on the judiciary be instructed to report a bill declaratory of the duties and powers of the inspectors, sheriffs and deputy sheriffs holding elections in this State.

Mr. Clayton presented a resolution in favor of Mary Edwards and others, which was read, and, on motion of Mr. Clayton, referred to the committee on claims.

Mr. Dockery, from the committee on private bills to whom was referred a bill to appoint an additional place of public sale in the county of Beaufort, reported the same with an amendment.

Mr. Dewes, from the joint select committee raised upon the subject, reported a bill to provide for the more prompt administration of justice in the
A message from the Senate, transmitting a communication from the
adjutant-general, and proposing that it be referred to the joint select committee
on military affairs; which was agreed to.

A message from the Senate, informing that they had passed the engrossed
bill more effectually to provide for the payment of jurors, in the county of An-
son, and asking the concurrence of this House therein; the said bill was read
the first time and passed.

A message from the Senate concourring in the proposition of this House, that
the message of the Governor of the 4th instant, with the accompanying docu-
ments, be printed; and agreeing to the proposition of this House, that a joint
select committe be raised to inquire into the number and condition of the Che-
rolette Indians, now living in the State, and into the expediency of extending
the laws of the State throughout her chartered limits; and informing that:
Messrs. Bailey, Brittain, Dobson, Parham and Ray form the committee on the
part of the Senate. Messrs. Whitaker, Davidson, Edmonston, McLaurin and
S. T. Sawyer form this committee on behalf of the Commons.

Mr. McLaurin presented a bill to re-mark and renew the dividing line be-
tween Richmond and Robeson counties; Mr. Burgin a bill concerning the
hands working on roads in the county of Burke; Mr. Ward a bill to prevent
the felling of timber in, or otherwise obstructing the channel of the North-east
branch of New river, in Onslow county; Mr. Bragg a bill to amend an act,
passed in the year 1818, concerning the supreme court; Mr. Davidson a bill
for the better regulation of the town of Statesville; Mr. Hinton a bill to incor-
porate the trustees of the Rolesville Academy, in the county of Wake; and
Mr. Gary a bill to incorporate the Northampton Troop of Cavalry; these bills
were read the first time and passed.

The House now proceeded to the order of the day and resolved itself into a
committee of the whole, Mr. Sumner in the Chair, on the bill defining and
limiting the power of courts in inflicting punishments for contempts, and after
some time spent therein the Speaker resumed the Chair, and the Chairman in
obedience to the order of the committee, reported the said Bill to the House
without amendment. The said bill was thereupon read the second time and
rejected. Yeas 43. Nays 73. The yeas and nays demanded by Mr. R. Jones.

Those who voted in the affirmative, were Messrs. Allison, Blow, Carter, Courts, Craige,
Paddis, Gillespie, Hammond, Hardison, Harrison, Hartley, Hinton, Horton, Irion, Jarvis,
R. Jones, Ledford, Little, Mullen, Murray, McCleese, Nelson, Outlaw, Pierce, Potts, Rand, Belle,
Roberts, Sainceilair, S. T. Sawyer, P. A. Sawyer, Settle, Simmons, Smith, Stallings, Sum-
ner, G. A. Thompson, Tillett, Townsend, Wadsworth, Weaver, Welch, Whitaker, Willey,
Wiseman, Witcher, Word, Zigar. 48.

Those who voted in the negative, were Messrs. Abernathy, Adams, Arrington, Baker,
Barringer, Bodgie, Bonner, Bragg, Brower, Beeman, Burgin, Burns, Canler, Clark,
Clayton, Cloman, Crowell, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Eccles,
Edmonston, Eno, Gary, Gee, Glass, Grady, Graves, Guthrie, Gwynn, Harper, Harri, Hill,
Irvine, J. B. Jones, Jordan, Judkins, Lancaster, Lee, Locke, Long, Loudersmill, Lyon,
Manzum, Marsteller, Mask, Maulisby, McLaurin, McLeod, McMillen, McQueen, Norman,
Park, Peeples, Pearson, Palaiaster, Shepard, Sherwood, Skinner, Sloan, Spruill, Stephens,
Thompson, L. Thompson, Tustall, Ury, Waldell, Ward, Watson, A. W. Woolen, C. Woolen.

On motion of Mr. G. A. Thompson, ordered, that a message be sent to the
Senate, proposing to ballot immediately for major-general of the 8th division
of militia, and informing that the name of John I. Pasteur is in nomination.

A message from the Senate, informing that they had passed the engrossed
The bill, to establish the boundary line between the counties of Washington and Beaufort; also the bill to attach the Langacre company of militia, in the county of Beaufort, to the Bath battalion in said county; also the bill for the better regulation of Jamestown in Martin county; and the engrossed bill authorizing widows of persons dying intestate to file their petitions for a year's support before letters of administration are granted, and asking the concurrence of this House. The said bills were read the first time and passed; the first named on Mr. Clark's motion was referred to the committee on private bills; and the last named on Mr. Daniel's motion to the committee on the judiciary.

The resignation of John L. Smith, colonel-commandant of the Haywood county militia, received from the Senate, was read and accepted.

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 taken up, and, on motion of Mr. Outlaw, ordered to lie on the table.

The engrossed resolution in favor of James Long, Sheriff of Perquimans county, was read the third time and passed and ordered to be enrolled.

The engrossed resolutions in favor of William C. Butler and others, were read the third time and passed. Ordered, that a message be sent to the Senate asking the concurrence of that House in the amendments heretofore made by this House.

The bill to repeal an act, passed in the year 1828, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county; the bill to prevent disputes, in consequence of a late survey of the line, dividing the counties of Anson and Mecklenburg; the bill to incorporate the Anson dragoons; the bill concerning the upper regiment of Chatham county militia; the bill to incorporate the Haywood boating company; the bill to compel the Register of Buncombe county to keep his office in Asheville, during the weeks of the county and superior courts; and the bill to incorporate the Scotland Neck Guards, were severally read the third time, passed and ordered to be engrossed.

The bill to authorize seven justices of the peace, in the county of New Hanover, to receive, take and renew the bonds of the sheriff and the clerks of the court of pleas and quarter sessions of said county, was, on motion of Mr. Hill, laid on the table.

The bill to regulate the courts of pleas and quarter sessions of Davidson, Hyde and Onslow, was read the second time, amended by striking out the counties of Hyde and Onslow and passed.

The bill to restore to credit Thomas Daves, of the county of Macon; the bill to repeal an act, passed at the last session of the General Assembly, chapter 122, entitled, an act to authorize 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 exempting Powell's Point and Poplar Branch companies of militia in Currituck county, from attending regimental musters at the court-house therein; and the bill amending the patrol laws, so far as relates to the county of Camden, was read the second time, amended and passed.

The engrossed bill to abolish the office of county trustee, in the counties of Buncombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort, was read the second time; Mr. Peeples moved that the word Guilford and Mr. Murray, the word Hyde be stricken out of said bill; and Mr. Gillespie moved that Duplin be added, which motions prevailed. Mr. Bonner moved the following amendment: "provided nevertheless, that nothing in this act
JOURNAL OF THE HOUSE OF COMMONS.

contained shall be so construed, as to compel the justices of the county court of Beaufort, to abolish the office of county trustee of said county; but they shall be authorized and empowered to abolish said office, a majority of the acting justices consenting thereto;" this amendment was received. Mr. Ziglar moved to insert the word Stokes after the word Beaufort, in said bill and amendment; and Mr. Davidson moved that the said bill be postponed indefinitely; pending this question, the House on motion adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 8, 1832.

Mr. Emmett 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 of Mr. Bragg, referred to the committee on the judiciary.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the bill to emancipate Horace, a slave, reported the same without amendment.

Mr. Thomas presented the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the propriety and expediency of so amending an act of the General Assembly, passed in the year 1801, entitled an act to amend several acts of the General Assembly of this State, to prevent excessive gaming, as to extend the provisions of said acts to persons playing at any of said games in all other places as well as at houses of entertainment or at the houses of tavern keepers.

This resolution was read and rejected.

A message from the Senate, proposing to raise a joint select committee, to be styled the committee on public buildings, and informing that Messrs. Boddie, Tyson, Norman, Hall and Wellborn form said committee on the part of the Senate; the proposition was concurred in, and Messrs. L. Thompson, Graves, McMillan, Parke and Rand appointed to form this committee on the part of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to prevent the selling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the counties of Lenoir and Wayne; a bill to regulate the collection of State witness tickets, so far as respects the county of Guilford; and a bill to alter and amend an act, passed in the year 1829, entitled, an act for the improvement of the road, from the old Fort in Burke to Asheville in Buncombe, and asking the concurrence of this House; the said bills were read the first time and passed.

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

Mr. Enloe presented a bill to amend an act, passed in the year 1827, entitled, an act to keep open the Tuckaseegee and Tennessee rivers, in Haywood county; Mr. McNeill a bill to incorporate Silver Run Academy, in the county of Cumberland; these bills were read the first time and passed.

The bill vesting in the courts of pleas and quarter sessions, of the several counties within this State, the right of establishing additional places of public sale in their respective counties, was read the second time and passed.

The House now proceeded to the unfinished business of yesterday, and took up the bill to abolish the office of county trustee in the counties of Buncombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort; when, on motion of Mr. G. A. Thompson, the same was ordered to lie on the table.
The resignation of David Newland, of Burke county; of Green Huckabee, of Wake; of John Arrington, of Nash, and of Regim Royal, of Sampson county, justices of the peace, were presented, read and accepted.

The bill to exempt from execution, a portion of the land of the citizens of North Carolina, was read the second time. Mr. McLeod moved that the House do now resolve itself into a committee of the whole on said bill, which was not agreed to; Mr. Allison moved that the said bill be postponed indefinitely, which was decided in the affirmative. Yeas 70. Nays 51. The yeas and nays called for by Mr. Emmitt.


The engrossed resolution in favor of Charles Baldwin; the bill amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of tolls; the engrossed resolution in favor of William Ellison; and the engrossed resolution in favor of Joshua Williamson, sheriff of Columbus county, were severally read the second time and passed.

The message from the Senate, concurring in the amendments made by the House of Commons, to the engrossed resolutions in favor of William C. Butler and others; ordered, that said resolutions be enrolled.

The bill to repeal in part an act, passed in the year 1806, entitled, an act to revise the militia laws of this State relative to the infantry, was taken up, and, on motion of Mr. S. T. Sawyer, laid on the table. On motion, the House adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 10, 1832.

Received from His Excellency, Governor Swain, by the hands of Mr. Hill, his private Secretary, the following communication:

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

Gentlemen.—The accompanying communication and documents have been received at this department from the Executive of the State of South Carolina, and are now laid before you in compliance with the request therein contained.

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

Executive Office, N.C. December 10, 1832.

D. L. SWAIN.

The message with the accompanying documents, were read, and, on motion of Mr. Mangum, ordered to be sent to the Senate with a proposition that they be referred to a joint select committee.

On motion of Mr. Potts, ordered that the Senate be informed that the name of Richard H. Bonner, is added to the nomination for a major general of the eighth division of militia, and proposing that a balloting for this officer, take place to-morrow.

Mr. Arrington, presented a bill to incorporate an Academy, on the lands of Martin R. Garreec in the county of Nash, by the name and title of Stony
Hill Academy. Mr. G. A. Thompson, a bill to amend an act, passed in the year 1829, entitled to provide for the compensation of jurors in the counties of Beaufort, Onslow, Hyde, magazine and Duplin. Mr. Borden, a bill to amend an act, passed in the year 1831, entitled an act to prevent fire hunting of fowl in Carteret county. Mr. Shepard, a bill concerning charities; and Mr. McLaurin, a bill to compel sheriffs and jailers to advertise in the State Gazette, all runaway slaves committed to their respective jails. These bills were read the first time and passed.

Mr. Cary, presented a bill supplementary to an act, entitled an act to enact with sundry alterations and additions, an act entitled an act to incorporate the Petersburg Rail Road Company, passed by the Legislature of Virginia on the 10th day of February, A. D. 1831; and Mr. Guthrie a bill to authorise the courts of pleas and quarter sessions within the several counties in this State, to license slaves and free negroes to preach, pray or exhort in public in certain cases. These bills were read the first time and passed; and the first named on motion, referred to the committee on Internal Improvements, and the last to the committee on the judiciary.

Mr. O'Brien, presented the petition of the President, Directors and Company, of the Portsmouth and Roanoke Rail-road, asking the passage of an act, authorising the extension of their contemplated road within the limits of this State, which was, on Mr. O'Brien's motion, referred to the committee on Internal Improvements.

Mr. McNell, presented the petition of sundry citizens of the county of Cumberland, praying that a certain portion of the Territory of said county may be attached to the county of Wake. The said petition was referred to the committee of propositions and Grievances.

The bill to repeal an act, passed at the last session of the General Assembly, chapter 132, entitled an act, 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 bill to restore to credit Thomas Daves of the county of Mecklenburg the bill to appoint an additional place of public sale in the county of Beaufort: and the bill amending the patrol laws, so far as relates to the counties of Camden and Pasquotank, were read the third time, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to appoint commissioners, for the town of Haywood in the county of Chat- ham, and for the better regulation of the same; and asking the concurrence of this House. The said bill was read the first time and passed.

The resignation of J. R. Hunter, a justice of the peace of the county of Gates, was presented, read and accepted.

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

Tuesday, December 11, 1832.

Mr. Abernathy, presented the certificate of the county court of Lincoln, in favor of John Starrett, a pensioner of the State, shewing an allowance made him of Ninety-six dollars, for the past year, which was ordered to be countersigned by the Speaker of the Commons, and transmitted to the Senate.

Mr. Courts presented the memorial of sundry citizens of the county of Surry, prying that a convention may be called for the purpose of revising and amending the constitution of the State; which on his motion was referred to the joint select committee on that subject.

Mr. Parke, presented the following resolution which was read and rejected.
Resolved, That the committee on Internal Improvements, be instructed to inquire into the expediency of amending the laws relative to the roads within the several counties in this State, and the persons who are required to work upon the same, so as to provide that no white citizen shall be compelled to work upon any road or roads, more than eight days in the year, and if such road or roads cannot with that amount of labor be kept in good repair, then to provide that such road or roads, shall be kept in good repair out of the funds of the State.

The resignation of Tilman Harris as major of the first regiment of Guilford militia, and of Isaac S. Gibson a justice of the peace of the county of Stokes, were presented, read and accepted.

Mr. Ziglar presented a bill to establish Good Spring Grammar School, in the county of Stokes, and to incorporate the trustees thereof, which was read the first time and passed.

A message from the Senate, agreeing to ballot this day, as proposed, for a major general of the eighth division, and informmg that Messrs. Ray and Howell form their balloting committee. Messrs. Baker and Horton were appointed this committee on behalf of the Commons.

A message from the Senate agreeing to the proposition of this House to refer to a joint select committee the South Carolina documents, yesterday transmitted by his Excellency the Governor, and informing that Messrs. Toomer, Seawell, Bailey, Williams and Leak, form the committee on their part. Messrs. Bragg, Pearson, Potts, Eccles and S. T. Sawyer were appointed to compose said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to prevent the felling of timber in, or otherwise obstructing the channel of Little River, from Bumper's Fork to the county line in Montgomery county; and a bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1896, chapter 708, entitled, an act to revise the militia laws of this State, and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. Bragg, from the committee on claims, to whom was referred a resolution in favor of Zac. Candler, of Buncombe, reported the same without amendment; the said resolution was then read and adopted and ordered to be engrossed.

The engrossed resolution in favor of Charles Baldwin; also the engrossed resolution in favor of William Ellison; and the engrossed resolution in favor of Joshua Williamson, sheriff of Columbus county, were severally read the third time, adopted and ordered to be enrolled.

The bill vesting the courts of pleas and quarter sessions, of the several counties within this State, the right of establishing additional places of public sale in their respective counties, was read the third time, passed and ordered to be engrossed.

The bill to authorize the altering and amending of the State-road, running through the county of Haywood; the bill to incorporate two volunteer companies in the county of Pasquotank; the bill amendatory of the act of 1831, entitled, an act to authorize the Governor of the State to grant certain lands to the trustees of Franklin Academy, in the county of Macon; the engrossed bill to prevent the felling of timber in, or otherwise obstructing the navigation of Goshen, between Hurst's Bridge and the North-east River; the bill to alter the time of electing and renewing the bonds of certain officers in the county of Mecklenburg; the bill providing compensation for jurors in the county of Cabarrus; the bill to incorporate the Experimental Rail-road Cou-
poned and passed.

A message from the Senate, transmitting the report of the joint committee on finances upon the State of the public treasury, and proposing that said report be printed; the proposition was agreed to.

The engrossed bill authorising the county court of Gates, 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; also the engrossed bill to authorize the county court of Wake to lay a tax for building a substantial fire-proof Court House, or a substantial fire-proof Office, for the safe keeping of the public records of the county; and the engrossed bill to restore Joshua Pinion, of Wilkes county, to credit, were severally read the second time, amended and passed.

The engrossed bill to restore John Bates, of Macon county, to credit, was read the second time, and, on motion of Mr. Outlaw, postponed indefinitely.

The bill to repeal an act, passed in the year 1830, chapter 48, entitled, an act to alter the time of holding the superior courts of law and equity, for the counties of Carteret, Onslow, Lenoir and Craven, and to lengthen the term of Craven superior courts, was read the second time, and, on Mr. Borden's motion, laid on the table.

The House now proceeded to the special order of the day, and took up the bill making an appropriation and appointing commissioners, for the rebuilding of the Capitol in the city of Raleigh, when the same was, on motion, postponed and made the order of the day for Thursday next.

Mr. Bilter, from the balloting committee for a major-general of the 5th division, reported that John I. Pasteur had received a majority of the whole number of votes and was duly elected. The report was concurred in.

A message from the Senate, informing that they had passed the engrossed bill to compel the register of Buncombe county, to keep his office in Asheville, during the weeks of the county and superior courts, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, proposing that a joint select committee be raised on the part of each House, to inquire what arrangements may be necessary to provide for the accommodation of the Governor for the ensuing year.

A message from the Senate, proposing that the two Houses ballot on Thursday next for counsellors of State for the ensuing year, and nominating Robert C. Watson, John W. Carson, Meshack Franklin, Owen Holmes, Nathan B. Whitfield, Alfred Jones and George W. Jeffreys for the appointment. The proposition was agreed to, and the names of Josiah O. Watson and William B. Lockhart were added to the nomination.

The bill to repeal in part an act, passed in the year 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, and, on motion of Mr. Courts, referred to the committee on the judiciary.

The bill to alter and amend the criminal laws of the State, was, on motion of Mr. S. T. Sawyer, laid on the table.

The bill to repeal an act, passed A. D. 1830, entitled, an act to prohibit the circulation in this State, after the time therein mentioned, of bank notes under five dollars, was read the second time, and, on motion of Mr. Norman, indef-
Mr. Brower.


On motion, ordered, that the Senate be informed that Messrs. Edmonston, Courts, Barringer, Gary and Waddell form, on the part of the Commons, the joint select committee to make provision for the accommodation of the Governor for the ensuing year. The House then adjourned until tomorrow morning, 10 o'clock.

Wednesday, December 12, 1832.

Mr. G. A. Thompson presented a resolution founded on a petition in favor of the militia of Onslow county, which was, on Mr. Thompson's motion, referred to the committee on claims.

Mr. Cansler presented the petition of the heirs of Christian Eaker, deceased, praying the emancipation of certain slaves, the property of said deceased. The petition was read, and, on Mr. Cansler's motion, referred to the committee on propositions and grievances.

Mr. Irion presented a bill to incorporate the Leakesville toll-bridge company, in the county of Rockingham; and Mr. Mc Cleese a resolution in favor of Frederick and Elias Liverman; which were read the first time and passed.

A message from the Senate, proposing that the two Houses ballot immediately for a Public Treasurer and Comptroller, and nominating William S. Mhoon and James Grant, the present incumbents, for these offices. The proposition was agreed to and Messrs. Gee and Watson appointed to conduct the ballotine. A message from the Senate, informing that Messrs. Skinner and Askew form this committee on their part.

A message from the Senate, informing that they had passed the following engrossed bill and resolutions, viz. A bill to provide for the registration of copies of grants for land; a resolution instructing the Public Treasurer to settle certain conflicting claims with the Cape Fear Bank; and a resolution in favor of the Public Treasurer, and asking the concurrence of this House. The said bill and resolutions were read the first time and passed.

Received from the Senate the following resolution, endorsed, read and adopted, viz.

Resolved, That the committee on public buildings be instructed to cause the roof of the Secretary's office to be examined, and report whether it is more advisable to repair the same or place on a new roof.

The said resolution was read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Haywood boating company, with sundry amendments.
and asking the concurrence of the Commons. The said amendments were read and concurred in.

The bill to alter the time of electing and renewing the bonds of certain officers, in the county of Mecklenburg; the bill to incorporate two volunteer companies, in the county of Pasquotank; the bill to authorize the altering and amending of the State-road, running through the county of Haywood; the bill amendatory of the act of 1831, entitled, an act to authorize the Governor to grant certain lands to the trustees of Franklin Academy, in the county of Macon; the bill providing compensation for jurors, in the county of Cabarrus; and the bill amending the several acts of Assembly, incorporating the Roanoke and Cape Fear navigation companies, and prescribing the mode of enforcing the collection of tolls, were read the third time and passed and ordered to be engrossed.

On motion of Mr. Hartley; ordered that a message be sent to the Senate, proposing to ballot immediately, for a brigadier general of the 2nd brigade and 8th division, and informing that Wyatt Moye is in nomination for the appointment. The proposition was agreed to, and Messrs. Melvin and Hall appointed their balloting committee. Messrs. Spruill and Faddis form this committee on the part of this House.

The bill to provide for having the militia laws of this State digested, revised, and published, was read and on motion of Mr. Arrington laid on the table.

The bill to extend the provisions of an act, passed in the year 1830, entitled an act to prevent slaves from attending muster or election grounds, on the day of muster or election in certain counties, was read and on motion of Mr. Cansler indefinitely postponed.

The bill concerning charities: the resolution in favor of the Executor of Walter Davenport of Lenoir county; the resolution in favor of John Robbins of Randolph county; and the resolution in favor of Abdell Darnall were severally read the second time and passed.

The bill to exempt teachers and students of Literary schools from militia duty, was read and on motion of Mr. Parker referred to the committee on education.

Mr. Gee, from the committee appointed to conduct the balloting for Public Treasurer and Comptroller, reported that William S. Ahoon was duly elected to the first named, and James Grant to the second named office. The report was concurred in.

The engrossed bill to repeal an act, passed in the year 1830, Chapter 40, to prohibit the circulation in this State, after the fourth day of July 1832, of bank notes, under five dollars, issued by the banks of other States, was read and on motion of Mr. S. T. Sawyer indefinitely postponed.

The bill to compel sheriffs, and jailors toadvertize in the State Gazette, all runaway slaves committed to their respective jails, was on Mr. McLaurin's motion referred to the committee on the judiciary.

The bill to repeal the third section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State relative to the cavalry, was read the second time and rejected.

Mr. Spruill, from the committee appointed to conduct the balloting for a brigadier general of the 2nd brigade and 8th division reported that Wyatt Moye had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The engrossed bill to repeal an act, passed in the year 1830, entitled an act.
Thursday, December 13, 1832.

Received from His Excellency Governor Swain, by his private Secretary Mr. Hill, the following communication, viz.

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

Gentlemen,—I transmit herewith a file of letters communicating the resignation of various individuals as justices of the peace and field officers of the militia, which were received at this department during the administration of his Excellency Governor Stokes. I also send herewith a report this day received from the President and Directors of the Club Foot and Harlows Creek Canal Company.

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

Executive Office, December 12, 1832.

D. L. SWAIN

A message from the Senate, informing that Messrs. Montgomery of Hartford, Matthews, Faison, Melvin and Lamb, form on the part of the Senate, the joint select committee to inquire what arrangements are necessary to be made for the accommodation of the Governor, during the next year.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, and asking the concurrence of this House, viz: A bill to amend the second section of act, passed at the last Session of the General Assembly, entitled an act for the better regulation of the conduct of negroes slaves, and free persons of color: A bill to authorize the justices of the peace for the county courts of Camden, Buncombe, Gates, Perquimans, Wake and others, on petition, to appoint commissioners to set off widows' dowers, lay out, alter and straighten roads, &c: A bill to legitimate Arcadia Harris, and entitle her to inherit from both parents: A bill to incorporate the town of Whitesville in the county of Columbus; and a resolution in favor of Solomon Summers. These bills and resolution were read the first time and passed.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the petition of sundry inhabitants of the town of Whitesville, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Burns, submitted the following resolutions, which were read and adopted, viz:

Whereas, it is considered good policy for a state in time of peace to prepare for war; and whereas, North Carolina may be the theatre of a war, arising from the consideration of her own population, as well as from other causes, and be forced to rely on her own means of defense before any aid can be received from the General Government: and whereas, it is a well known fact, that this state has many field pieces of artillery, lying in various places in a dismantled condition: Therefore,

Resolved, That the military committee be instructed to inquire into the expediency of mounting a portion of the said field pieces of the denomination of two, four, and six pounders; and that said committee be further instructed to inquire into the expediency of procuring ammunition for the use of the said field pieces, and distributing the artillery thus mounted and the ammunition to be used with the same, in such places as the said committee may judge best for the safety of the state.

And whereas, it appears to this General Assembly, by the report of the Adjutant General, that there are at present but a very few men belonging to the corps of artillery:

Resolved, That the aforementioned committee be instructed to inquire into the causes which have produced the diminution of said corps, and report to this House some plan by which that branch of the militia may be augmented and be made more efficient.

And whereas, by the Adjutant General's Report it appears that out of more than sixty
five thousand men enrolled in the militia, less than one thousand are mounted and accou-
tred as cavalry; therefore, Resolved, That the aforesaid committee be instructed to inquire
into the expediency of encouraging an augmentation of that branch of the public defence.

Resolved, That said committee further inquire into the expediency of encouraging uni-
form volunteer companies of infantry throughout the state, and placing a portion of the
public arms in the hands of the same, and that efforts be made to infuse more energy in-
to the militia than they now possess, by placing them on a more efficient establishment.

Resolved, That said committee inquire into the expediency of immediately procuring
cartridge-boxes with belts for the same, with bayonet cases, pistol holsters, sword-slings,
&c., that the arms received by the state as its quota from the General Government, may
be used whenever occasion may call for them.

Mr. Gary, presented a bill, to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, which was read the first time and passed, and on
motion of Mr. Outlaw, referred to the committee on propositions and griev-
cances.

Mr. O'Brien, presented a bill to repeal in part, an act of the General As-
sembly, passed in the year 1787, Chapter 278, entitled an act, for making
process in equity effectual against persons who abscond and who reside without
the limits of the State, and for better regulating the proceedings in courts of
equity and for other purposes Mr. A. W. Wooten, a bill to amend an act,
passed in the year 1826, entitled an act to appoint commissioners for the town
of Kinston in the county of Lenoir: Mr. Clayton, a bill to alter the time of
holding one of the terms of the courts of pleas and quarter session for the
county of Buncombe: and Mr. Stallings, a bill to allow further time to open
books for the purpose of receiving subscriptions for stock in the Lake Drum-
mond and Orapeake Canal Company. These bills were read the first time and
passed.

The bill to re-appoint commissioners for the town of Waynesville in Hay-
wood county; and the bill authorising Robert Henry to erect a mill on Homi-
ny creek in Buncombe county, were read the second time and passed.

The bill directing the manner in which constables shall hereafter be elected
in the county of Davidson was read, amended, on Mr. Weaver's motion, by
adding the county of Buncombe; and on motion of Mr. Skinner, ordered to
lie on the table.

The House, on motion of Mr. Geo. A. Thompson, now proceeded to the
order of the day, and, on motion of Mr. Outlaw, resolved itself into a com-
mittee of the whole, Mr. Bragg in the Chair, on the bill making an appro-
priation and appointing commissioners for the re-building of the Capitol in
the City of Raleigh, and after sometime spent therein, the Speaker resumed
the Chair, and the Chairman in obedience to the order of the committee, re-
ported the said bill to the House, without amendment. The said bill was
thereupon read the second time, amended; on Mr. Bragg's motion and pass-
ed, yeas 73, nays 60. The yeas and nays demanded by Mr. Bragg.

Those who voted in the affirmative, were Messrs. Adams, Arrington, Baker, Bowe, Bod-
die, Bonner, Borden, Bragg, Beeman, Burns, Carter, Clark, Cloman, Cove, Cromwell,
Daniel, Posee, Gary, Gee, Gillespie, Grady, Graves, Hammond, Hardison, Harper, Harri-
son, Hartley, Hinton, Hurst, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Lancaster,
Lee, Little, Long, Maulsby, Mullen, Murray, McClure, McLeod, McMillan, Nelson,
Norman, Outlaw, O'Brien, Pierce, Potts, Rand, Belle, Ridley, Roberts, S. T. Sawyer, F.A.
Sawyer, Shepard, Simmons, Skinner, Spruill, Stallings, Stephens, Sumner, G. A. Thomp-
son, L. Thompson, Tillett, Townsend, Tunnell, Ward, Welch, Willey, A. W. Wooten, C.
Wooten.—73.

Those who voted in the negative, were Messrs. Abernathy, Allison, Barringer, Brower,
Burgin, Cansler, Clayton, Courts, Cunningham, Cuthbertson, Davidson, Dewes, Dockery,
Doheiry, Eccles, Edmondson, Emmitt, Enloe, Faddis, Glass, Guthrie, Gwynn, Hart, Hill,
Horton, Hrion, Irvine, Ledford, Locke, Loudermilt, Lyon, Mangum, Marsteller, Marsh,
Mr. Wiseman, presented a bill to exempt from execution a certain portion of the farming utensils and household and kitchen furniture of the citizens of this State, which was read the first time and passed, and on motion of Mr. G. A. Thompson, referred to the committee on the judiciary.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the petition of the Heirs of Christian Eaker, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. Townsend, from the same committee to whom was referred the petition of sundry citizens of Montgomery county, reported a bill granting to Ralph Freeman the privilege of preaching or exhorting. The said bill was read the first time and passed.

Mr. Townsend, from the same committee to whom was referred the bill to provide for the final settlement of executors and administrators, also the annual settlement of guardians in the county of Anson, reported the same without amendment.

Mr. Dockery, from the committee on private bills to whom was referred the following, bills viz: A bill to authorize Jeremiah Ingram to erect a gate across a public road; also a bill to authorize Saxon Lynch of Rutherford county, to erect certain gates; and the bill authorizing Samuel Latham of the county of Pitt, to erect a gate across a public road, reported unfavorably thereon.

Mr. Bragg, from the committee on claims to whom was referred the petition of Joseph Welch of Macon county, reported a resolution in favor of Joseph Welch which was read the first time and passed.

Mr. Bragg, from the same committee to whom was referred the resolution in favor of Mary Edwards and others, reported favorable thereon.

Mr. G. A. Thompson, from the committee on claims to whom was referred the petition of certain militia of Onslow county, reported a resolution in favor of said militia; which was read the first time and passed.

Mr. Gee, withdrew the name of William B. Lockhart from the nomination for counsellors of State, and on his motion the Senate was so informed by message.

Mr. Pierse, presented a bill providing for the encouragement of learning; and Mr. McQueen a bill to establish Haywood Academy, in the county of Chatham, and to incorporate the trustees thereof. These bills were read the first time and passed, and the first named bill on motion of Mr. Pierse, referred to the committee on education.

A message from the Senate, disagreeing to the recommendation made by this House, of certain individuals, in the county of Franklin, as justices of the peace, and proposing that their names be stricken out. The proposition was disagreed to, and the recommendation as made in this House, insisted on.

A message from the Senate, disagreeing to the recommendation of Thomas B. Jarvis, as a justice of the peace for the county of Currituck, and proposing that his name be stricken from the list; which proposition was agreed to.
A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to repeal in part an act of the General Assembly, passed in the year 1820, entitled, an act to repeal an act of the General Assembly, passed in the year 1820, entitled, an act directing the county court to pay fees to certain officers therein named in certain cases, so far as relates to the counties mentioned in this act; and a bill further to improve the police of the town of Washington, and asking the concurrence of this House. The said bills were read the first time and passed.

The resignations of A. Parker, as lieutenant-colonel of the 47th regiment, and of Norman McLeod, as major of the 41st regiment of North Carolina militia, and of Joseph I. Williams, of Franklin, and Aaron Walker, of Orange county, justices of the peace, were presented, read and accepted.

The engrossed bill to abolish the office of county trustee, in the counties of Buncombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort, was, on Mr. G. A. Thompson's motion, taken up and read the second time. Mr. S. T. Sawyer moved that the said bill be postponed indefinitely. This question was determined in the affirmative. Yeas 72. Nays 55. The yeas and nays demanded by Mr. Wiseman.


The bill making an appropriation and appointing commissioners for the rebuilding of the Capitol, in the city of Raleigh, was read the third time, passed and ordered to be engrossed.

Mr. S. T. Sawyer called up the bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the militia laws of this State. On motion of Mr. Stallings, the said bill was postponed indefinitely. Yeas 70. Nays 59. The yeas and nays demanded by Mr. Simmons.


The engrossed bill to divorce John Roberts and his wife Agnes, was read the second time, and, on motion of Mr. Outlaw, indefinitely postponed.

The bill to alter the line separating the north and south regiments of militia, in the county of Surry; and the bill to exempt the militia, residing on Knott's Island, from attending general, regimental or battalion musters, at the Court House of Currituck, were read the second time and passed.

The bill to repeal in part an act, passed in the year 1806, entitled, an act to revise the militia laws of this State, relative to the infantry, was read the second time, and, on Mr. L. Thompson's motion, is definitely postponed. Yea's 82. Nays 34. The yea's and nay's called for by Mr. Allison.


On his own motion, Mr. Pierse was excused from voting. Thereupon the House adjourned until to-morrow morning, 10 o'clock.

Saturday, December 15, 1832.

Mr. Mangum, from the committee on internal improvements, to whom was referred the bill supplementary to an act, entitled, an act to amend, with sundry alterations and additions, an act, entitled, an act to incorporate the Petersburg rail-road company, passed by the legislature of Virginia, on the 10th day of February, 1830, reported the same with an amendment.

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

Mr. Craigie presented a bill, founded on a petition from sundry citizens of Fayetteville and Salisbury, to emancipate Joseph Hostler, which was read the first time and passed, and, on Mr. Craigie's motion, referred to the committee on propositions and grievances.

Mr. Shepard presented the petition of the Philanthropic Society, of the University of North Carolina, praying an act of incorporation, which was, on Mr. Shepard's motion, referred to the committee on propositions and grievances.

Mr. Barringer presented a petition from the officers of the Cabarrus regiment of militia, praying that the militia laws of this State be revised and published, which was, on Mr. Barringer's motion, referred to the committee on military affairs.

Mr. McNeill presented the petition of sundry citizens of the county of Cumberland and town of Fayetteville, praying that an act be passed to prohibit cattle and other stock from running at large in said town, which was, on Mr. McNeill's motion, referred to the committee on propositions and grievances.

Mr. Burns presented a petition from sundry citizens of the county of Carteret, praying the passing of a law regulating the raising of stock on the lands called "The Banks," in said county, which was referred, on Mr. Burns' motion, to the committee on propositions and grievances.
Mr. McLeod moved that a message be sent to the Senate, proposing that the
Proclamation of Andrew Jackson, President of the United States, in relation
to the late South Carolina Convention, be printed, ten copies for each member
of the General Assembly. Mr. Pierce moved to amend the proposition, by
adding the proceedings of the South Carolina Convention, recently trans-
mitted to this House by His Excellency the Governor; Mr. L. Thompson
moved to add also the 4th of July Oration of John Quincy Adams; and Mr.
Outlaw moved to add the letter of John C. Calhoun, recently addressed to
Governor Hamilton, of South Carolina. These amendments, as well as the
original proposition of Mr. McLeod, were all rejected by the House.

Mr. Dockery, from the committee on private bills, to whom was referred
the engrossed bill to establish the boundary line between the counties of
Washington and Beaufort, reported favorably thereon.

Mr. Dockery, from the same committee, reported unfavorably on the bill to
allow commissions to constables in Hertford county.

On motion of Mr. Daniel:
Resolved, That the committee on the judiciary be instructed to inquire into the expen-
diency of repealing so much of an Act to regulate retailers of spiritual liquors, passed
at the last session of the General Assembly, as authorizes the imprisonment of persons of-
tending against said act; and that they report by bill or otherwise.

On motion of Mr. G. A. Thompson, ordered that a message be sent to the
Senate proposing to ballot immediately for counsellors of State. A message
from the Senate agreeing to this proposition, adding to the nomination, the
names of Joseph B. Skinner and John Arrington, and informing that Messrs.
Vanhook and Bullock compose their ballotiing committee; ordered that Messrs.
Montgomery and Judkins form this committee, on the part of the Commons,
A message from the Senate informing that they had passed the following en-
grossed bill and resolutions, viz: A bill to alter the name of Eliza Umphrey,
and to legitimate her: A resolution concerning the fund belonging to the sis-
ters of the late James N. Forsyth; and a resolution directing the Speakers of
the two Houses, to correspond with Judge Hall, as to his ability to attend the
next session of the supreme court, and asking the concurrence of this House.
The said bill and resolution first named were read the first time and passed,
and the last named resolution, was on Mr. O'Brien's motion indefinitely post-
poned.

Mr. C. Wooten, presented a bill to authorize, certain persons hereafter
named, to raise by way of Lottery, $2000 for building a bridge across Neuse
River, at John Carter's landing in the county of Lenoir and for other purpo-
ses: and Mr. McGee a bill to prevent the issuing of writs of capias ad sa-
Bishicidum on judgment obtained before justices of the peace in the first in-
estance. These bills were read the first time and passed, and the last named
bill, on motion of Mr. Mangum, referred to the committee on the judiciary.

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

To the Honorable Louis D. Henry, Speaker of the House of Commons:

Sir,—I have received from the Hon. Monfort Stokes, a communication prepared in
obedience to a resolution of the House of Commons, adopted during the period that he
presided in the Executive department, calling for information with regard to the present
condition of that portion of the Cherokee tribe of Indians residing within the limits of
this state. The communication is sent herewith in order that it may be submitted to the
honorable body over which you preside

I am, sir, very respectfully,

D. L. SWAIN,

Executive Office, December 15, 1832.

24
On motion of Mr. Polk, ordered that the documents be sent to the Senate with a proposition that they be printed.

The bill to re-mark and renew the dividing line between Richmond and Robeson counties; also, the bill to incorporate the Onslow troopers; and the bill to incorporate the trustees of the Rolesville Academy, in the county of Wake, were read the second time, amended and passed.

The engrossed bill to attach the Long Acre Company of militia, in the county of Beaufort, to the Bath battalion in said county, was read, and, on Mr. Bonner's motion, laid on the table.

Mr. Courts, moved that the question of indefinite postponement of the bill, to repeal an act passed in the year 1830, entitled an act to repeal part of the second section of an act, passed in the year 1806, Chapter 708, entitled an act to revise the militia laws of this State; be now re-considered. This motion prevailed, and, on motion of Mr. G. A. Thompson, the said bill was laid upon the table.

The bill to authorize the making of a turnpike road in the county of Haywood, and to incorporate a company, for that purpose, was read and—on motion of Mr. Edmonston laid on the table.

The engrossed bill to authorise David W. Borden of Carteret county, to erect a gate across the road leading from the cross roads on White Oak river to Borden's Ferry, was—read the second and third times, passed, and ordered to be enrolled.

The bill concerning hands working on roads in the county of Burke; the bill for the better regulation of the town of Statesville; the bill to incorporate the Northampton troop of cavalry; the bill for the better regulation of James-town in Martin county; the bill for the relief of Britton Jones of Bertie county; the bill to repeal part of an act, passed A. D. 1830, entitled an act to appoint commissioners, to superintend the building of a Court House, in the county of Burke; and the bill to incorporate the La Fayette Hotel Company, in the town of Fayetteville, were severally read the second time and passed.

The resignations of John P. Andrews as Lieut. Col. of the 23d regiment of militia, of John H. Dixon of Greene, of Thomas Hadley of Wayne, and of Charles W. Knight of Edgecombe county, justices of the peace, received from the Senate, were read and accepted.

The resignation of Allen Bowden as Lieut. Col. of the 29th regiment of militia, was presented, read and accepted.

Whereupon the House adjourned until Monday morning 10 o'clock.

MONDAY, DECEMBER 17, 1832.

Received from His Excellency the Governor, by his private Secretary Mr. Hill, the followmg communication, viz:

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

Gentlemen,—The accompanying letter contains the resignation of the Hon. John Hall, one of the Judges of the Supreme Court of this State; which reached me by yesterday's mail. I am, very respectfully, D. L. SWAIN.

Executive Office, 17th Dec. 1832.

The resignation of the Hon. John Hall, as a Judge of the Supreme Court of this State, was thereupon read and accepted.

Mr. Montgomery, from the committee appointed to conduct the balloting for counsellors of State, reported that Meshack Franklin, Alfred Jones, Owen Holmes, Nathan B. Whitfield, George W. Jeffreys, Joseph B. Skinner, had each received a majority of the whole number of votes and were duly elected.
and that no other person in nomination had received such majority. The report was concurred in.

A message from the Senate, agreeing to the proposition of this House, to print the report of the President and Directors of the Clubfoot and Harlows Creek Canal Company.

A message from the Senate, proposing that another balloting be had immediately for one counsellor of State. This proposition was agreed to and Messrs. Lancaster and Stephens appointed a balloting committee. A message from the Senate, informing that Messrs. Bell and Rhodes form said committee on their part.

Mr. Guthrie presented a resolution in favor of Horace D. Bridges, sheriff of Chatham county, which was read the first time and passed, and, on Mr. Guthrie’s motion, referred to the committee on claims.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. A bill to regulate the courts of pleas and quarter sessions, of the county of Washington; a bill appointing lay days on Rocky river, adjoining Anson and Montgomery counties; and a resolution in favor of Martin D. Crawford, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

Mr. Pearson, from the joint select committee on Convention, to whom had been referred sundry petitions and resolutions, made a detailed report upon the subject, accompanied by a bill to provide for taking the votes of the people, for or against certain amendments to the constitution. The said bill was read the first time and passed, and, on Mr. Mangum’s motion, ordered that it be printed, together with the report and accompanying documents.

Mr Lancaster, from the committee appointed to conduct the balloting for counsellor of State, reported that no one had received a majority of the whole number of votes. The report was concurred in. The name of Clement Marshall, of Anson county, was, by Mr. Parke, added to the nomination; and, on motion of Mr. Ridley, ordered, that a message be sent to the Senate, proposing that another balloting be had immediately.

Mr. Arrington, from the committee on military affairs, reported unfavorably on the bill to amend the militia law respecting cavalry, and prayed to be discharged from the further consideration thereof.

Mr. Dewes presented the petition of James Graham, of Rutherford county, claiming compensation for his professional services, in defending a suit brought against the board of internal improvements, by one Green D. Palmer; which was, on Mr. Dewes’ motion, referred to the committee on claims.

Mr. Bonner presented the petition of sundry citizens of the county of Beaufort, praying that Wm. Brown, of said county, may be restored to credit. Said petition was, on Mr. Bonner’s motion, referred to the committee on propositions and grievances.

On motion of Mr. Arrington:

Resolved, That a message be sent to the Senate, proposing that a joint select committee on the part of each House, be appointed to provide for the distribution of the Acts of Congress at present in the Executive office, and referred to by the Governor in his annual message, and that they report by bill or otherwise.

Mr. Parke presented a bill making appropriations for public roads throughout the State, which was read the first time and passed and, on motion of Mr. J. B. Jones, referred to the committee on internal improvements.

A message from the Senate, agreeing to ballot immediately for a counsellor of State, informing that John Arrington is withdrawn from the nomination,
and that Messrs. Lamb and Houston form their balloting committee. Ordered, that Messrs. Sherwood and Enloe form said committee on behalf of the Commons.

A message from the Senate, proposing that the two Houses ballot tomorrow for colonel and lieutenant-colonel of cavalry in the 17th brigade, and nominating Joseph J. Maclin for the former, and Joseph R. Drake for the latter appointment; also proposing to ballot on to-morrow for colonel of cavalry in the ninth brigade of North Carolina militia, and nominating William Witherspoon for the appointment. These propositions were concurred in.

Mr. Enloe, from the balloting committee for a counsellor of State, reported that no person had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The bill to prevent the felling of timber in, or otherwise obstructing the channel of either branch of the north-east branch of New river, in Onslow county, was read the second and third times, amended and passed and ordered to be engrossed.

Mr. Mangum presented a bill for altering the time of electing the county trustee for Orange county. Mr. McLaurin a bill fixing the time of granting orders for altering or turning roads and laying off new ones, in the county of Richmond; and Mr. Borden a bill to amend an act, passed in the year 1824; entitled, an act passed in the year 1819, entitled, an act to appoint a board of branch pilots, to examine all persons who now have, or may hereafter wish to obtain, a branch to pilot on Ocracock Bar and the Swashes. These bills were read the first time and passed.

Mr. Murray presented a bill making the owners of dogs liable for the value of sheep that they kill or otherwise injure, which was read the first time and passed, and, on motion of Mr. A. W. Wooten, referred to the committee on agriculture.

The engrossed bill to regulate the collection of State Witness Tickets, so far as respects the county of Guilford. The bill to provide for the more prompt administration of justice, in the counties of Burke, Buncombe, Lincoln and Rutherford; and the engrossed bill more effectually to provide for the payment of jurors, in the county of Anson, were read the second time and passed.

The bill concerning charities; and the resolution in favor of Abdell Darnell; and the resolution in favor of the executor of Walter Davenport, of Lenoir county; and the resolution in favor of John Robbins, of Randolph county, were read the third time, passed and ordered to be engrossed.

The bill to emancipate Horace, a slave, was read the second time. Mr. Townsend moved that said bill be postponed indefinitely. The question thereon was decided in the negative. Yeas 32. Nays 88. The yeas and nays called for by Mr. Norman.


The bill was amended, on motion by Mr. Mangum, and passed its second reading.

The bill to prevent the felling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the counties of Lenoir and Wayne, was read the second time, amended and passed.

A message from the Senate, proposing another balloting immediately for a counsellor of State, and informing that the name of John W. Carson is withdrawn from the nomination; the proposition was agreed to. The name of Josiah O. Watson withdrawn from the nomination. and Messrs. Loudemilk and Willey appointed to conduct the balloting. A message from the Senate, informing that Messrs. Hawkins and Morris form their balloting committee. The House then adjourned until to-morrow morning, 10 o'clock.

Tuesday, December 18, 1832.

The Speaker laid before the House a communication from Joseph Gales, Esquire, in relation to the collection of the old Laws and Journals, and covering a letter from Isaac T. Avery, Esquire, of Burke county, wherein Mr. Avery tenders as a donation to the State, several rare and valuable works. These letters were read to the House, and, on motion of Mr. S. T. Sawyer, referred to the committee on the library.

Messrs. Weaver and Marsteller were appointed a committee to conduct the balloting for colonel and lieutenant-colonel of cavalry, attached to the 17th brigade of North Carolina militia. A message from the Senate, informing that Messrs. Gavin and M oy e of Pitt, form said committee on their part.

A message from the Senate, informing that they had postponed indefinitely, the engrossed resolution in favor of Zachariah Chandler, of Buncombe county.

A message from the Senate, informing that they had passed the engrossed bill amending the patrol laws, so far as relates to the counties of Camden and Pasquotank, 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 following engrossed bills, viz. A bill appointing commissioners to build a bridge across South Yadkin river, in Rowan county; a bill to appoint additional trustees of Rush Academy, in the county of Hyde; and a bill to repeal the provisions of an act, passed at the last session of the General Assembly, chapter 164, entitled, an act concerning those persons who are interested in the beach and marshy lands, lying in the county of Currituck. These bills were read the first time and passed.

Mr. Waddell, from the committee on finance, to whom was referred a bill fixing a uniform mode of assessment of the real estate, with the improvements thereon, reported the same with an amendment.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred a bill to emancipate Joseph Hostler, reported unfavorably thereon.

Mr. Barringer, from the committee on claims, to whom was referred the petition of Absalom Simonton, reported a resolution in favor of the petitioner, which was read and adopted and ordered to be engrossed.
Mr. Craig presented a resolution in favor of Fielding Slater, sheriff of Rowan county, which was read the first time and passed, and on Mr. Craig's motion, referred to the committee on claims.

Mr. Outlaw, on behalf of the minority of the joint select committee on convention, submitted a counter report, which was read, and, on motion of Mr. Dewes, ordered to be printed.

Mr. Sumner, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Carteret county, relating to the running at large of stock on the "Banks lands," reported that the committee are not advised of the necessity of legislative action on the subject, and prayed to be discharged from the further consideration thereof.

Mr. Loudermilk presented a bill concerning the working of Public roads, in the county of Iredell, which was read the first time and passed.

The resignations of Ruel Anderson, as lieutenant-colonel and of Louis G. Little, as major of the Pitt county regiment of militia, were read and accepted.

Mr. Burgin called up 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; the said bill was read the second time and passed. Yeas 67. Nays 61.

The yeas and nays called for by Mr. Spruill.


Mr. Marsteller, from the committee appointed to conduct the balloting for cavalry officers, attached to the 17th brigade, reported that Joseph J. Maclin was duly elected colonel and Joseph A. Drake, lieutenant-colonel. The report was concurred in.

Messrs. Witcher and Welch were appointed a committee to conduct the balloting for colonel of cavalry, attached to the ninth brigade, and the name of David E. Moore was, on motion of Mr. Loudermilk, added to the nomination.

Mr. Marsteller, from the committee on military affairs, to whom were referred sundry resolutions, reported a resolution relating to certain military equipments, which was read the first time and passed. A message from the Senate, informing that Messrs. Dishongh and Hussey form their balloting committee, for colonel of cavalry of the ninth brigade.

On motion of Mr. Spruill.

*Resolved, That the committee on internal improvements be, and they are hereby instructed to inquire into the expediency of draining the low lands belonging to the state in the counties of Tyrell, Washington and Hyde; and further to inquire what would be an equitable contribution on the part of individuals, for the privilege of draining their lands into any canal or canals which may be cut by the state; and that they report by bill otherwise.
Mr. Barringer, presented a bill to incorporate the North Carolina Historical Society, which was read the first time and passed.

The resignation of S. J. Baker as a justice of the peace, for the county of Martin, was presented, read and accepted.

Mr. Witcher, from the balloting committee for a Colonel of cavalry of the 9th brigade, reported that William P. Witherspoon had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The bill to create one additional wreck district, in the county of Hyde and for other purposes, was read the second time, amended and passed.

The bill to alter the time of holding one of the terms of the courts of pleas and quarter sessions for the county of Buncombe; the bill to amend an act, passed in the year 1820, entitled an act to appoint commissioners for the town of Kinston in the county of Lenoir; the bill to establish Good Spring Grammar School, in the county of Stokes, and to incorporate the trustees thereof; the bill to appoint commissioners for the town of Haywood, in the county of Chatham, and for the better regulation of the same; the bill to amend an act, passed in the year 1829, entitled an act to provide for the compensation of the jurors, in the counties of Beaufort, Onslow, Hyde, Anson and Duplin; the bill to incorporate an Academy on the lands of Martin R. Garrett, in the county of Nash, by the name and title of Stony Hill Academy; the bill to amend an act, passed in the year 1821, entitled an act to prevent fire hunting of fowl in Carteret county; the bill to incorporate Silver Run Academy in the county of Cumberland; the bill to amend an act, passed in the year 1827, entitled an act to keep open Tuckaseegy and Tennessee rivers, in Haywood county; and the bill to allow further time to open books, for the purpose of receiving subscriptions for stock, in the Lake Drummond and Orapakee Canal Company, were severally read the second time and passed.

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

**Wednesday, December 19, 1832.**

Mr. Bragg, from the committee on claims, to whom was referred the resolutions in favor of Horace D. Bridges, sheriff of Chatham, reported favorably thereon.

Mr. Bragg, from the same committee to whom was referred the petition of James Graham, reported a resolution in favor of the petitioner which was read the first time and passed.

A message from the Senate, concurred in the proposition of this House, to print the late communication of the Governor in relation to the present condition of the Cherokee tribe of Indians together with the documents accompanying the same.

A message from the Senate informing that they had passed the following engrossed bills, viz: a bill more effectually to prevent litigation and to avoid suits at law; and a bill to give longer time for paying in entry money, and asking the concurrence of this House. The said bills were read the first time and passed, and the first named bill, was, on Mr. Pearson's motion, referred to the committee on the judiciary.

A message from the Senate informing that they had passed the engrossed bill, amending the several acts of Assembly incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of tolls with sundry amendments, and asking the concurrence of the House therein. The said amendments were read and concurred in.

Mr. Mangum, from the committee on internal improvements, reported un-
favorably on the bill referred to them, entitled a bill making appropriations for public roads throughout the State.

Mr. Doherty presented the petition of Isaac Alexander, clerk of Mecklenburg county court, praying to be released from a judgment obtained against him by the state of the late term of Wake superior court. The said petition was on Mr. Doherty's motion, referred to the committee on propositions and grievances.

Mr. Park presented the following resolution.
Resolved, That the committee on education be instructed to inquire into the expediency of establishing a working school in this State; upon the principle of the Fellenburg school at Hofwyl, Germany; and that they have leave to report by bill or otherwise the said resolution was read and adopted.

The resignation of James K. Hill, as Colonel Commandant of the 31st regiment of militia, was presented, read and accepted.

The bill to amend an act, passed in the year 1824, entitled an act, passed in the year 1819, entitled an act to appoint a board of Branch Pilots to examine all persons who now have or may hereafter wish to obtain, a branch to pilot on Ocracoke Bar and the Swashes, was read the second time; Mr. Murray, moved that the said bill, be referred to the committee on propositions and grievances, which was not agreed to; Mr. Jarvis moved that it be indefinitely postponed; this question was determined in the negative; Mr. Clark, then moved that it be referred to a select committee, composed of the Representatives from the counties of Hyde, Carteret and Beaufort, which was also negatived, and the said bill thereupon, passed its second reading.

Mr. Daniel, from the select committee, to whom was referred sundry resolutions, relating to the tariff and nullification reported the same with amendments, and prayed that for the present they lie on the table. The said resolutions and amendments, were laid according ly on the table.

Mr. Outlaw, from the committee on propositions and grievances, to whom was referred the petition of a number of citizens of the county of Beaufort, in favor of William Brown, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Townsend, from the same committee, reported unfavorably on the petition of the Philanthropic Society of the University, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Arrington, presented a bill for the better organization of the militia of this State; Mr. Eccles, a bill to incorporate the Donaldson Academy, and Manuel Labor School in the town of Fayetteville; and Mr. Shepard, a bill to establish the Merchants' Bank in the town of Newbern. These bills were read the first time and passed; and the last named bill, was on motion of Mr. Waddell ordered to be printed.

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 on motion of Mr. Clayton, made the order of the day for Friday next.

The bill to repeal in part an act of the General Assembly, passed in the year 1787, Chapter 278, entitled an act for making process in equity effectual, against persons who abscond, and who reside without the limits of the State, and for better regulating the proceedings in court of equity and for other purposes, was read the second time, and on Mr. Dockery's motion, indefinitely postponed. Yea's 90, — Nays 37. The yeas and nays demanded by M. Craighe. Those who voted in the affirmative were, Messrs. Abernathy, Adams, Baker, Barria-
On motion of Mr. Bragg, ordered that a message be sent to the Senate, proposing that the two Houses ballot on Wednesday next, for a judge of the supreme court to supply the vacancy occurring by the resignation of John Hall; Mr. Gee, nominated for this office Joseph J. Daniel of Halifax, and Mr. Saintclair nominated Henry Seawell of Waite.

A message from the Senate, informing that Mr. Britain has been added to the joint select committee on military affairs.

A message from the Senate concurring in the proposition of this House that a joint select committee of three, on the part of each House, be appointed to provide for the distribution of the acts of Congress, at present in the executive office, and informing that Messrs. Matthews, Collins and Moore, form said committee on the part of the Senate. Messrs. Hart, Roberts and Wiseman, were appointed to compose said committee on behalf of the Commons.

A message from the Senate, proposing to ballot on Friday next, for a judge of the supreme court and adding to the nominations heretofore made, the name of John D. Toomer of Fayetteville. On motion of Mr. Sumner, the said proposition was laid on the table.

On motion of Mr. Ridley, ordered that a message be sent to the Senate, proposing that a balloting be had immediately for colonel of cavalry of the 5th brigade, and informing that William H. Roberts, Matthew Calvert and Rice B. Pierce, are in nomination for the appointment.

Mr. Bragg presented a resolution, to purchase a map of the State, for the Public Treasurer; Mr. Davidson, a bill to amend the laws relative to the county courts of Iredell and Mr. Barringer, a bill to prevent the unlawful carrying away and removal of slaves from this State. These bills and resolution were read the first time and passed, and the last named bill, was on Mr. Barringer's motion referred to the committee on the judiciary.

The bill to amend the militia law, respecting Cavalry, was read the second time and rejected.

The engrossed bill to amend the second section of an act, passed at the last session of the General Assembly, entitled an act for the better regulation of the conduct of negroes, slaves, and free persons of color, was read, and on motion of Mr. Gee, postponed indefinitely.

Mr. F. A. Sawyer, from the committee of claims, to whom was referred the petition of Thomas Ragland, reported a resolution in favor of the petitioner, which was read the first time and passed, and, on Mr. Gathrie's motion, made the order of the day for Saturday next.

The engrossed bill to authorize the justices of the peace for the county courts of Camden and others, on petition, to appoint commissioners to sett off widows' dowers, to lay out, alter, or straighten reads, was read, amended on Mr. Mangum's motion, and laid on the table.
The bill supplementary to an act, entitled an act to enact with sundry alterations and additions, an act to incorporate the Petersburg Rail Road Company, passed by the Legislature of Virginia on the 10th day of February, 1830, was read the second time, amended and passed.

The engrossed bill to prevent the felling of timber in or otherwise obstructing the channel of Little River, from Bumpers Fork to the county line in Montgomery county. The engrossed bill to provide for the registration of copies of grants for land. The engrossed bill to alter and amend an act passed in the year 1829, entitled, an act for the improvement of the road from the old fort in Burke to Asheville and Buncombe; the resolution in favor of Frederick and Elias Liverman; the resolution instructing the Public Treasurer to settle conflicting claims with the Cape Fear Bank; the resolution in favor of the Public Treasurer; the resolution in favor of Mary Edwards and others; the resolution concerning the fund belonging to the sisters of the late James N. Forsyth; the resolution in favor of Mastin D. Crawford; and the resolution in favor of Joseph Welch, were severally read the second time and passed.

The engrossed resolution in favor of Solomon Simmons, was read the second time and rejected.

The resolution relating to certain military equipments, was, on Mr. S. T. Sawyer's motion, laid on the table.

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

THURSDAY, DECEMBER 20, 1832.

Mr. Mangum presented the petition of sundry citizens of Orange county, praying that a law may be passed, prohibiting the attendance of slaves on any election or muster; which was on Mr. Mangum's motion referred to the committee on propositions and grievances.

The Speaker laid before the House, the following communication from the Public Treasurer.

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

Gentlemen,—I have the honor herewith to transmit a communication made to me by the state's counsel in the suits against the securities of the late public treasurer. It will be seen that in the opinion of the counsel the state cannot and ought not to effect a recovery. Under such circumstances, it is respectfully asked whether it would not be proper to make some order for a fair and equitable termination of the suits without incurring any further expense. I have the honor to be your obedient servant,

December 20, 1832. W. S. MHOON.

On motion of Mr. Outlaw, ordered that the same be sent to the Senate, with a proposition to refer the documents to a joint select committee.

A message from the Senate, proposing that a balloting be had immediately, for a colonel of cavalry of the 5th brigade. This proposition, was, on motion of Mr. Pierce, laid on the table, and on his motion, a message was sent to the Senate, proposing that the balloting be had for colonel, lieut. colonel and major of cavalry of said brigade, and nominating for lieut. colonel, Matthew Calvin, and for major, Roderick B. Gary.

A message from the Senate informing that they had passed the engrossed bill to authorize the courts of pleas and quarter sessions of the counties of Hertford and Gates to lay a tax to defray the expenses incident to calling out the militia during the insurrection in Southampton county Virginia, and for other purposes, and asking the concurrence of this House. The said bill was read the first time and passed.

The resignation of Robert Collier as a justice of the peace of the county of
Wayne, and of John Dockery as major of the first regiment of militia of Montgomery county, were presented read and accepted.

Mr. Arrington, from the select committee, to whom was referred that part of the Governor's message relating to the collection of the old Laws and Journals, made a report thereon, accompanied by a resolution in favor of Joseph Gales. The said resolution was read the first time and passed.

On motion of Mr. Parke, ordered that a message be sent to the Senate, proposing that a balloting be held on Monday, next for a judge of the superior courts of law and equity, and informing them that the names of Gavin Hogg and Romulus M. Saunders are in nomination for the appointment.

Mr. Gary presented a bill to establish a town on the lands of John D. Amis in the county of Northampton, at the termination of the Petersburg railroad, on the Roanoke river; and Mr. Craigie a bill to alter the time of holding the election in the town and borough of Salisbury. These bills were read the first time and passed.

Mr. Mangum presented a bill amendatory of an act, passed in the year 1784, entitled an act to regulate the descent of real estates, to do away entail, to make provision for widows, and to prevent frauds in the execution of last wills and testaments; which was read the first time and passed, and, on Mr. Townsend's motion, referred to the committee on the judiciary.

Mr. Sumner, from the select committee to whom the subject had been referred, reported sundry resolutions relating to a proposed convention of the States of the Union, for a revision of the constitution. These resolutions were read, and, on Mr. Sumner's motion, laid on the table.

The engrossed bill to alter and amend an act, passed in the year 1820, entitled an act: for the improvement of the road from the old fort in Burke, to Asheville in Buncombe; the engrossed bill to provide for the registration of copies of grants for lands; the engrossed resolution concerning the fund belonging to the sisters of the late James N. Forsythe; the engrossed resolution in favor of Mastin D. Crawford; the engrossed resolution in favor of the Public Treasurer; and the engrossed resolution instructing the Public Treasurer to settle conflicting claims with the Cape Fear Bank, were severally read the third time, passed, and ordered to be enrolled.

The bill supplementary to an act, entitled an act to enact with sundry alterations and additions an act, entitled an act to incorporate the Petersburg Rail- road company, passed by the Legislature of Virginia, on the 10th day of February, 1830; the resolution in favor of Joseph Welch; the resolution in favor of Frederick and Elias Liverman; and the resolution in favor of Mary Edwards and ethere, were severally read the third time, passed, and ordered to be engrossed.

Mr. Nelson presented a bill concerning the inspection of wood in the town of Newbern; which was read the first time and passed; and, on motion of Mr. Shepard, referred to the committee on private bills.

The bill to amend an act, passed in the year 1821, entitled an act, passed in the year 1819, entitled an act to appoint a board of Branch Pilots to examine all persons who now have, or may hereafter wish to obtain, a branch to pilot on Ocracock Bar and the Swashes, was read the third time, passed, and ordered to be engrossed; yeas 79, nays 53. The yeas and nays demanded by Mr. Clark.

The resolution in favor of the militia of Onslow county, was read the second time and passed.

The bill fixing a uniform mode of assessment of the real estate with the improvements thereon, was taken up, an, on motion by Mr. O'Brien, made the order of the day for Saturday next.

The engrossed bill to repeal an act passed in the year 1830, entitled an act to repeal part of the second section of an act, passed in the year 1806, Chapter 708, entitled an act to revise the militia laws of this State, was read the second time, amended on the motion of Mr. Courts, and passed; yeas 64, nays 60. The yeas and nays called for by Mr. R. Jones.


Mr. Burgin moved that the bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county, by the name of Yancey, be now taken up. On this question the House was equally divided; the Speaker voted in the affirmative and the said bill was accordingly agreed to be considered, when, on motion, the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 21, 1832.

On motion of Mr. Emmitt, ordered, that a message be sent to the Senate, proposing to ballot immediately for a lieutenant-colonel and major of cavalry, attached to the ninth brigade, and informing that David E. Moore and Andrew Patterson are nominated for lieutenant-colonel and George Phillips for major.

Mr. Blowe presented the petition of sundry inhabitants of Pitt county, praying that a law be passed regulating the fishing on Tar or Pamlico river; which was referred, on Mr. Blowe's motion, to the committee on propositions and grievances.

On motion of Mr. Graves, ordered, that a message be sent to the Senate, proposing to ballot on Wednesday next for a judge of the supreme court, and informing that the names of Frederick Nash and Robert Strange are added to the nomination.

On motion of Mr. Barringer, ordered, that a message be sent to the Senate;
proposing to ballot immediately for colonel and lieutenant-colonel of cavalry of the twelfth brigade, and nominating for colonel, Nathan G. Blount and Lemuel H. Whitfield and for lieutenant-colonel, John McLeod.

Mr. Poindexter presented a bill, founded on a petition in relation to the independent or volunteer companies attached to the second regiment of Stokes county militia, which was read the first time and passed.

A message from the Senate, agreeing to ballot immediately for lieutenant-colonel and major of cavalry of the ninth brigade, and informing that Messrs. Simmons and Spencer form their ballotting committee. Ordered, that Messrs. Foscue and Emmit form said committee on behalf of the Commons.

The certificate of the county court of Lincoln, in favor of John Starrett, a pensioner, was returned from the Senate, countersigned by the Speaker of that body.

A message from the Senate, informing that they had passed the engrossed bill to appoint an additional place of public sale, in the county of Beaufort, 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 divorce Polly Buckner from her husband Edward Buckner, and asking the concurrence of this House. The said bill was read the first time and passed.

On motion of Mr. Lancaster, ordered, that a message be sent to the Senate, proposing to ballot immediately for a major of cavalry of the 17th brigade, and nominating for the appointment Nathaniel R. Tunstall.

The resignation of Thomas J. Latham, as a justice of the peace of the county of Beaufort, was presented, read and accepted.

Mr. Emmitt, from the committee appointed to conduct the ballotting for cavalry officers of the ninth brigade, reported that David E. Moore was duly elected lieutenant-colonel and George Phillips, major. The report was concurred in.

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 third time, passed, and ordered to be engrossed. Yea 65. Nays 60. The yeas and nays demanded by Mr. S. T. Sawyer.


A message from the Senate, agreeing to ballot immediately for colonel and lieutenant-colonel of cavalry of the 12th brigade, and informing that Messrs. Rhodes and Moye, of Greene, form their ballotting committee. Ordered, that Messrs. Cuthbertson and Beeman form said committee on the part of the Commons.

A message from the Senate, agreeing to ballot immediately for a major of
cavalry of the 17th brigade, and informing that Messrs. Tyson and Faison are appointed their superintendents. Ordered, that Messrs. Brower and McCleese superintendent said balloting on the part of this House.

A message from the Senate, concurring in the proposition of this House, to ballot on Monday next for a judge of the superior courts of law and equity in this State, and to ballot on Wednesday next for a judge of the supreme court.

Mr. Cuthbertson, from the balloting committee for cavalry officers of the twelfth brigade, reported that Nathan G. Blount was duly elected colonel and John McLeod, lieutenant-colonel. The report was concurred in.

Mr. McCleese, from the committee appointed to conduct the balloting for a major of cavalry of the 17th brigade, reported that Nathaniel R. Tunstall was duly elected. The report was concurred in.

Mr. McQueen presented a bill, concerning the board of internal improvements; Mr. McNeill a bill, to empower the courts of pleas and quarter sessions of the several counties within this State, to authorise the erection of gates across public roads within their respective counties; and Mr. Sumner, a bill to authorise the trial of titles to real estate, when the same shall come in question, on petitions for partition. These bills were read the first time and passed, and the last named bill, was, on Mr. Norman's motion, referred to the committee on the judiciary.

The engrossed bill to repeal an act, passed in the year 1820, entitled an act to repeal part of the second section of an act, passed in the year 1806, Chapter 708, entitled an act to revise the militia laws of this State, was read the third time and passed. Yeas 56. Nays 53. The yeas and nays demanded by Mr. Emmitt.


Ordered that the concurrence of the Senate, be asked in the amendments heretofore made to said bill in this House.

The bill to provide for the final settlement of executors and administrators, also the annual settlement of guardians in the county of Anson; the bill to authorise Jeremiah Ingram, to erect a gate across a public road; the bill authorising Samuel Latham of the county of Pitt, to erect a gate across a public road; the bill to repeal in part, an act of the General Assembly, passed in the year 1826, entitled an act to repeal an act of the General Assembly, passed in the year 1829, entitled an act directing the county courts to pay fees to certain officers therein named in certain cases, so far as relates to the counties mentioned in this act; the bill to incorporate the town of Whitesville in the county of Columbus; the bill to establish Haywood Academy, in the county of Chatham, and to incorporate the trustees thereof; and the bill to incorporate the Leakesville Toll Bridge Company; in the county of Rockingham, were severally read the second time and passed.
The bill to provide for the more prompt administration of justice, in the counties of Burke, Buncombe, Lincoln and Rutherford, was read the second and third times, passed, and ordered to be engrossed.

The bill granting to Ralph Freeman, the privilege of preaching or exhorting, was read, and, on motion of Mr. Sumner, indefinitely postponed.

The engrossed bill to legitimate Arcadia Harris, and entitle her to inherit from both parents, was read, and, on Mr. Townsend's motion, referred to the committee on propositions and grievances.

The bill to establish the Merchants' Bank, in the town of Newbern, was, on Mr. Shepard's motion, made the order of the day for Monday next.

The engrossed bill further to improve the police of the town of Washington, was on motion of Mr. Clark referred to the committee on private bills.

The House then adjourned until Saturday morning 10 o'clock.

Saturday, December 22, 1832.

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

Mr. Whitaker presented a resolution in favor of Joseph Welch, which was read the first time and passed, and, on Mr. Whitaker's motion, referred to the committee on propositions and grievances.

On motion of Mr. Marsteller, Messrs. Polk and A. W. Wooten were added to the joint select committee on military affairs.

Mr. Cuthbertson presented a bill for the better regulation of hands working on public roads, in the county of Anson; and Mr. Polk a bill to alter the mode of appointing certain general and field officers of the militia of the State of North Carolina. These bills were read the first time and passed, and the last named bill, on Mr. Polk's motion, was referred to the committee on military affairs.

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

The House now proceeded to the order of the day, and, on motion of Mr. S. T. Sawyer, resolved itself into a committee of the whole, Mr. Barringer in the Chair, on the bill fixing an uniform mode of assessment of the real estate, with the improvements thereon, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the said bill to the House, with sundry amendments. The said amendments were read and concurred in, and the bill as amended was, on Mr. O'Brien's motion, laid on the table.

On motion of Mr. Emmit, ordered, that a message be sent to the Senate, informing that the name of Thomas Settle, of Rockingham, is added to the nominations hereunto made for a judge of the superior courts of law and equity.

Received from His Excellency the Governor the following communication:

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

Gentlemen,—Since the date of my last communication to your honorable body, I have received the resignation of William D. Kelly as a justice of the peace of the county of Surry, and of Nathan G. Blount, as a major of the 12th brigade of cavalry; both of which are herewith transmitted. I am, gentlemen, very respectfully,

Your obedient servant, D. L. SWAIN.

Executive Office, December 22, 1832.

The said resignations were read and accepted.

The engrossed bill to prevent the felling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the counties of Lenoir and Wayne, was, on motion of Mr. Pearson, referred to the committee on private bills.
Monday, December 24, 1832

A message was received from the Senate, informing that they had passed the following engrossed bills, viz: A bill fixing a uniform time of holding the elections in the third Congressional District of North Carolina, in all the counties therein; a bill concerning the town of Rockford, in Surry county; a bill for the better regulation of the courts of pleas and quarter sessions for the county of Halifax; a bill to repair, improve and lay off a road, leading from Cornelius Howard's Mills, in Wilkes county, on Elk Creek, leading up said Creek to the great Western Road, crossing the Deep Gap of the Blue Ridge, near the Ashe county line, and from thence leading into the State of Tennessee; and a bill to exempt hands from working on certain roads, in Buncombe county, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, concurring in the proposition of this House to refer the late communication of the Public Treasurer, in relation to the suits now pending in the superior court of Wake against the securities of the late Public Treasurer and informing that Messrs. Wilson, Wellborn, Seawell, Too-mer and Spaight form said committee on behalf of the Senate. Messrs. Mangum, Daniel, Davidson, Outlaw and Long, were appointed to constitute said committee on the part of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills, viz: a bill to establish the Bank of North Carolina; a bill to incorporate the Randolph Blues; a bill to repeal an act, passed in the year 1830, Chapter 143, entitled an act for the better regulation of the courts of pleas and quarter sessions of the county of Haywood; a bill to alter the name of, and legitimate Sally Holliday of Martin county; a bill to alter the names of Richard Alderson and William White of Beaufort county, and entitle them to inherit; a bill to incorporate the Gatesville Academy; a bill to incorporate the Sunbury Academy, in the county of Gates; and a bill to amend an act, passed in the year 1831, entitled an act to increase the liability of sheriffs and to provide more effectually for the collection of taxes, and asking the concurrence of this House.

Mr. Long, moved that the bill to establish the Bank of North Carolina be rejected. The question thereon was decided in the negative. Yea's 32. Nays 35. The yeas and nays demanded by Mr. Guthrie.


The aforesaid bills were accordingly read the first time and passed, and the bill to alter the name of, and legitimate Sally Holliday of Martin county, was, on motion of Mr. Baker, referred to the committee on propositions and grievances.

Messrs. Whitaker and Jordan, were appointed a committee to conduct on the part of this House, the balloting for a judge of the superior courts of law and equity hereinafore agreed on, to take place this day. A message from the Senate, informing that Messrs. Collins and Stedman form said committee on the part of the Senate.

The resignation of William Hancock, as lieu. colonel of the 44th regiment of North Carolina militia, received from the Senate, endorsed, read and accepted, was on motion of Mr. A. W. Wooster, laid on the table.

Mr. Gutherie presented a bill, to abolish the offices of county trustee and treasurer of public buildings in the county of Chatham, which was read the first time and passed.

Mr. Barringer presented a bill to establish the State Bank of North Carolina, which was read the first time and passed, and, on motion of Mr. Dewes, ordered to be printed.

Mr. Whitaker, from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no person had received a majority of the whole number of votes, and that there was no election. The report was concurred in. The name of Romulus M. Saunders, was, by Mr. Graves withdrawn from the nomination, and, on motion by Mr. Waddell, a message was sent to the Senate, proposing that another balloting for a judge take place immediately. This proposition was agreed to, and the House informed that Messrs. Martin and Matthews form their balloting committee; ordered that Messrs. Settle and Ziglar form this committee on the part of the Commons.

Mr. Grady presented a bill, founded on a petition to appoint commissioners to run and establish the line between the counties of Duplin and Wayne, which was read the first time and passed, and, on Mr. Cromwell's motion, referred to the committee on propositions and grievances.

Mr. Mangum, from the committee on internal improvements, to whom was referred the petition of the president, directors and company of the Portsmouth and Roanoke Rail Road, reported a bill, to enact with sundry alterations and additions, an act entitled an act, incorporating the Portsmouth and Roanoke Rail Road Company, and for other purposes, passed by the Legislature of Virginia, on the 8th day of March 1832. The said bill was read the first time and passed.

Mr. Irvine presented a bill to incorporate the town of Rutherfordton in the county of Rutherford; Mr. Polk a bill to establish a bank by the name and style of the Planters' Bank of North Carolina. These bills were read the first time and passed.

Mr. Little, from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity, reported that Thomas Settle had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Eccles presented a bill to authorise the commissioners of the town of Fayetteville, to borrow $200,000 to be invested in stock of the Cape Fear and Yadkin Rail Road Company, and for other purposes. The said bill was read the first and second times and passed.

Mr. Eccles moved that the said bill be now read a third time, this was
agreed to; and the said bill read the third time, passed and ordered to be engrossed. Yeas 84. Nays 31. The yeas and nays demanded by Mr. Graves.


Those who voted in the negative, were Messrs. Allison, Blowe, Doddie, Bonner, Freeman, Carter, Cloman, Cromwell, Graves, Gwynn, Hardison, Harper, Harrison, Irion, R. Jones, Judkins, Lancaster, Mullen, McClurees, Norman, Peeples, Relfe, Settle, Stellung, Steven, Thomas, Tillet, Tunstill, Welch, Willty, Ziglar.—32.

The bill to establish a bank by the name and style of the Planters' Bank of North Carolina, was, on motion of Mr. Bragg, ordered to be printed.

Mr. S. T. Sawyer presented the following resolutions:

Resolved, That the several States composing the United States of America, are not united on the principle of unlimited submission to the General Government, but that by compact, under the style and title of a Constitution for the United States; and of amendment thereto, they constitute a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself the residuary mass of right to their own self-government; and that whenever the General Government assumes delegated powers, its acts are unauthorised, void and of no force; that this Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution the measure of its powers: but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions of the mode and measure of redress.

Resolved, That this State considers the Federal Union, upon the terms and for the purposes specified in the compact, as conducive to the liberty and happiness of the several States; that it does now unequivocally declare its attachment to the Union, and to the compact agreeably to its obvious and real intentions, and will be among the last to seek its dissolution. That if the Departments of the General Government be permitted to transgress the limits fixed by that compact, by a total disregard of the special delegations of power therein contained, an annihilation of the State Governments and the erection upon their ruins of a general consolidated government will be the inevitable consequence. That the principle and construction contended for by the majority of the State Legislatures, that the General Government is the exclusive Judge of the extent of the powers delegated to it, stop nothing short of despotism, since the discretion of those who administer the Government, and not the Constitution, would be the measure of their powers. That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of the infractions; and that a Nullification by those sovereignities of unauthorised acts, done under color of that instrument, is the rightful remedy. That this State does, under the most deliberate consideration, declare that the Tariff Laws, passed, not so much for the purposes of revenue, as to protect domestic manufactures, are in their opinion palpable violations of the said Constitution; and however cheerfully they may be disposed to surrender its opinions to a majority of its sister States in matters of ordinary and doubtful policy, yet in momentous regulations like the present, which so vitally affect the best rights of the citizen, it would consider a silent acquiescence as highly criminal.

That although this State, as a party to the Federal compact, will bow to the laws of the Union; yet it does at the same time declare that it will not now, or ever hereafter, cease to oppose in a constitutional manner every attempt at what quarter soever offered, to violate the compact. And in order that no pretenses or arguments may be drawn from a supposed acquiescence, on the part of this State, in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the Federal Compact, this State does now enter against them its solemn protest.

Resolved further, That this legislature, entertaining a deep interest and intense anxiety in the relations at present existing between the State of South Carolina and the General
JOURNAL OF THE HOUSE OF COMMONS.

Mr. F. A. Sawyer presented a bill to establish the Bank of Elizabeth City. The question thereon was decided in the negative. Yeas 55. Nays 68. The ayes and nays demanded by Mr. Glass.


Mr. Adams moved that the bill to establish the Bank of Elizabeth City be rejected; pending this question, the House, on motion of Mr. Spruill, adjourned until to-morrow morning, 10 o'clock. Yeas 74. Nays 52. The yeas and nays demanded by Mr. J. B. Jones.

Those who voted in the affirmative were, Messrs. Adams, Baker, Boddie, Brower, irgin, Burns, Clark, Craige, Cromwell, Cunningham, Cuthbertson, Daniel, Davidson, wes, Dockery, Doherty, Eccles, Edmonston, Emmit, Faddis, Foshee, Gary, Gee, Gilp,ie, Glass, Grady, Guthrie, Hardison, Hart, Hartley, Hill, Hurst, Irvine, R. Jones, Lanca-
end, Laspeyre, Locke, Lyon, Mangum, Mask, Montgomery, McLeod, McMillan, McNeill, Queen, Nelson, Norman, Outlaw, O'Brien, Park, Poindexter, Polk, Rand, Ridley, Berts, Saintclair, F. A. Sawyer, Settle, Shepard, Sherwood, Sloan, Smith, Spruill, Stil-

Mr. Whitaker presented a bill to authorize the completion of the Tennessee road, in the county of Macon, and to incorporate a company for that pur-
se, which was read the first time and passed.
On motion, leave of absence was granted to Mr. Borden, from the service of this House for the residue of the session, from and after Sunday next.

Mr. Clayton presented the following resolution:

Resolved, That a message be sent to the Senate, proposing that the General Assembly adjourn sine die on the fifth of January next, and the clerks make out the estimates to that day inclusive.

This resolution was adopted. Yeas 07. Nays 18. The yeas and nays demanded by Mr. Thomas.


Those who voted in the negative, were Messrs. Doherty, Emmit, Faddis, Guthrie, Jas per, Long, Montgomery, McLaurin, McNeill, O'Brien, Pierce, Rand, Roberts, Sainclair, Townsend, Townsend, Tra stail, Ward, Whitaker.—18.

Ordered, that Messrs. Graves and Blowe form the balloting committee for a judge of the supreme court of this State. A message from the Senate, informing that Messrs. Montgomery, of Orange, and Morris form said committee on behalf of the Senate.

Mr. G. A. Thompson, from the committee on claims, to whom was referred a resolution in favor of Fielding Slater, reported the same with an amendment.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the engrossed bill to legitimate Arcadia Harris and enlilt her to inherit from both parents, made an adverse report thereon.

Mr. Townsend, from the same committee, to whom was referred the petition of sundry citizens of Pitt county, in relation to fishing in Tar or Pamlico river, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof; the report was concurred in.

A message from the Senate, proposing that a joint select committee be raised, whose duty it shall be to examine the map of the State, published by John McLain, of Fayetteville, and report to this House whether or not, in their opinion, it will be expedient to purchase such number of said maps, as will be sufficient for distribution to each of the States and Territories and the District of Columbia; the proposition was agreed to and Messrs. Skinner, Courts, Cary, Polk and Sherwood appointed to compose said committee on behalf of the Commons.

A message from the Senate, concurring in the amendments made by this House, to the engrossed bill to repeal an act, passed in the year 1839, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 703, entitled, an act to revise the militia laws of this State; Ordered, that said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to amend the militia laws; a bill to incorporate the Blakely Blues; and a bill to alter the time for the sheriff to make his settlements with the court of pleas and quarter sessions, of the county of Wilkes, and asking the concurrence of the House therein; the said bills were read the first time and passed.

On motion of Mr. Eccles, ordered, that the resolutions presented on the
JOURNAL OF THE HOUSE OF COMMONS.

28th instant, by Mr. S. T. Sawyer, relating to the Tariff and States' Rights, be printed, one copy for each member of the Legislature.

Mr. Courts presented a petition from sundry citizens of the county of Surry, praying an alteration of the road laws of the State; the said petition was, on motion of Mr. Courts, referred to the committee on internal improvements.

Received from His Excellency the Governor, by his Private Secretary Mr. Hill, the following communication.

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

Gentlemen,—In obedience to an act of the Assembly, I herewith transmit a copy of the Annual Report of the Treasurer of the Board of Trustees of the University of North Carolina, submitted to that body at its late annual meeting. The account was submitted to a committee who have reported that it is correct, and that the disbursements are sustained by regular vouchers; and this report has been concurred in by the Board. The death of the late Archibald D. Murphey, Esq. has occasioned a vacancy in the Board of Trustees which can only be filled by the Legislature.

I am, very respectfully, your obedient servant,

D. L. SWAIN.

Executive Office, December 21, 1832.

The foregoing communication, together with the report referred to, was read and ordered to be transmitted to the Senate, with a proposition that they be printed.

The bill to establish the Merchants' Bank, in the town of Newbern, was read the second time. Mr. Guthrie moved to strike out the first section of the said bill; the question thereon was decided in the negative. Yeas 46. Nays 79.

The yeas and nays demanded by Mr. Brower.


Mr. Guthrie moved that said bill lie on the table; this motion was negatived. The said bill, was, on the motions of Messrs. Graves and Barringer, amended and passed its second reading. Yeas 63. Nays 60. The yeas and nays demanded by Mr. Emmitt.

Mr. Graves, from the committee appointed to con duct the balloting for a judge of supreme court, reported that no one 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 that another balloting he had imme diately for this officer. The message, was, on motion of Mr. S. T. Sawyer, laid on the table.

And the House adjourned until to-morrow morning 9 o'clock.

THURSDAY, DECEMBER 27, 1832.

Mr. Cansler presented a petition of sundry citizens of the county of Lincoln, praying an alteration in the laws relative to the duties of sheriffs and constables; the said petition was, on motion of Mr. Cansler, referred to the committee on the judiciary.

Mr. Polk, from the committee on propositions and grievances, to whom was referred the bill to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, made an adverse report thereon.

Mr. Dockery, from the committee on private bills, to whom was referred the engrossed bill to prevent the felling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the counties of Lenoir and Wayne, reported the same with an amendment.

On motion of Mr. Pearson:

Resolved, That the Public Treasurer and Attorney-general be instructed to take the necessary proceedings, for the purpose of ascertaining, by a decision of the supreme court, whether the Cape Fear and Newbern Banks, in paying the tax required by law, out of the profits of said banks before dividends are declared, have acted in pursuance of the proper construction of that part of their charter, which enacts that a tax of one per cent. shall be levied upon all the stockholders, &c. &c. And whether the proper construction of their charters does not require that dividends should be first declared, and that the tax should then be retained out of the dividends of the individual stockholders, so that the tax may be paid by the individual stockholders and not by the bank.

Ordered, that said resolution be engrossed.

Mr. Craige presented the following resolution, which was read and rejected:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the criminal laws of this State, that no person shall be compelled to pay the costs accruing from the attendance of witnesses, necessary to his defence in any prosecution, whenever he shall be acquitted of the charge or charges preferred against him.

Resolved further, That they enquire into the expediency of compelling the prosecutor to pay all such costs.

On motion of Mr. Barringer, ordered, that a message be sent to the Senate, proposing a balloting immediately for a judge of the supreme court. A message from the Senate, agreeing to this proposition, and informing that Messrs. Hogan and Skinner are appointed their superintendents of balloting. Ordered, that Messrs. Sumner and G. A. Thompson superintend the balloting on the part of the Commons.

The bill to establish the Bank of Elizabeth City, passed its first reading and was, on Mr. Guthrie's motion, ordered to be printed.

Mr. Thomas presented a resolution in favor of Elizabeth Forbis of Guilford county, accompanied by a certificate in favor of said Elizabeth, from the court of pleas and quarter sessions of said county. Said resolution was read the first time and passed.
Mr. Dewes presented a resolution in favor of Jonathan Williams, which was read and adopted, and ordered to be engrossed.

Mr. Clayton presented a bill to restore to credit George B. Greer of Buncombe county; and Mr. Weaver a bill to exempt certain hands from working on the Hickory Nut Gap Road, in the county of Buncombe. These bills were read the first time and passed.

A message from the Senate informing that they had passed the following engrossed bills and resolutions viz: A bill to authorise the issuing of a grant for land to Amos Curtis and others, for a camp ground; a bill to incorporate the Pitt troopers and Bladen cavalry; a bill compensating jurors of the original pannel, in Beaufort county; a bill to amend an act, passed in 1820, entitled an act to establish the town of Gatesville; a bill to incorporate the trustees of the Waynesville Academy, in the county of Wayne; a resolution in favor of Robert Stinson; a resolution providing for the sale of the rubbish of the old Capitol; a resolution in favor of Charity Webb of Wilkes county; a resolution in favor of Benjamin Kilby of Wikes county; a resolution for the Adjutant General; and, a resolution in favor of Samuel W. W. Vick, sheriff of Nash county, and asking the concurrence of this House. The said resolutions and bills were read the first time and passed.

The resignations of Archibald Monk and of Benjamin Hargrove, justices of the peace of the county of Sampson, received from the Senate, were read and accepted.

The House, on motion of Mr. O'Brien, resolved itself into a committee of the whole, Mr. Davidson in the chair, on the bill to establish the Bank of North Carolina, and after some time spent therein, the Speaker resumed the chair, and the Chairman on behalf of the committee, reported the said bill to the House with an amendment. Mr. Bragg, moved, that said bill be indefinitely postponed, the question thereon passed in the negative. Yea's 54. Nays 72.


Mr. Graves moved to add, at the close of the seventeenth section, the words, "until otherwise ordered by the directors," which was negative. Mr. Poindester moved to strike out, in the second section, the words "six hundred thousand" and insert one million, which was also rejected. Mr. Bragg proposed the following as an additional section:

"That it shall be lawful for any individual whatever, to make deposit in said bank of any sum of money, of any specie paying bank, said sum not exceeding five thousand dollars; and that said bank, when called upon to refund the same, shall be compelled to do so; and in addition to the amount deposited, shall pay to the individual depositing at the rate of four per cent. interest per annum, for the use of any amount of money so deposited; and if the said bank shall refuse to refund any deposit, with interest as aforesaid, it may be lawful for any individual making such deposit, to have and maintain
his action on the case against said corporation, and recover according to the provisions herein made."

The foregoing amendment was also rejected. Mr. Pearson proposed the following amendment.

"That a tax of one per cent. per annum shall be levied on all stock in the bank, held by individuals whose tax shall be paid to the Treasurer by the President or Cashier of the bank, on or before the first of October in each and every year."


The yeas and nays called for by Mr. Park.


Mr. L. Thompson offered the following as an additional section.

"That the President and Directors shall not declare a dividend exceeding six per cent. upon the stock in any one year, and such part of the profits of the bank as may be an excess over the dividend of six per cent. declared in any one year, shall remain in bank as an accumulating fund until the expiration of the charter."

The question on the adoption of this amendment was decided in the affirmative. Yeas 59. Nays 58. The yeas and nays called for by Mr. Spruill.


The bill was further amended in several particulars on the motions of Messrs. Mangum and O'Brien and passed its second reading. Yeas 64. Nays 61. The yeas and nays demanded by Mr. Wiseman.


Those who voted in the negative, were Messrs. Baker, Barringer, Blowe, Badde, Borden, Bragg, Be, man, Burns, Clark, Courts, Craige, Cromwell, Davidson, Dewes, Doherty, Eccles, Edmondston, Fosse, Gary, Gee, Glass, Gwynn, Hammond, Harper, Hardley, Hill, Hurst, Irvin, Judkins, Little, Long, Lyon, Marsteller, Maulsby, McCleese, McLeod, McMahan, Nelson, Norman, Pearson, Poindexter, Polk, Potts, Rand, Ridley,
FRIDAY, DECEMBER 28, 1832.

Received from His Excellency the Governor, the following communication.

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

Gentlemen,—I have the honor to communicate a letter from his Excellency Gov. Wolfe, of Pennsylvania, enclosing resolutions recently adopted by the Legislature of that state, relative to the Union of the States and the Constitution of the United States.

I am, very respectfully, &c.  
D. L. SWAIN.

28th December, 1832.

The said communication, with the documents referred to, were read and ordered to be sent to the Senate.

Mr. Polk, from the committee on military affairs, to whom was referred the bill to alter the mode of appointing certain general and field officers of the militia of the State of North Carolina, reported the same without amendment.

Mr. Graves withdrew from the nomination for a judge of the supreme court, the names of Frederick Nash and Robert Strange, and on his motion, a message was sent to the Senate, proposing that another balloting for this officer be had immediately; a message from the Senate agreeing to this proposition, and informing that Messrs. Bailey and Marshall, form their balloting committee; ordered that Messrs. Burgin and Rand form said committee on the part of the Commons.

On motion, leave of absence from the service of this House, from this day until Monday next, was granted to Mr. Waddell.

Mr. Poindexter presented a petition from sundry citizens of the county of Stokes, and Mr. Courts a petition from the county of Surry, praying for the establishment and location of banking capital in the town of Leankville.—These petitions were ordered to lie on the table.

The resolution in favor of the Onslow militia was read the third time, passed, and ordered to be engrossed. Yeas 89. Nays 26. The yeas and nays demanded by Mr. Wiseman.


Mr. Burgin, from the committee appointed, to superintend the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

27
On motion of Mr. Potts, ordered that a message be sent to the Senate, proposing another balloting immediately for this officer. A message from the Senate agreeing to this proposition, and informing that Messrs. Collins and Leake form their superintendents; ordered that Messrs. Cansler and Sloan, superintend said balloting on behalf of the Commons.

The bill concerning the hands working on roads in the county of Burke; the bill to incorporate the Northampton troop of cavalry; the bill for the better regulation of the town of Statesville; the bill to re-mark and renew the dividing line, between Richmond and Robeson counties; the bill to incorporate troops of cavalry in the counties of Onslow, Johnston and Lenoir; the bill to incorporate the trustees of the Rolesville Academy, in the county of Wake; the bill to establish Good Spring Grammar School, in the county of Stokes, and to incorporate the trustees thereof; the bill to amend an act, passed in the year 1826, entitled an act to appoint commissioners for the town of Kinston in the county of Lenoir; the bill to amend an act, passed in the year 1827, entitled an act to keep open the Tuckaseegée and Tennessee rivers, in Haywood county; the bill to incorporate an Academy on the lands of Martin R. Garrett, in the county of Nash, by the name and title of Stony Hill Academy; the bill to allow further time, to open books, for the purpose of receiving subscriptions for stock, in the Lake Drummond and Arapakee Canal Company; the bill to amend an act, passed in the year 1821, entitled an act to prevent fire hunting of fowl in Carteret county; the bill for the relief of Briton Jones of Bertie county; the bill to alter the line separating the north and south regiments of militia, in the county of Surry; the bill to incorporate Silver Run Academy, in the county of Cumberland; the bill to authorize Robert Henry, to erect a mill on Hominy creek, in Buncombe county; the bill to re-appoint commissioners for the town of Waynesville, in Haywood county; the bill to create one additional wreck district, in the county of Hyde, and for other purposes; the bill to alter the time of holding one of the terms of the courts of pleas and quarter session, for the county of Buncombe; the bill to incorporate the La Fayette Hotel Company, in the town of Fayetteville; the bill to repeal part of an act, passed A. D. 1830, entitled an act to appoint commissioners to superintend the building of a Court House, in the county of Burke; the bill to establish Haywood Academy, in the county of Chatham, and to incorporate the trustees thereof; and the bill to provide for the final settlement of executors and administrators, also the annual settlement of guardians, in the county of Anson, were severally read the third time, passed, and ordered to be engrossed.

Mr. Cansler, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

On motion of Mr. Laspeyre, ordered, that a message be sent to the Senate, proposing that another balloting be had immediately for a judge of the supreme court. A message from the Senate concurring in this proposition, and informing that Messrs. Montgomery, of Hertford, and Williams form their balloting committee. Ordered, that Messrs. Arrington and McMillan superintend the balloting for this House.

The bill to establish the Merchants' Bank in the town of Newbern was, on motion by Mr. Pearson, laid on the table.

Mr. Pearson called up for consideration, the bill to provide for taking the votes of the people for or against certain amendments to the constitution, when,
on his motion, the said bill was laid on the table until the third Monday of November next.

The bill to authorize Jeremiah Ingram to erect a gate across a public road; and the bill authorizing Samuel Latham, of the county of Pitt, to erect a gate across a public road were read, and on motion indefinitely postponed.

Mr. Arrington, from the balloting committee for a judge of the supreme court, reported that no one had received a majority of the whole number of votes and that there was no election; the report was concurred in, and, on motion of Mr. Hill, a message was sent to the Senate, proposing that the two Houses ballot again immediately for this officer. A message from the Senate concurring in this proposition, and informing that Messrs. Wilson and Carter form their committee. Ordered, that Messrs. A. W. Wooten and Peeples compose said committee on behalf of this House.

The bill to allow commissions to constables in Hertford county, was read the second time, and, on Mr. Carter’s motion, indefinitely postponed.

The bill to emancipate Horace, a slave, was read the third time. Mr. Little moved that the said bill be postponed indefinitely; the question thereon was determined in the negative. Yeas 87. Nays 77. The yeas and nays demanded by Mr. Little.


The said bill accordingly passed its third reading and was ordered to be engrossed.

The engrossed bill to repeal in part an act of the General Assembly, passed in the year 1820, entitled, an act to repeal an act of the General Assembly, passed in the year 1820, entitled, an act directing the county court to pay fees to certain officers therein named in certain cases, so far as relates to the counties mentioned in this act; the engrossed bill to exempt the militia residing on Knott’s Island from attending general, regimental or battalion musters, at the Court House of Currituck; the engrossed bill to prevent the felling of timber in, or otherwise obstructing the channel of Little river, from Bumper’s fork to the county line in Montgomery county; the engrossed bill exempting Powell’s point and Poplar branch companies of militia, in Currituck county, from attending regimental musters at the Court House thereon. The engrossed bill more effectually to provide for the payment of jurors, in the county of Anson; the engrossed bill to regulate the collection of State Witness Tickets, so far as respects Guilford county; the engrossed bill for the better regulation of Jameston, in Martin county; the engrossed bill to incorporate a cavalry company, in the county of Duplin; the engrossed bill to incorporate the experimental rail-road company, in the city of Raleigh; the engrossed bill to prevent the felling of timber in, or otherwise obstructing the navigation of Goshen, between Hurst’s bridge and the North-east river; the
engrossed bill to appoint commissioners for the town of Haywood, in the county of Chatham, and for the better regulation of the same; and the engrossed bill to incorporate the town of Whitesville, in the county of Colom-
bus, were severally read the third time, passed and ordered to be enrolled.

The engrossed bill to establish the boundary line, between the counties of Washington and Beaufort, was read the second and third times, passed and ordered to be enrolled.

Mr. A. W. Wooten, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes and that there was no election; the report was concurred in.

The bill to authorize Laxton Lynch, of Rutherford county, to erect certain gates, was read, and, on Mr. Little's motion, postponed indefinitely.

The engrossed bill authorizing the county court of the county of Gates, 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; also the engrossed bill to authorize the county court of Wake, to lay a tax for building a substantial fire proof Court House, or a substantial fire proof Office, for the safe keeping of the public records of the county; the engrossed bill to restore Joshua Pennill of Wilkes county, to credit; the engrossed bill to regulate the courts of pleas and quarter sessions of Davidson, Hyde and Onslow counties; and the engrossed bill to prevent the felling of timber in, or otherwise obstructing the run of Bear creek and its branches, in the counties of Lenoir and Wayne, were severally read the third time and passed. Ordered that the concurrence of the Senate, be asked in the amendments to the above named engrossed bills herebefore made by this House.

The bill to authorize certain persons hereafter named, to raise by way of Lottery, two thousand dollars for building a bridge across Neuse river at John Carter's landing, in the county of Lenoir, and for other purposes; the bill to alter the name of Eliza Humphrey, and to legitimate her; the bill fixing the time of granting orders for altering or turning roads, and laying off new ones in the county of Richmond; the bill to incorporate the North Carolina Historical Society; the bill concerning the working of public roads in the county of Iredell; the bill to amend the laws relative to the county courts of Iredell; the bill for the better organization of the militia of this State; and the bill to incorporate the Donaldson Academy and Manual Labor School, in the town of Fayetteville, were severally read the second time and passed.

The bill to alter the time of electing the county trustee for Orange county, was read the second and third times, passed, and ordered to be engrossed.

The bill to amend an act, passed in the year 1829, entitled an act to provide for the compensation of the jurors in the counties of Beaufort, Anson, Onslow, Hyde, and Duplin, was read the third time, passed, and ordered to be engrossed.

The bill to emancipate Joseph Hostler, was on motion of Mr. J. B. Jones postponed indefinitely.

The bill to incorporate the Leaksville Tol! Bridge company, was, on mo-
tion of Mr. Graves, laid on the table.

The House, on motion of Mr. Gutherie, proceeded to the orders of the day, and took up the resolution in favor of Thomas Ragland of Chatham county, when on motion of Mr. Mangum, the said resolution was laid on the table.

The House then adjourned until to-morrow morning 9 o'clock.
A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz: a bill to amend an act, passed the present session, entitled an act to vest the right of electing clerks of the county and superior courts, in the several counties within this State, in the free white men thereof; a bill to authorise the removal of buildings on the public lands in the Town of Franklin; a bill to abolish the office of treasurer of public buildings, so far as relates to the county of Bladen, and for other purposes; a bill to incorporate the Robeson Light Dragoons; a bill to appoint commissioners for the town of Carthage in the county of Moore, and to incorporate the same; and a resolution in favor of Daniel Harris, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

On motion of Mr. Spruill, ordered that a message be sent to the Senate proposing another balloting immediately for a judge of the supreme court. The name of George E. Badger was, by Mr. L. Thompson, added to the nomination, and the Senate so informed.

A message from the Senate, informing that they had passed the engrossed resolutions concerning the Government House, and asking the concurrence of this House. The said resolutions were read the first time and passed.

Mr. S. T. Sawyer, from the committee on education to whom was referred a bill to exempt teachers and students of Literary schools, from militia duty, reported the same without amendment.

Mr. Mangum from the committee on internal improvements to whom was referred the petition of sundry citizens of Surry county, on the subject of the road laws, made an adverse report thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Mangum, from the same committee to whom was referred a resolution upon the expediency of draining the low lands belonging to the State, in the counties of Tyrrell, Washington and Hyde, reported that the committee deemed any legislation on the subject inexpedient at this time, and praying to be discharged from the further consideration thereof. The report was concurred in.

Mr. McLeod, from the committee on agriculture, to whom was referred the bill making the owners of dogs liable for the value of sheep that they kill or otherwise injure, reported the same with sundry amendments.

A message from the Senate, agreeing to ballot immediately for a judge of the supreme court, and informing that Messrs. Boddie and Allison are appointed their superintendents. Ordered, that Messrs. McLeod and Edmonston superintend the balloting on the part of this House.

On motion of Mr. Poindexter, so much of the 31st Rule of Order as relates to private bills, was suspended for the residue of the session.

Mr. O'Brien gave notice that he should on Monday next move a suspension of the 52d rule of order for the remainder of the session.

A message from the Senate, proposing that a balloting be had immediately for lieut.-colonel and major of cavalry of the 16th brigade, and nominating Wm. Malone for the former and Joseph S. Thompson for the latter appointment; the proposition was agreed to and Messrs. J. B. Jones and Gillespie appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Howell and Hoke form said committee on the part of the Senate.

Mr. Edmonston, from the balloting committee for a judge of the supreme court, reported that no one had received a majority of the whole number of
votes, and that there was no election. The report was concurred in, and on motion of Mr. Edmonston a message was sent to the Senate, proposing another balloting immediately. This proposition was concurred in by the Senate, and the House informed that Messrs. Hall and Montgomery (of Orange) form their committee of balloting. Ordered that Messrs. Word and Harper form said committee on the part of this House; and on motion of Mr. Polk, ordered that the Senate be informed that the name of George E. Badger, is withdrawn from the nomination.

Mr. McQueen presented a resolution in favor of Joseph Gales and Son, which was read the first time and passed, and referred on Mr. McQueen's motion to the joint select committee on the Library.

Mr. McQueen presented the following resolution.

It appearing by a letter from Colonel Isaac T. Avery, of Darke county, to J. Gales, the commissioner for collecting the old Laws and Journals, that he is willing to present to the State such old English Law Books contained in the Library of his late father, as may be deemed valuable as the foundation of a new State Library;

Resolved, That the thanks of this Legislature be presented to Col. Isaac T. Avery for his proposed generous donations, and that his Excellency Governor Swain, either by himself or some legal friend, select from the Library of the late Waightsstill Avery, such English Law authorities or other books, as Colonel Avery may be willing to present to the State for the purpose above mentioned.

The said resolution was read, and, on motion of Mr. McQueen, referred to the committee on the Library.

Mr. Edmonston presented a bill to repeal an act, passed in the year 1818, Chapter 979, entitled an act fixing the sum hereafter to be paid to the State for vacant lands, which was read the first time and passed.

Mr. Gillespie, from the balloting committee for cavalry officer of the 16th brigade, reported that William Malone was duly elected lieut.-colonel, and Joseph S. Thompson, major. The report was concurred in.

A message was sent to the Senate, proposing that the two House ballot immediately, for colonel, lieut.-colonel, and major of cavalry of the 5th brigade. The proposition was agreed to, and Messrs. Willey and Doherty appointed to conduct the balloting. A message from the Senate, informing that Messrs. Bell and Lindsay form their balloting committee.

Mr. Word, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The resignation of William Hancock as lieut.-colonel of the 44th regiment of North Carolina militia, was read and accepted.

The bill to incorporate the Leakesville Toll Bridge Company, in the county of Rockingham, was called up by Mr. Graves, read the third time, passed and ordered to be engrossed.

A message from the Senate, agreeing to the proposition of this House to adjourn without day on Saturday next, the fifth January, 1833.

A message from the Senate, informing that they had passed the engrossed bill to authorize the commissioners of the town of Fayetteville to borrow two hundred thousand dollars to be invested in the Cape Fear and Yadkin Rail Road Company, and for other purposes, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

The resolution to purchase a map of the State, for the public Treasurer's office, was, on motion of Mr. A. W. Wooten referred to the joint select committee raised upon this subject.
The resolution in favor of Horace D. Bridges, sheriff of Chatham, was read the second and third times, passed, and ordered to be engrossed.

The bill making appropriations for public roads, throughout the State, was read and on motion of Mr. J. B. Jones indefinitely postponed.

The bill to authorise the making of a Turnpike road in the county of Haywood, and to incorporate a company for that purpose; the bill to give longer time for paying in entry money; the bill compensating jurors of the original panel in the county of Beaufort; the resolution in favor of James Graham; and the resolution in favor of Joseph Gales commissioner, &c. were severally read the second time and passed.

On motion of Mr. Wooten, ordered that a message be sent to the Senate proposing that the two Houses ballot immediately for a superintendent of public works and nominating for the appointment, James Wyche of Granville county.

On motion of Mr. McQueen, ordered that a message be sent to the Senate, proposing that another balloting take place immediately, for a judge of the supreme court, and on motion of Mr. Sumner, ordered that the Senate be informed that the name of James Iredell is added to the nomination.

A message from the Senate agreeing to ballot immediately for a superintendent of public works, and informing that Messrs. Kerr and Stedman, compose their balloting committee; ordered that Messrs. Simmons and Wadsworth form said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills and resolution; a bill to reduce the salaries of the supreme court judges of North Carolina; a bill to alter the names of Catharine Dawson and Henry Dawson of Wake county; a bill for the better regulation of the courts of pleas and quarter sessions of Duplin county; a bill for the better organization of the militia of the county of Beaufort: a bill to incorporate the Williamson and Windsor Turnpike Company; and a resolution for the Public Treasurer, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

Mr. Shepard moved that the bill to reduce the salary of the Supreme Court Judges of North Carolina be rejected. The question thereon was decided in the negative. Yeas 45. Pays 72. The yeas and nays demanded by Mr. Borden.


The bill concerning the board of internal improvements; and the bill to amend an act passed in the year 1831, entitled an act to increase the liability of sheriffs and to provide more effectually for the collection of taxes, were read the second time and passed.

The bill to empower the courts of pleas and quarter sessions of the several counties within this State to authorize the erection of gates across public roads...
within their respective counties, was read the second time, amended and passed.

The engrossed bill to authorize the issuing of a grant for land to Amos Curtis and others for a camp ground, was read the second time and rejected.

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

**Monday, December 31, 1832.**

Mr. Simmons, 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.

Mr. Townsend, from the committee on propositions and grievances, reported unfavorably on the resolution in favor of Joseph Welch.

Mr. Townsend, from the same committee, reported favorably on the bill to alter the name of and legitimate Sally Holliday of Martin county.

Mr. Townsend, from the same committee, reported favorably on the bill to authorize Josiah O. Watson, or him and his associates, to erect a dam across Neuse river.

Mr. Townsend, from the same committee, made adverse reports on the bill to appoint commissioners to run and establish the dividing line, between the counties of Duplin and Wayne; and the petition from Orange county, praying that slaves may by law be prohibited from attending elections and musters.

On motion, ordered, that the said committee be discharged from the further consideration of subjects referred, for the residue of the session.

Mr. Eccles, from the committee on the judiciary, to whom the subject had been referred, reported a bill to amend the tenth section of the act of 1741, entitled, an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality; which was read the first time and passed.

Mr. Eccles, from the same committee, made an adverse report on the bill to amend an act, passed in the year 1822, entitled, an act for the relief of debtors for debts, which may be contracted after the first day of May next; also on the bill requiring warrants issued by justices of the peace in civil cases, to be returned in the district in which the defendant may reside.

Mr. Eccles, from the same committee, made adverse reports on the resolution instructing them to inquire into the propriety of so amending the law relative to executors and administrators as to require them, in all cases of insolvent estates, to make rateable payment of all claims against the estate of their testator or intestate; and on the resolution instructing them to enquire whether any, and if any, what provisions are necessary to be made in our law for the relief of insolvents; so as to enable certain persons when insolvent to be discharged from imprisonment, when imprisoned for fines for non-attendance at musters and reviews.

Mr. Eccles, from the same committee, reported favorably on the engrossed bill authorizing widows of persons dying intestate, to file their petitions for a years' support before letters of administration are granted.

Mr. Eccles, from the same committee to whom the subject had been referred, reported a bill to render the land of a deceased debtor liable for the costs, where the plea of fully administered has been found in favor of his executor or administrator, which was read the first time and passed.

A message from the Senate, concurring in the several amendments made by the House of Commons to the following engrossed bills, viz. A bill authorizing the county court of the county of Gates, to have the records of said
Mr. Willey, from the balloting committee for cavalry officers of the 5th brigade, reported that William H. Robards as colonel, Matthew Calvert as lieutenant-colonel and Roderick B. Gary as major, 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, proposing another balloting immediately for a judge of the supreme court; the proposition was agreed to and Messrs. Irvine and Hammond appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Hogau and Moore form said committee on the part of the Senate.

On motion of Mr. Pearson, ordered, that a message be sent to the Senate; proposing that the two Houses ballot immediately for a trustee of the University, and informing that Daniel M. Barringer and Benjamin Sumner are in nomination for the appointment.

Mr. Irvine, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no one 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 that the two Houses ballot again immediately for a judge of the supreme court, and informing that the name of Henry Seawell is withdrawn from the nomination; the proposition was agreed to and Messrs. Abernathy and J. B. Jones appointed superintendents. A message from the Senate, informing that Messrs. Wilson and Leake form this committee on the part of the Senate.

Mr. Jarvis presented a bill to authorize Israel Henry, of the county of Hyde, to retail spirituous liquors at public gatherings in said county, free of tax; and Mr. Enloe a bill to extend the provisions of an act, passed in the year 1830, chapter 113, entitled, an act to amend an act to establish and regulate a turnpike-road, in the county of Haywood, to be called the Tennessee river turnpike-road, passed 1826, chapter 36. These bills were read the first time and passed.

Mr. Abernathy, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

Mr. O'Brien, in pursuance of notice heretofore given, now moved that the latter clause of the 52d rule of order be suspended for the remainder of the session; the question thereon was decided in the affirmative.

On motion of Mr. Burgin, ordered, that a message be sent to the Senate; proposing that another balloting for a judge of the supreme court take place immediately.

A message from the Senate, concurring in this proposition, and informing that Messrs. Hawkins and Morris are appointed their superintendents of balloting. Ordered that Messrs. Dewes and McNeill, superintend said balloting on the part of the Commons.
A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz: a bill concerning the survey of lots in the town of Franklin; a bill to repeal in part an act, passed in the year 1827, Chapter 88, entitled an act appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus; a bill to empower the Wayne County Guards, to form themselves into a squadron of light or horse artillery; a bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled an act 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, to the county of Wake; a bill to incorporate the Macon county Agricultural Society; a bill to incorporate the La Fayette Artillery, and for other purposes; a bill to amend an act, passed in the year 1824, entitled an act for the better settlement of the finances of the county of Robeson; resolutions, declaring the attachment of the Legislature, to the constitution of the United States; and a resolution authorising the commissioners of the City of Raleigh, to place their Engine House, on Union Square; and asking the concurrence of this House, in the passage of the said bills and resolutions. The said bills were read the first time and passed. The resolutions declaring the attachment of the Legislature to the constitution of the United States, were on motion of Mr. Bragg, made the order of the day for Wednesday next; the above mentioned resolution authorising the commissioners of the City of Raleigh to place their Engine House on Union Square, was read and adopted, and ordered to be enrolled.

Mr. McNell, from the balloting committee for a judge of the supreme court, reported that no one 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 this officer. The proposition was agreed to, and Messrs. Gwynn and Dockery, appointed to conduct the balloting; a message from the Senate, informing that Messrs. Collins and Skinner are appointed to conduct said balloting, on behalf of the Senate.

The bill to establish the bank of Elizabeth City, was read, amended on Mr. S. T. Sawyer's motion, by striking out all after the words a bill, and inserting "to establish a bank, by the name and style of the President and Directors of the Bank of Albemarle" and rejected.

Mr. Daniel, from the committee on the judiciary, to whom was referred the bill to prevent protracted litigation by enlarging the jurisdiction of justices of the peace out of court, made an adverse report thereon.

Mr. Sumner, from the committee on propositions and grievances, to whom was referred the petition of Isaac Alexander, reported a resolution in favor of the petitioner, which was read the first time and passed.

The bill to establish the Merchants' Bank, in the town of Newbern, was read the third time and rejected. Yeas 53. Nays 59. The yeas and nays demanded by Mr. Loudemilk.


Those who voted in the negative, were Messrs. Adams, Allison, Arrington, Boddie, Dragg, Brower, Clayton, Cloman, Courts, Cromwell, Cunningham, Cuthbertson, Dockery, Drum, Foscoe, Faddis, Gee, Hammond, Harper, Horton, Irion, Jarvis, J.B. Jones, R. Jones,
JOURNAL OF THE HOUSE OF COMMONS.

The resignation of Josiah Flippin, a justice of the peace of the county of Stokes, received from the Senate, was read and accepted.

The resignation of Thomas Dawson, a justice of the peace of the county of Lenoir, was presented, read and accepted.

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

**MONDAY AFTERNOON, 4 O'CLOCK.**

Mr. Gwynn, from the committee appointed to conduct the balloting for a judge of the supreme court of this State, reported that Joseph John Daniel, of Halifax, had received a majority of the whole number of votes and was duly elected; the report was concurred in.

The engrossed bill to authorize the issuing of a grant for land to Amos Curtis and others for a camp ground, heretofore rejected, was, on motion of Mr. O'Brien, reconsidered and laid on the table.

On motion, leave of absence from the service of the House from and after Thursday next, was granted to Mr. Council Wooten.

The bill to alter the time of holding the election, in the town and borough of Salisbury, was read the second time and passed.

The bill relating to the volunteer companies attached to the second regiment of Stokes county militia; the bill to establish a town on the lands of John D. Amis, in the county of Northampton, at the termination of the Petersburg railroad, on the Roanoke river; the bill to abolish the offices of county treasurer and treasurer of public buildings in the county of Chatham, were read the second and third times, passed and ordered to be engrossed.

The bill for the better regulation of hands working on public roads, in the county of Anson, was read the second and third times, amended on Mr. McNeill's motion, by extending the provisions of the bill to the county of Cumberland, passed and ordered to be engrossed.

On motion, leave of absence from the service of the House until Thursday next, was granted to Mr. Waddell.

Mr. Bragg moved that the House adjourn until to-morrow morning, 9 o'clock.

The question thereon was decided in the negative. Yeas 48. Nays 60.

The yeas and nays called for by Mr. Loudermilk.


The bill to incorporate the town of Rutherfordton, in the county of Rutherford, was read the second time, amended and passed.

The bill making the owners of dogs liable for sheep which they may kill or otherwise injure, was called up and after undergoing divers modifications and amendments, the House on motion adjourned until to-morrow morning, 9 o'clock.
The bill to incorporate the Donaldson Academy and Manual Labor School, in the town of Fayetteville; the bill to amend the laws relative to the county courts of Iredell; the bill concerning the working of public roads, in the county of Iredell; the bill to incorporate the North Carolina Historical Society; the bill fixing the time of granting orders for altering or turning roads and laying off new ones, in the county of Richmond; the bill to authorize certain persons hereafter named, to raise by way of lottery two thousand dollars, for building a bridge across Neuse river, at John Carter's landing, in the county of Lenoir and for other purposes; the bill to authorize the making of a turnpike road, in the county of Haywood, and to incorporate a company for that purpose; the bill to incorporate the town of Rutherfordton, in the county of Rutherford; and the bill to alter the time of holding the election, in the town and borough of Salisbury were severally read the third time, passed and ordered to be engrossed.

The engrossed bill compensating jurors of the original panel, in the county of Beaufort; and the bill to alter the name of Eliza Humphrey and to legitimate her, were severally read the third time, passed and ordered to be enrolled.

Mr. Bragg, from the committee on the judiciary, reported unfavorably on the bill to authorize the courts of pleas and quarter sessions, within the several counties in this State, to license slaves and free persons of color to preach, pray or exhort in public in certain cases.

A message from the Senate informing that they had passed the engrossed bill to allow further time to open books for the purpose of receiving subscriptions for stock in the Lake Drummond and Orapeake Canal Company with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed in the year 1824, entitled an act to amend an act passed in the year 1819, entitled an act to appoint a board of Branch Pilots, to examine all persons, who now have or may hereafter wish to obtain a branch to pilot, on Ocracooke Bar and the Swashes, with amendments, and asking the concurrence of this House therein. The said amendments were read and not concurred in, and the Senate so informed.

Mr. O'Brien, moved that the House do now reconsider their vote of yesterday, rejecting the bill to establish the Merchants' Bank, in the town of Newbern. The House agreed to re-consider, and the said bill was, on motion laid on the table.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz: a bill for the better regulation of Volunteers; a bill to amend an act, passed in the year 1829, entitled an act to provide for a division of negroes, and other chattel property held in common; the bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled an act to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Columbus, Sampson and Robeson, to the counties of Halifax, Nash and Beaufort; a bill to amend an act, passed in the year 1821, entitled an act to amend the several inspection laws of this State, so far as respects turpentine, in the town of Wilmington; a bill to incorporate the Cabarrus Artillery; resolutions requesting the State of South Carolina, to suspend the operation of the ordinance of their convention; resolutions concerning Public Treasurer; and a resolution for...
the Attorney General, and asking the concurrence of this House. The said bills were read the first time and passed.

The engrossed resolutions requesting the State of South Carolina to suspend the operation of the ordinance of their convention, were read, and, on motion of Mr. Bragg, made the order of the day for to-morrow.

The engrossed resolution concerning the Public Treasurer, was read the first time and passed.

The engrossed resolution for the Attorney General, was read and amended; ordered that the concurrence of the Senate be asked in said amendment.

The House, resolved itself into a committee of the whole, Mr. Barringer in the Chair, on the bill to establish the Bank of North Carolina, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the said bill to the House, with sundry amendments; Mr. A. W. Wooten, moved that the said bill be postponed indefinitely, and called for the yeas and nays. The question was decided in the negative. Yeas 54. Nays 60.


Mr. Outlaw moved that the bill lie on the table. The question was determined in the negative. Mr. Potts, moved that the House adjourn till to-morrow morning 9 o'clock. This motion was decided in the negative. Mr. Potts, moved that the bill be referred to the committee on private bills; this was also negatived. Mr. Roberts, moved that the House adjourn until to-morrow morning 9 o'clock. This question was determined in the negative. Yeas 22. Nays 97. The yeas and nays called for by Mr. Glass.


Mr. Marsteller, moved that the House adjourn until half past three o'clock. This question was decided in the negative; Mr. Pierce, moved that the bill be referred to a select committee; this question was decided in the negative. On concurring with the amendment made in committee of the whole, viz: to strike out the 26th section of the bill, which was in the following words; "that a tax of one per cent. per annum, shall be levied on all stock in the bank held by individuals which tax shall be paid to the treasurer by the president or cash..."
ier of the bank on or before the first of October in each and every year." 


So the House refused to strike out the said 26th section; Mr. Mangum, moved to re-commit the bill to a committee of the whole House. The question thereon, was determined in the negative. 

Yea 40. Nays 74. The yea's and nays called for by Mr. L. Thompson.


The remaining amendments, reported by the committee of the whole, were concurred in, the bill read the third time and rejected. Yea 53. Nays 65. The yea's and nays called for by Mr. Spruill.


The House then adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, JANUARY 2, 1833.

Received from His Excellency the Governor, the following communication.

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

Gentlemen,—I have been advised by the Secretary of the Board of Trustees of the University of North Carolina, that there are at present two vacancies in that body, occasioned by the removal of Robert H. Jones, Esq. to Virginia, and of Gen Calvin Jones to Tennessee. The accompanying resignation of Mark Coleman, as a justice of the peace of the county of Macon, was received at this office on yesterday.

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

Executive Office, January 1, 1833.

D. L. SWAIN.
The resignation transmitted as above mentioned, was read and accepted; ordered, on motion of Mr. Polk, that the communication of the Governor be transmitted to the Senate, with a proposition to ballot immediately for two other trustees; and adding to the nominations heretofore made the names of Daniel W. Courts, Charles L. Hinton and Hugh McQueen.

A message from the Senate, proposing that the two Houses ballot for a judge of the superior courts of law and equity, in this State, and informing that John D. Eccles, Richmond Pearson, James S. Jones and Henry Seawell, are nominated for the appointment. The proposition was agreed to, and the name of Spencer O’Brien, was by Mr. Cromwell, added to the nomination, and Messrs. C. Wooten and Irixn appointed to conduct the ballotting; a message from the Senate informing that Messrs. Carter and Bell, are appointed superintendents, of ballotting on the part of the Senate.

Mr. Daniel from the committee on the judiciary to whom the subject was referred, reported a bill to repeal part of an act, passed at the last session of the General Assembly, Chapter 26, entitled an act to regulate retailers of spirituous liquors, which was read the first time and passed.

Mr. Eccles, from the committee on the judiciary to whom was referred the engrossed bill more effectually to prevent litigation, and to avoid suits at law; reported the same without amendment.

Mr. Eccles, from the same committee, reported unfavorably on the bill to secure a more perfect administration of justice, in certain cases, and on the resolution instructing said committee to report a bill declaratory of the duties and powers of inspectors, sheriffs and deputy sheriffs, holding elections in this State.

Mr. C. Wooten, from the committee appointed to conduct the ballotting for a judge of the superior courts of law and equity, reported that no one 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 ballotting immediately for a judge of the superior courts; the proposition was agreed to and Messrs. Skinner and Gary appointed to conduct the ballotting.

A message from the Senate, informing that Messrs. Montgomery and Moye, of Greene, form said committee on behalf of the Senate.

A message from the Senate, informing that they had passed the engrossed bill to empower the county court of Nash, to borrow money for the purpose of defraying the expense of building a fire-proof Court House, and asking the concurrence of this House; the said bill was read the first time and passed.

Mr. Eccles, from the committee on the judiciary, to whom was referred the bill to compel executors, administrators and guardians to make due returns of inventories and accounts, under certain penalties, made an adverse report thereon.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to continue for a longer time the Neuse Navigation Company; a bill to incorporate the Person Artillery; a bill to establish the Barshavia Farmers’ Academy, in the county of Stokes, and to appoint and incorporate the trustees thereof; a bill making compensation to the Secretary of State for services required of him, by an act of the General Assembly of 1827, chapter 23 and for other purposes; a bill to allow the taking of depositions in cases of removal; and asking the concurrence of the House therein; the said bills were read the first time and passed.

A message from the Senate, agreeing to ballot immediately for trustees
of the University, and informing that Messrs. Lilley and Moore compose their
balloting committee. Ordered, that Messrs. Baker and Smith form said com-
mittee on behalf of this House.

Received from His Excellency the Governor by his Private Secretary Mr.
Hill, the following communication.

To the Honorable the General Assembly of the State of North Carolina:
Gentlemen,—I have received, and have the honor to transmit to you, the accompanying
letter, from the Hon. J. J. Daniel, tendering his resignation of the office of Judge of the
Superior Courts of Law and Equity.

I am, very respectfully, your ob'dt serv't.

D. L. SWAIN.

Executive Office, 2nd January, 1833.

The said resignation was read and accepted and sent to the Senate.

The resignation of John McCollum as colonel-commandant of the 54th regi-
giment of militia was presented, read and accepted.

Mr. Davidson, from the select committee on the affairs of the Cherokee In-
dians, reported a bill concerning the Cherokee Territory, which was read the
first time and passed. Mr. Edmonston on behalf of the minority of said com-
mittee presented a counter report, which was read and laid on the table.

Mr Emmit presented a bill to incorporate the Trap Hill Riflemen, in the
county of Wilkes, which was read the first and second times and passed.

The bill to restore to credit George B. Greer, of Buncombe county, was
read, and, on motion of Mr Edmonston, indefinitely postponed.

The bill to authorize the completion of the Tennessee river road, in the
county of Macon and to incorporate a company for that purpose, was read the
second time and passed.

The engrossed bill fixing a uniform time of holding the election in the
third Congressional District of North Carolina, in all the counties therein,
was read the second and third times, amended and passed. Ordered, that the
concurrence of the Senate be asked in said amendments.

The House, on motion, resolved itself into a committee of the whole, Mr.
Barringer in the Chair, on the engrossed resolutions declaring the attach-
ment of the Legislature to the constitution of the United States, and after some
time spent therein the Speaker resumed the Chair, and the Chairman in obedi-
cence to the order of the committee reported the same without amendment.

The said resolutions were in the following words:

Resolved, That the General Assembly of the State of North Carolina doth entertain and
doth unequivocally express a warm attachment to the Constitution of the United States.

2. Resolved, That the General Assembly doth solemnly declare a devoted attachment to
the Federal Union, believing that on its continuance depend the liberty, the peace and
prosperity of these States.

3. Resolved, That whatever diversity of opinion may prevail in this State, as to the
constitutionality of the Acts of Congress, imposing duties on imports for protection, yet
it is believed a large majority of the people think those acts unconstitutional; and they are
united in the sentiment that the existing tariff is impolitic, unjust and oppressive; and
they have urged, and will continue to urge its repeal.

4. Resolved, That the doctrine of Nullification avowed by State of South Carolina, and
lately promulgated in an ordinance, is revolutionary in its character, subversive of the
constitution of the United States, and leads to a dissolution of the Union.

5. Resolved, That our Senators in Congress be instructed, and our Representatives be
requested to use all constitutional means in their power to procure an adjustment of the
existing controversy between the State of South Carolina and the General Government,
and to produce a reconciliation between the contending parties.

6. Resolved further, That a copy of these resolutions be respectfully communicated by
his Excellency the Governor of this State, to the President of the United States, the Gove-
ernors of the several States, and to our Senators and Representatives in Congress.

Mr. Bragg moved to insert after the second resolution the following:
Resolved, That the only permanent basis on which the Union can be placed, exists in a strict confinement of the action of the General and State Governments to such objects as they are permitted by the Constitution to act upon.

The question thereon was determined in the negative.

Mr. S. T. Sawyer moved that the vote of the House be taken on each resolution separately; the question thereon was decided in the affirmative. On the adoption of the first named resolution Mr. S. T. Sawyer called for the yeas and nays, and upon calling the roll 123 members answered in the affirmative and none in the negative, the first resolution was unanimously adopted. The question on the adoption of the second resolution was decided in the affirmative. Mr. Bragg moved to strike out the third resolution and insert the following:

"That the present Tariff laws which have produced the alarming discontent now existing throughout the country, inasmuch as they are unequal and oppressive, and were enacted avowedly to protect, sustain and enrich one portion of the community at the expense of another, are unwarranted by the constitution and ought to be speedily repealed."

Mr. Sumner called for a division of the question; and the question to strike out the said third resolution was decided in the negative. Yeas 36. Nays 84.

The yeas and nays called for by Mr. Potts.


The third resolution was adopted by the House.

Mr. Polk moved to add after the word "Nullification," in the first line of the fourth resolution, the word "as." Mr. Bragg moved to amend the amendment, by striking out the fourth resolution and inserting the following: "That while we sensibly and acutely feel the burden that oppresses us, and sincerely sympathise with our sister State South Carolina, we cannot approve of her doctrine of Nullification as promulgated in her late Ordinance, believing it to be revolutionary in its tendency, and not considering existing grievances great, as they are, so intolerable, as to justify a resort to any extreme and extra constitutional remedy for relief." Mr. Burgin called for a division of the question; and the question being to strike out the said fourth resolution, was decided in the negative. Mr. Marstaller moved to add after the word "avowed" in said resolution, the words "and acted on." This question was decided in the negative. The question recurring, on the adoption of Mr. Polk's amendment, was decided in the affirmative. Mr. Clark moved that the said fourth resolution be postponed indefinitely and Mr. Poindexter called for the yeas and nays. Pending the question, Mr. Outlaw moved that the House adjourn until 8 o'clock P. M. and called for the yeas and nays. The question thereon was decided in the negative. Yeas 83. Nays 83.

Those who voted in the affirmative were Messrs. Abernathy, Bragg, Clayton, Craig, Daniel, Davidson, Dewes, Dockery, Faddis, Gee, Guthrie, Irvine, Judkins, Long.

Whereupon the House adjourned until to-morrow morning, 9 o'clock.

THURSDAY, JANUARY 3, 1833.

Mr. Gary, from the balloting committee for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in. Mr. Demes withdrew the name of Richmond Pearson and Mr. Gee added that of Gavin Hogg to the nomination, and, on motion of Mr. Edmonston, a message was sent to the Senate proposing another balloting immediately. A message from the Senate agreeing to this proposition, and informing that Messrs. Kerr and Howell form their balloting committee. Ordered, that Messrs. Cunningham, and L. Thompson form the committee on behalf of this House.

Mr. Smith, from the balloting committee for three trustees of the University, reported that Daniel M. Barringer, Charles L. Hinton and Daniel W. Courts, had each received a majority of the whole number of votes and were duly elected; the report was concurred in.

On motion, leave of absence from the service of this House, was granted to Mr. Beeman after this day and to Mr. McQueen after to-morrow, for the residue of the session.

Mr. Eccles presented the following resolution, which was read the first time and passed.

Resolved, That John Lumsden be paid by the Public Treasurer the sum of twenty dollars, being the allowance for his meilage and three days' service as Door-keeper of the House of Commons during the present session.

The resignation of Southern J. Higgs, as major of the southern regiment of Granville county militia, was presented, read and accepted.

Mr. Ridley presented a bill to incorporate the Granville dragoons, which was read the first time and passed.

The bill to authorize Josiah O. Watson, or him and his associates to erect a dam across Neuse river, in Johnston county was read, and, on motion of Mr. Hinton, indefinitely postponed.

The bill to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, was, on motion of Mr. L. Thompson, postponed indefinitely.

The bill directing the manner in which constables shall hereafter be elected in the county of Davidson, was read the second and third times, amended and passed and ordered to be engrossed.

The bill to authorize Israel Henry, of the county of Hyde, to retail spirituous liquors at public gatherings in said county, free of tax was read, and, on motion of Mr. Edmonston, indefinitely postponed.

The engrossed bill to regulate the courts of pleas and quarter sessions, of the county of Washington, was read the second and third time, amended and.
The engrossed bill to give longer time for paying in entry money, was read the third time, passed and ordered to be enrolled.

The bill to exempt certain hands from working on the Hickory Nut Gap road, in the county of Buncombe, and the bill to extend the provisions of an act, passed in the year 1830, chapter 113, entitled, an act to amend an act to establish and regulate a turnpike-road, in the county of Haywood, to be called the Tennessee river turnpike-road, passed A. D. 1826, chapter 36, were read the second and third times, passed and ordered to be engrossed.

The bill to incorporate the Trap Hill Riflemen, in the county of Wilkes, and the bill to authorize the completion of the Tennessee river road, in the county of Macon, and to incorporate a company for that purpose, were read the third time, passed, and ordered to be engrossed.

Mr. Cunningham, from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one 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 this officer, and informing that the name of Spencer O'Brien is withdrawn from the nomination. This proposition was agreed to, and Messrs. Polk and Laspeyre, appointed to conduct the balloting. A message from the Senate, informing that Messrs. Wilson and Askew, form said committee on the part of the Senate.

Mr. Barringer, from the committee on the judiciary, to whom was referred the bill to prevent the unlawful carrying away and removal of slaves from this State, reported the same with sundry amendments.

The bill to appoint commissioners, to run and establish the dividing line between the counties of Duplin and Wayne, was read the second time. Mr. Hurst offered the following as an additional section: "That it shall be the duty of the commissioners appointed agreeably to this act, to ascertain what point in the Sampson and Duplin line, is equally distant from the Court House of said counties, and also what point running north and south, with or from the Wayne and Lenoir line, is equi-distant between the two Court Houses, and that they be instructed to run a straight line from the two points." The said amendment was read and rejected. Mr. Cromwell moved that said bill be indefinitely postponed. The question thereon was decided in the negative and the bill passed its second reading.

A message from the Senate informing that they had rejected the engrossed resolution, in favor of the Onslow militia.

A message from the Senate concurring in the several amendments, made by this House, to the engrossed bill fixing a uniform time of holding the elections, in the third congressional district of North Carolina, in all the counties therein. Ordered that said bill be enrolled.

A message from the Senate, concurring in the amendment made by the House of Commons, to the engrossed resolution for the Attorney General; Ordered that said resolution be enrolled.

A message from the Senate informing that they had passed the engrossed bill to provide for the final settlement of executors and administrators, also the annual settlement of guardians, in the county of Anson, with sundry amendments, and asking the concurrence of the House therein. The several amendments were read and concurred in.
A message from the Senate, informing that they had passed the following engrossed bill and resolutions, viz: a bill to repeal part of an act, passed in 1824, entitled an act, to authorise the court of pleas and quarter sessions of Hyde and Tyrrell counties, to issue licences to retail spurious liquors by the small measure at or near their Court House; and resolutions authorising repairs of the Secretary's office and Government House, and asking the concurrence of this House thereon. The said bill and resolutions, were read the first time and passed.

Mr. Hill moved that the House now proceed to the orders of the day; this was agreed to; and the Speaker decided that the engrossed resolutions declaring the attachment of the Legislature, to the constitution of the United States had precedence in the orders of the day, being the unfinished business of yesterday; from this decision of the Chair, Mr. Craig appealed to the House, and the question, is the decision of the chair correct? was determined in the affirmative. Mr. S. T. Sawyer moved that the orders of the day be postponed; this question was decided in the negative; the question now recurring on Mr. Clark's motion of yesterday to postpone indefinitely the 4th resolution, was decided in the negative. Yeas 21. Nays 98.


Mr. O'Brien, moved to strike out the said resolution and insert the following, viz:

"That no doctrine of Nullification as avowed in the Ordinance of the Convention of the State of South Carolina, in the opinion of this Legislature, the people of this sovereign State are not now disposed to give their assent."

Mr. Marstaller called for a division of the question: and the question being to strike out the said 4th resolution, it was decided in the negative. Yeas 30. Nays 90. "The yeas and nays demanded by Mr. S. T. Sawyer.


Mr. Outlaw, moved to strike out the said 4th resolution, and to insert the following, viz.
The yeas and nays demanded by Mr. Wiseman.


Those who voted in the negative, were Messrs. Clark, Craige, Dewes, Faddis, Gee, Guthrie, Irvin, Lancaster, Long, McMillan, Norman, Outlaw, O'Brien, Pierce, S. T. Sawyer, F. A. Sawyer, Simmons, L. Thompson, Townsend, Tunstall, Waddell, Whithaker.—22.

Mr. Magnum, moved to strike out the word “an” before the word “adjustment” in the 5th resolution, and insert the words “a peaceable” The question on this amendment, was decided in the negative Yeas 53. Nays 64. The yeas and nays demanded by Mr. Outlaw.


Mr. J. B. Jones, now moved that the House do reconsider the vote just taken; this was agreed to, and the question on the adoption of the amendment proposed by Mr. Magnum was decided in the affirmative. The question on the adoption of the 5th resolution as amended, was decided in the affirmative—Yeas 111. Nays 1. The yeas and nays called for by Mr. Guthrie.


Mr. Clark alone voted in the negative.

Mr. Townsend moved to insert after the 5th the following resolution: “that this Legislature doth most solemnly protest against the use of force by the General Government, against the State of South Carolina.” This resolution was re-
Mr. Polk, from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Received from the Senate, a message proposing another balloting immediately, for a judge of the superior courts. The proposition was agreed to, the name of John D. Eccles was by Mr. Waddell withdrawn from the nomination, and Messrs. Park and Hinton appointed to conduct the balloting; a message from the Senate informing that Messrs. Allison and Ray, are appointed said committee on their part.

Mr. Potts presented the following resolution.

"Resolved, That this Legislature views with anxious solicitude, the present alarming crisis in our affairs, and confidently relying upon the returning justice of Congress for relief, from the burdens of partial and oppressive taxation, deprecates the resort to force, either by the General Government, or the State of South Carolina."

The said resolution was read, and, on motion of Mr. Cansler laid on the table.

A message from the Senate, informing that they had passed the engrossed bill, to amend the laws relative to the county courts of Iredell, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in.

Mr. Polk presented the following resolution:

"Resolved, That a message be sent to the Senate proposing to rescind the resolution of the two Houses agreeing to adjourn sine die on Saturday next.

The question on the adoption of this resolution, was decided in the affirmative.

Yea's 79. Nays 43. The yea's and nays demanded by Mr. L. Thompson.


Those who voted in the negative, were Messrs. Abernathy, Adams, Baker, Blow, Bodie, Cansler, Carter, Cloman, Cromwell, Foshee, Gary, Glass, Gwynn, Hammond, Hurst, J. B. Jones, Jordan, Little, Londermilks, Marsteller, Maulsby, Mullen, McClosey, McLaurin, Norman, Peeples, Potts, Relfe, S. T. Sawyer, F. A. Sawyer, Shepard, Sherwood,
A message from the Senate, informing that they had passed the engrossed bill and resolution following, viz: A bill to amend an act, passed at the last session of the General Assembly of North Carolina, entitled, an act to authorize the building of a toll-bridge over Roanoke river, at the town of Weldon, and to incorporate a company for that purpose; and a resolution in favor of the Door-keepers; and asking the concurrence of this House. The said bill and resolution were read the first time and passed.

Mr. Hinton, from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity, reported that Henry Seawell had received a majority of the whole number of votes and was duly elected; the report was concurred in.

Mr. Pierce presented a bill, providing for the encouragement of education, which was read the first, second and third times and ordered to be engrossed.

Mr. Shepard, from the committee on private bills, to whom was referred the bill further to improve the police of the town of Washington, and the bill concerning the inspection of wood, in the town of Wilmington, reported the same without amendment and prayed that the committee be discharged from the consideration of further subjects for the residue of the session. Ordered, that the said committee be discharged accordingly.

The engrossed bill to empower the county court of Nash to borrow money for the purpose of defraying the expense of building a fire-proof Court House; the engrossed bill to establish the Barshavria Farmers' Academy, in the county of Stokes, and to appoint and incorporate the trustees thereof; and the engrossed bill to incorporate the Cabarrus artillery, were severally read the second and third times, passed and ordered to be enrolled.

The engrossed bill to authorize the issuing of a grant for land to Amos Curtis and others for a camp ground, was read the second time, amended and passed. Mr. Edmonston moved that the bill be now read a third time; this was agreed to and the bill read the third time and passed. Yea's 65. Nays 38. The yeas and nays demanded by Mr. Little.


Ordered, that the concurrence of the Senate be asked in the amendment herebefore made.

The bill to establish a Bank, by the name and style of the Planter's Bank of North Carolina, was read the second time. Mr. Norman moved that said bill be postponed indefinitely. The question thereon was decided in the negative. Yea's 43. Nays 46. The yeas and nays demanded by Mr. Edmonston.

Those who voted in the affirmative, were Messrs. Adams, Allison, Bowes, Boddie, Clark, Cloman, Cromwell, Daniel, Dockery, Faddis, Foscue, Hardison, Harper, Horton, J. B. Jones, R. Jones, Judkins, Lancaster, Little, Loudermilk, Lyon, Mangum, Marsteller, Montgomery, Mullen, Norman, Peckles, Pees, Rele, Roberts, Simmons, Sloan,
JOURNAL OF THE HOUSE OF COMMONS.


The said bill was amended on motion of Mr. Polk, and the question shall the said bill pass its second reading? was determined in the negative. YeaS 53. Nays 55. The yeaS and nays demanded by Mr. Allison.


A message from the Senate, agreeing to the proposition of this House, that the resolution adopted by both Houses, during the past week, to adjourn this session of the General Assembly, on Saturday the fifth instant be rescinded.

Mr. Park submitted the following resolutions, viz:

Resolved, That equality of representation is essential to the existence of a truly republican government. That there is gross inconsistency in professing to admire and sustain a system, while we practically withhold from its main and essential properties.

That the ratio of representation in the Legislative body of North Carolina, is palpably unequal and consequently unjust. That the interest of any fraction of a community should be overlooked when it conflicts with that of the whole body. That experience hath shewn that no State can attain to any great degree of general prosperity without having within her borders, one or more large and flourishing towns. That in the present languishing condition of North Carolina, it behoves her citizens of all classes to unite their energies, in endeavouring to rear within her limits, a large and flourishing commercial town.

That the location of the Seat of Government at some convenient and proper place would be highly conducive to this great end. That the election of chief magistrate of this State, ought of right, to be made by the direct votes of the people, and that he should be elected for a longer term than one year. That to correct these evils and bring about these advantageous results, a convention of the people is absolutely necessary, and it is therefore recommended to the people at the next annual elections, to determine by ballot whether or not a convention shall be held to consider of and determine upon these highly interesting subjects.

Mr. Townsend moved that the foregoing resolutions lie on the table. Mr. Park called for the yeas and nay, and the vote was, YeaS 58. NayS 58.


Those who voted in the negative were, Messrs. Abernathy, Allison, Barringer, Brower, Burgin, Burns, Cansler, Clayton, Courts, Cunningham, Cuthbertson, Dockery, Eccles, Edmondson, Emmit, Enloe, Faddis, Foscoe, Glass, Graves, Guthrie, Hammond, Hard,
The House being thus equally divided, the Speaker voted in the affirmative, and the resolutions were accordingly laid on the table.

On motion, leave of absence was granted to Messrs. Sherwood and Sloan from and after to-morrow, and to Mr. J. B. Jones from and after Monday next, for the residue of the Session.

A message from the Senate, informing that they adhere to their amendments, to the engrossed bill, entitled a bill to amend an act passed in the year 1824, entitled an act to amend an act passed in the year 1819, entitled an act to appoint a board of Branch Pilots to examine all persons who now have, or may hereafter wish to obtain, a branch to pilot on Occracock Bar and its Swashes. Ordered on motion of Mr. Barns, that the said message lie on the table.

The bill to establish the State Bank of North Carolina, was read. Mr. settle moved that the further consideration thereof be indefinitely postponed. The question thereon was decided in the negative. Yeas 41, Nays 72.—

The yeas and nays demanded by Mr. Mc Cleese.


The said bill was amended and passed its second reading. Yeas 61. Nays 43. The yeas and nays demanded by Mr. Mc Cleese.


Mr. Bragg asked and obtained leave to withdraw the bill, heretofore introduced by him, entitled, a bill to amend an act, passed in the year 1818, concerning the supreme court.

The House then adjourned until to-morrow morning, 9 o'clock.

Saturday, January 5, 1833.

On motion, leave of absence from the service of this House from and after this day, was granted to Mr. Hammond.
On motion of Mr. G. A. Thompson, ordered, that a message be sent to the Senate, proposing that the Houses ballot immediately for a majority of cavalry, of the third brigade, and nominating for the appointment Joseph D. Ward.

A message from the Senate concurring in the amendments made by the House of Commons to the engrossed resolutions, declaring the attachment of the Legislature to the constitution of the United States.

A message from the Senate, concurring also in the amendments made by the House of Commons to the engrossed bill, to regulate the courts of pleas and quarter sessions, of the county of Washington. Ordered, that the said resolutions and bill be enrolled.

Mr. Guthrie moved that the House do now take up for consideration, the resolution in favor of Thomas Ragland, of Chatham county; the motion prevailed and the said resolution was read the second time and rejected. Yeas 12. Nays 91. The yeas and nays demanded by Mr. Wiseman.

Those who voted in the affirmative, were Messrs. Clark, Davidson, Faddis, Guthrie, McNeill, McQueen, Outlaw, Sumner, Townsend, Waddell, Wadsworth, Weaver,—12.


A message from the Senate, agreeing to ballot immediately for a major of cavalry, of the third brigade, and informing that Messrs. Melvin and Cowper form the ballot committee on their part. Ordered, that Messrs. Londermilk and Lee superintend said balloting on the part of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Trap Hill Riflemen, in the county of Wilkes, with an amendment, and asking the concurrence of this House; the said amendment was read and concurred in.

The engrossed bill to incorporate the Williamson and Windsor Turnpike Company, was read the second time, amended and passed.

The bill to establish the Bank of North Carolina, was read the third time and its title and corporate name amended, on motion of Mr. Hinton. The bill was further amended, on motion of Mr. Courts, by adding the following section: "That if any person or persons holding any note or notes of said bank, shall present the same for payment at the principal bank or either of its branches or agencies, where such note or notes are payable and the payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum, from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding." On motion of Mr. Eccles, the bill was further amended, by striking out after the word "business," in the ninth section, the following words: "And such as shall have been bona fide conveyed to it by way of security, or in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts." The said bill, after undergoing other verbal amendments, passed the third reading and was ordered to be engrossed. Yeas 75. Nays 41. The yeas and nays demanded by Mr. Allison.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Arrington.
A message from the Senate, concurring in the amendments proposed by this House to the engrossed bill, to authorize the issuing of a grant for land to Amos Curtis and others, for a camp ground. Ordered, that said bill be engrossed.

Mr. Lee, from the ballotting committee for major of cavalry, of the third brigade, reported that Joseph D. Ward had received a majority of the whole number of votes and was duly elected; the report was concurred in.

The bill concerning the board of internal improvements; the bill for the better organization of the militia of this State; the bill to empower the courts of pleas and quarter sessions of the several counties within this State, to authorize the erection of Gates across public roads within their respective counties; the resolution in favor of James Graham; and the resolution in favor of Joseph Cales, commissioner, &c., &c. were severally read the third time, passed and ordered to be engrossed.

On motion, leave of absence from the service of the House from and after this day, was granted to Mr. Burns.

Mr. Rand presented a resolution in favor of Richard Roberts, which was read the first time and passed.

The bill to render the land of a deceased debtor liable for the costs, where the plea of fully administered has been found in favor of his executor or administrator; the resolution in favor of Elizabeth Forbis; the resolution in favor of Isaac Alexander; and the resolution in favor of Fielding Slater, sheriff of Rowan county, were read the second and third times, passed and ordered to be engrossed.

The engrossed bill to amend an act, passed in the year 1831, entitled, an act 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 enrolled.

The bill to establish the Merchants' Bank, in the town of Newbern, was read the third time, passed and ordered to be enrolled. Yeas 53. Nays 43.

The yeas and nays demanded by Mr. Allison.


The counties of Davidson, Buncombe and Chatham, with an amendment and asking the concurrence of this House; the said message was, on motion of Mr. Barringer, laid on the table.

The bill to prevent protracted litigation, by enlarging the jurisdiction of justices of the peace out of court, was, on motion of Mr. S. T. Sawyer, postponed indefinitely.

The bill to exempt teachers and students of Literary schools from militia duty, was read the second time and rejected.

The bill requiring warrants issued by justices of the peace in civil cases, to be returned in the district in which the defendant may reside, was read, and, on motion of Mr. Ziglar indefinitely postponed.

The bill to alter the mode of appointing certain general and field officers of the militia, of the State of North Carolina, was read and on motion of Mr. G. A. Thompson, indefinitely postponed.

The bill to repeal an act passed in the year 1818, Chapter 970, entitled an act fixing the sum hereafter to be paid to the State for vacant lands was read.

Mr. Marsteller moved that the said bill be indefinitely postponed. The question thereon was decided in the negative. Yeas 44. Nays 53. The yeas and nays demanded by Mr. Edmonston.


The question shall the said bill pass its second reading? was decided in the negative.

The House then adjourned until Monday morning 9 o'clock.

MONDAY, JANUARY 7, 1832. 1833

Mr. Little presented the following resolution.

Resolved, That a message be sent to the Senate, proposing that both branches of the Legislature adjourn on Wednesday the 9th of January sine die.

Mr. Edmonston, moved that said resolution lie on the table. The question thereon was decided in the negative. Yeas 49. Nays 50. The yeas and nays demanded by Mr. Boddie


The said resolution, was, on motion of Mr. Guthrie postponed until tomorrow.

A message was received from the Senate, informing that they had rejected the engrossed bill, providing for the encouragement of education.
A message from the Senate, informing that they had passed the engrossed bill to establish the Bank of North Carolina, and asking the concurrence of this House; Mr. Boddie moved that the said bill be rejected. The question thereon was determined in the negative. Yeas 45. Nays 56. The yeas and nays demanded by Mr. Burgin.


The said bill was accordingly read the first time and passed, and, on motion of Mr. Outlaw, made the order of the day for to-morrow.

A message from the Senate informing that they had passed the engrossed bill to alter the name of George W. Williams of Anson county, and the engrossed resolution authorising a survey of Neuse river, from Smithfield to some point near Raleigh, and asking the concurrence of this House. The said bill was read the first time and passed, and the said resolution read and adopted, and ordered to be enrolled.

The bill to incorporate the Granville Dragoons, was read the second and third times, passed and ordered to be engrossed.

The bill concerning the inspection of fire-wood in the town of Newbern, was read the second and third times, amended on Mr. Hartley's motion, and passed, and ordered to be engrossed.

Received from His Excellency the Governor, by his private Secretary, the following communication.

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

Gentlemen,

I have received from the Executive of the State of Georgia two letters, one communicating a resolution adopted by the Legislature of that State, on the 5th December last, proposing the call of a Convention of the people of the United States, with a view to the amendment of the Federal Constitution, in the various particulars specified in the resolution; the other contains a copy of a series of resolutions, adopted on the 22d of December, concurring with the General Assembly of the State of Tennessee, in deprecating the exercise of the powers which have been assumed by Congress, of appropriating money out of the Treasury of the United States, for the purposes of internal improvements; and declaring that the Government of the United States does not possess, under the constitution, any power to carry on a system of internal improvements within the several States, or to appropriate money to be expended upon such improvements. It is to be regretted that these communications have arrived at so late a period of your session. The propositions they involve are of vital importance to the interests of the Southern States, and call for early and deliberate consideration.

I am, very respectfully, your obedient servant,

D. L. SWAIN.

Executive Office, January 7, 1833.

On motion of Mr. Polk, ordered, that the foregoing communication, with the documents accompanying, be transmitted to the Senate.

The engrossed bill to reduce the salary of the supreme court judges of North Carolina, was read the second time, and on motion of Mr. Tunstall, postponed indefinitely. Yeas 59. Nays 55. The yeas and nays demanded by Mr. Allison.


Mr. Courts, from the committee raised on that subject, reported a resolution authorizing and instructing the Governor, to take such steps in relation to the contract with Ball Hughes, for the restoration of the Statue of Washington, as he may deem advisable; said resolution was read and adopted and ordered to be engrossed.

Mr. Marsteller presented a bill, founded on a memorial from the Grand Jury of New Hanover county, to repeal the third section of an act passed in the year 1825, chapter 1272, entitled, an act to direct the manner in which licenses shall hereafter be issued to retailers of spirituous liquors, so far as regards the county of New Hanover. The said bill was amended by extending the provisions of the bill to the counties of Richmond and Beaufort, and read the first, second and third times, passed and ordered to be engrossed.

The bill to appoint commissioners to run and establish the dividing line, between the counties of Duplin and Wayne, was read the third time and rejected.

The engrossed bill to incorporate the Williamston and Windsor Turnpike Company, was read the third time and passed. Ordered, that the concurrence of the Senate be asked in the amendment heretofore made.

The bill to amend an act, passed in the year 1822, entitled, an act for the relief of debtors for debts, which may be contracted after the first day of May next, was read and rejected.

A message from the Senate, informing that they had rejected the engrossed bill concerning the board of internal improvement, and had postponed indefinitely the engrossed bill, to empower the courts of pleas and quarter sessions, of the several counties of this State, to authorize the erection of gates across public roads within their respective counties.

The engrossed bill to incorporate the Person artillery, was read the second and third times, passed and ordered to be enrolled.

The bill to repeal part of an act, passed at the last session of the General Assembly, chapter 26, entitled, an act to regulate retailers of spirituous liquors.

The bill to amend the tenth section of the act of 1741, entitled, an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality; and the resolution in favor of John Lumsden, were severally read the second and third times, passed and ordered to be engrossed.

The bill to secure the more perfect administration of justice in certain cases, was read the second time and rejected.

The bill concerning the Cherokee Territory was read the second time, and, on motion by Mr. Edmonston, indefinitely postponed. Yeas 82. Nays 24.

The yeas and nays demanded by Mr. Whitaker.
The bill to authorize the courts of pleas and quarter sessions, within the several counties in this State, to license slaves and free persons of color to preach, pray or exhort in public in certain cases, was read the second time. Mr. McCleese moved that the said bill be postponed indefinitely. The question thereon was decided in the negative. Yeas 48. Nays 49. The yeas and nays called for by Mr. Poindexter.


The bill to enact with sundry alterations and additions an act, entitled an act incorporating the Portsmouth and Roanoke Rail Road Company, and for other purposes, passed by the Legislature of Virginia on the 8th day of March 1832, was read the second and third times, amended on motion of Mr. O'Brien, and passed, and ordered to be engrossed.

Mr. Eccles, from the committee on the judiciary, to whom was referred the petition of sundry citizens of the county of Lincoln, praying an alteration of the laws relative to the duties of sheriffs and constables, returned the same to the House, and prayed that the committee be discharged from the further consideration thereof. The report was concurred in.

Mr. Eccles from the committee on the judiciary, to whom was referred the several bills entitled respectively, a bill to exempt from execution a certain portion of the farming utensils, and household and kitchen furniture of the citizens of this State, a bill to compel sheriffs and jailors to advertise in the State Gazette all runaway slaves committed to their respective jails, a bill...
prevent the issuing of writs of quia proiitatis et satisfaciendum on judgments obtained before justices of the peace in the first place; a bill to repeal in part an act, passed in the year 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 by justices of the peace; and a bill amendatory of an act, passed in the year 1784, entitled an act to regulate the descent of real estates, to do away entails, to make provision for widows, and to prevent frauds in the execution of last wills and testaments; reported the said bills to the House without amendment.

The bill to prevent the unlawful asporation of slaves from this State; the resolution in favor of Richard Roberts; and the resolution in favor of Joseph Welch, were severally read the second and third times, passed, and ordered to be engrossed.

A message from the Senate informing that they had passed the engrossed bills and resolution following, viz: a bill to extend the provisions of an act, passed A. D. 1830, entitled an act to repeal an act, passed in the year 1823, entitled an act concerning the public lands in the county of Haywood, so far as respects buildings on said lands; a bill to empower the commissioners of the town of Seracta in the county of Duplin, to sell the town Commons; and a resolution authorising and requesting the Governor to purchase maps of North Carolina by J. McRae, to be presented to each of the States and Territories; and asking the concurrence of this House. The said bills were read the first time and passed; and the said resolution was read and adopted and ordered to be enrolled.

The engrossed bill from the Senate, entitled a bill to establish the Bank of North Carolina, was read the second time; Mr. Skinner moved that the said bill be made the order of the day for Thursday next; the question thereon was decided in the negative; Mr. Otlaw moved that the said bill be indefinitely postponed. The question thereon was decided in the negative. Yeas 50. Nays 57. The yeas and nays demanded by Mr. Emmit.


Mr. Otlaw, moved that the further consideration of the bill be postponed to the 4th day of March next. The question thereon was determined in the negative. Yeas 53. Nays 59. The yeas and nays demanded by Mr. Allison.


Those who voted in the negative were Messrs. Abernathy, Adams, Allison, Arrington, Brower, Cansler, Carter, Cloman, Cromwell, Cunningham, Cuthbertson, Daniel,丁...
The following engrossed bills from the Senate, were severally read the second and third times, passed, and ordered to be enrolled, viz: the bill concerning the survey of lots in the town of Franklin; the bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled an act 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, to the county of Wake; the bill to repeal in part an act, passed in the year 1827, Chapter 88, entitled an act appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus and for other purposes; the bill to incorporate the Macon county Agricultural Society; the bill to amend an act, passed in the year 1824, entitled an act for the better settlement of the finances of the county of Robeson; the bill to alter the name of and legitimate Sally Holliday, of Martin county; the bill to empower the Wayne county State Guards, to form themselves into a squadron of light or horse artillery; the bill to incorporate the Robeson Light Dragoons; the bill to continue for a longer time the Neuse Navigation Company; the bill for the better regulation of Volunteers; the bill to incorporate the Lafayette Artillery and for other purposes; the bill to appoint commissioners for the town of Carthage in the county of Moore, and to incorporate the same; the bill to abolish the office of treasurer of public buildings, so far as relates to the county of Bladen and for other purposes; and the bill to incorporate the Pitt Troopers and Bladen Cavalry.

Mr. Outlaw presented a bill to incorporate Oak Grove Academy, in Bertie county; the said bill was read the first, second and third times, passed, and ordered to be engrossed.

The following engrossed bills from the Senate, were severally read the second and third times and passed, viz: the bill to alter the names of Richard Alderson and William White, of Beaufort county, and entitle them to inherit the bill concerning the town of Rockford, in Surry county; the bill to repeal an act, passed in the year 1830, Chapter 143, entitled an act for the better regulation of the court of pleas and quarter sessions of the county of Haywood; the bill to incorporate the Gatesville Academy; the bill to incorporate the...
Randolph Blues; the bill to incorporate the Blakely Blues, the bill to alter the time for the sheriff to make his settlements with the courts of pleas and quarter sessions of the county of Wilkes; the bill to incorporate the trustees of the Waynesborough Academy, in the county of Wayne; and the bill to amend an act, passed in the year 1839, entitled an act to establish the town of Gatesville. Ordered that the said foregoing bills be enrolled.

The engrossed bill to repeal part of an act, passed in 1824, entitled, an act to authorize the court of pleas and quarter sessions of Hyde and Tyrrell counties, to issue licenses to retail spirituous liquors by the small measure, at or near their Court House; the bill appointing lay days on Rocky river, joining Anson and Montgomery counties; the bill to authorize the courts of pleas and quarter sessions, of the counties of Hertford and Gates, to lay a tax to defray all the expenses incident to calling out the militia during the insurrection in Southampton county, Virginia, and for other purposes; and the engrossed bill to appoint additional trustees of Rush Academy, in the county of Hyde, were severally read the second and third times, passed and ordered to be enrolled.

The engrossed bill to alter the name of George W. Williams, of Anson county; the engrossed bill to repeal the provisions of an act, passed at the last session of the General Assembly, chapter 164, entitled, an act concerning those persons who are interested in the beach and marshy lands, lying in the county of Currituck; and the engrossed bill to divorce Polly Buckner from her husband Edward Buckner, were severally read the second and third times and passed. Ordered, that said bills be enrolled.

The engrossed bill to repair, improve and lay off a road, leading from Cornelius Howard's Mill in Wilkes county, on Elk Creek, leading up said creek to the Great Western Road, crossing the Deep Gap of the Blue Ridge, near the Ashe county line, and from thence leading into the State of Tennessee; and the engrossed bill to exempt hands from working on certain roads in the county of Buncombe, were read the second time and rejected.

The engrossed bill appointing commissioners to build a bridge across South Yadkin River, in Rowan county, was read the second and third times, passed and ordered to be enrolled.

The following engrossed bills were read the second and third times, amended and passed, viz: A bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act to abolish the offices of county trustee and treasurer of public buildings, in the counties of Richmond, Columbus, Sampson and Robeson to the counties of Halifax, Nash and Beaufort; a bill for the better regulation of the courts of pleas and quarter sessions for the county of Halifax; a bill for the better regulation of the court of pleas and quarter sessions of Duplin county; a bill for the better organization of the militia of the county of Beaufort; and the bill to incorporate the Simsbury Academy in the county of Gates. Ordered, that the concurrence of the Senate be asked in the amendments made to said bills in this House.

The engrossed bill to amend the militia laws; the engrossed bill to allow the taking of depositions in cases of removal; and the engrossed bill to authorize the removal of buildings on the public lands in the town of Franklin, were severally 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 repeal the third section of an act, passed in the year 1835, chapter 1272, entitled, an act to direct the manner in which licenses shall hereafter be issued to retailers of spirituous liquors, so far as regards the counties of New...
Hanover, Richmond and Beaufort, with an amendment, and asking the concurrence of this House therein; the said amendment was read and concurred in.

The engrossed bill making compensation to the Secretary of State, for services required of him by an act of the General Assembly of 1827, Chapter 23, and for other purposes, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to legitimize Arcadia Harris, and entitle her to inherit from both parents, was read, and, on motion of Mr. Sumner indefinitely post-postponed.

The bill fixing a uniform mode of assessment of the real estate with the improvements thereon, was on motion of Mr. Craig indefinitely postponed.

The bill making the owners of dogs liable for the value of sheep that they kill or otherwise injure, was on motion of Mr. Norman indefinitely postponed.

The engrossed bill to alter the names of Catherine Dawson and Henry Dawson of Wake county, was, on motion of Mr. Mangum postponed indefinitely.

The engrossed bill to emancipate Littleberry, a slave, the property of John D. Scott, was, on motion of Mr. Rolfe, indefinitely postponed.

The bill to make executors, administrators and guardians, make due return of inventories and accounts under certain penalties, was on motion, ordered to be laid on the table.

The engrossed bill, further to improve the police of the town of Washington, was on motion of Mr. Glass, laid on the table.

The engrossed bill to amend an act, passed in the year 1821, entitled an act to amend the several inspection laws of this State, so far as respects turpentine in the town of Wilmington, was read, and on motion of Mr. Mangum, laid on the table till the third Monday of November next.

On motion of Mr. Polk, Daniel Call, executor of Robert Means, obtained leave to withdraw from the files of this House, the petition by him presented to the last Legislature, as well as certain certificates, accompanying a similar petition presented to the Legislature in the year 1830.

Mr. Emmit, moved that the House do re-consider their vote of yesterday, rejecting the engrossed bill from the Senate, entitled a bill to reduce the salaries of the supreme court judges.

Mr. S. T. Sawyer, moved that the said motion lie on the table. The question thereon was decided in the affirmative.

Mr. McCheese, Pearson, Baker, Simmons and Harrison, obtained leave of absence from the service of the House from and after to-morrow, for the residue of the session.

The House then adjourned until to-morrow morning, 9 o'clock.

**Wednesday, January 9, 1833.**

Mr. McQueen, moved that the resolution in favor of Joseph Gales be put on its passage. The House agreed to consider it, and the resolution was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to extend the provisions of an act, passed A. D. 1830, entitled an act to repeal an act, passed in the year 1823, entitled an act concerning the public lands, in the county of Haywood, so far as respects buildings on said lands, was read the second and third times, passed, and ordered to be enrolled.

The resolution directing the Governor to select from the Library of Col. Isaac T. Avery, certain English law books, was called up by Mr. McQueen, read and adopted and ordered to be engrossed.
A message from the Senate, proposing that the two Houses, ballot immediately for a brigadier general of the 19th brigade, and informing that Benjamin S. Brittain is nominated for the appointment; on motion of Mr. Edmonston, ordered that the said message lie on the table until the third Monday of November next.

The bill to exempt from execution a certain portion of the farming utensils and household and kitchen furniture of the citizens of this State, was read the second time and passed. Yeas 81. Nays 18. The yeas and nays demanded by Mr. Cunningham.


Those who voted in the negative were, Messrs. Bragg, Clayton, Cromwell, Cunningham, Eccles, Hinton, Lyon, Maulsby, McLaurn, McMillan, Poindexter, Rand, Shepard, Stephens, Summer, Weaver, A. W. Woolen, Word.—18

Mr. Wiseman moved that the bill be now read a third time; this was agreed to and the said bill read the third time, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill amendatory and declaratory of the several laws now in force concerning the town of Oxford, and asking the concurrence of this House. The said bill was read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill to empower the commissioners of the town of Seracta, in the county of Duplin, to sell the town commons; and the engrossed bill further to improve the police of the town of Washington, were severally read the second and third times, amended and passed. Ordered, that the concurrence of the Senate be asked in the amendments made to said bills by this House.

The engrossed bill to amend an act, passed at the last session of the General Assembly of North Carolina, entitled, an act to authorize 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. Mr. Gary moved to strike out the words "rail road" wherever they occur in the bill; the question on this amendment was decided in the negative. Yeas 43. Nays 49. The yeas and nays demanded by Mr. Gee.

Those who voted in the affirmative, were Messrs. Abernathy, Adams, Barringer, Blowe, Cansler, Carter, Craige, Cunningham, Davidson, Dockery, Eccles, Edmonston, Gary, Gilspie, Grady, Hardison, Harper, Hart, Hill, Horton, Hurst, Irving, Irvine, Jordan, Laspeyre, Lee, Ledford, Little, Loudermilk, Lyon, Marsieller, McLaurn, McQueen, Norman, Parks, Pierce, Poindexter, Relief, Shepard, Smith, Stephens, Weaver, Whitaker,—43


The question, shall the said bill pass its second reading? was decided in the negative.

The engrossed resolution concerning the Public Treasurer; the engrossed resolution concerning the Government House; the engrossed resolution in favor of Daniel Harris; the engrossed resolution in favor of Robert Stinson; the engrossed resolution for the Public Treasurer; the engrossed resolution...
The bill to prevent the issuing of writs of capias ad satisfaciendum on judgments obtained before justices of the peace in the first instance; and the engrossed resolution in favor of Samuel W. W. Vick, sheriff of Nash, were severally read the second and third times, passed and ordered to be enrolled.

The engrossed resolution in favor of Charity Webb, of Wilkes county; the engrossed resolution in favor of Benjamin Kilby, of Wilkes county; and the engrossed resolution for the adjutant-general, were severally read the second and third times, passed and ordered to be enrolled.

The engrossed resolutions authorizing repairs of the Secretary's Office and the Government House, were read the second and third times, passed and ordered to be enrolled.

The bill to compel sheriffs and jailors to advertise in the State Gazette all runaway slaves committed to their respective jails was read, and, on motion of Mr. Eccles, indefinitely postponed.

The engrossed bill more effectually to prevent litigation and to avoid suits at law was read, and, on motion of Mr. Whitaker, indefinitely postponed.

The bill to amend an act, passed in the year 1829, entitled, an act to provide for a division of negroes and other chattel property held in common was read, and, on motion of Mr. Stallings, postponed indefinitely.

The bill to repeal in part an act, passed in the year 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, and, on motion of Mr. O'Brien, indefinitely postponed.

The engrossed bill to amend an act, passed the present session, entitled, an act to vest the right of electing clerks of the county and superior courts in the several counties within this State in the free white men thereof, was read and rejected.

Mr. Sumner, from the committee on the judiciary, to whom was referred the bill to authorize the trial of titles to real estate, when the same shall come in question in petitions for partition, reported the same without amendment and moved that the said bill lie on the table until the third Monday of November next. The question thereon was decided in the affirmative.

The bill amendatory of an act, passed in the year 1784, entitled, an act to regulate the descent of real estates, to do away entails, to make provisions for widows and to prevent frauds in the execution of last wills and testaments was read, and, on motion of Mr. Mangum, ordered to lie on the table.

Mr. Daniel moved that the resolution heretofore submitted by Mr. Potts be now taken up and considered. The resolution is in the following words:

"Resolved, That this Legislature views with anxious solicitude, the present alarming crisis in our affairs, and confidently relying upon the returning justice of Congress for relief, from the burdens of partial and oppressive taxation, deprecates the resort to force, either by the General Government, or the State of South Carolina."

The question on Mr. Daniel's motion was decided in the affirmative.

Yea's 49. Nays 39. The yeas and nays called for by Mr. Bragg.

Mr. Tunstall moved that the said resolution be postponed indefinitely, the question thereon was determined in the negative.

Mr. Outlaw moved to strike out the words "confidently relying upon the returning justice of Congress for relief from the burdens of partial and oppressive taxation." Pending this question, the said resolution was, on motion of Mr. Polk, laid on the table.

Yeas 73. Nays 22. The yeas and nays demanded by Mr. Graves.


Mr. Normand, at his own request, was excused by the House from voting on the several questions, which arose on the preceding resolution.

The engrossed resolution in favor of the Door-keepers, was read the second time; Mr. Boddie moved the same be indefinitely postponed, and called for the yeas and nays. The question thereon was decided in the negative. Yeas 25. Nays 58.


The said resolution, was on motion of Mr. Marsteller amended, read the second and third times, passed and ordered to be enrolled.

The motion of Mr. Emmit, yesterday made to reconsider the vote of this House rejecting the engrossed bill, to reduce the salaries of the supreme court judges, was now taken up, and the question will the House so reconsider their said vote, was determined in the negative. Yeas 89. Nays 65. The yeas and nays demanded by Mr. Loudermilk.


A message from the Senate informing that they had passed the engrossed bill to establish the Bank of North Carolina with sundry amendments, and asking the concurrence of this House. The question to concur in the Senate's first amendment, viz. to strike out in the sixth line of the first section the words "five hundred thousand" and to insert "one million" was decided in the affirmative. Yeas 57. Nays 32. The yeas and nays demanded by Mr. Spruill.


The Senate proposed to strike out the word "twice" in the third line of the tenth section and to insert the words "three times." The question on concurring with this amendment, was determined in the affirmative. Yeas 58. Nays 39.

The yeas and nays called for, by Mr. Outlaw.


The Senate in their said message further proposed to strike out the words "thence until the appointment of their successors" in the third section and to insert the words "thereafter the president shall be elected annually by joint ballot of both Houses of the General Assembly;" The question on concurring with this amendment, was decided in the affirmative. Yeas 52. Nays 45.

The yeas and nays called for, by Mr. Barringer.


The Senate further proposed to amend the said bill in the 18th section by striking out the words "in addition to the eight directors appointed by the stockholders" and after word "appoint" strike out the words "four other" and
Mr. Barringer moved to amend the amendment, by inserting instead of "one half of the" the words "one director for every two hundred and fifty thousand dollars subscribed as aforesaid." This was agreed to, and the amendment proposed by the Senate as thus amended on Mr. Barringer's motion, was concurred in. Mr. Outlaw moved further to amend the amendment by adding to the said section the following proviso; "provided that no member of the General Assembly shall be eligible either as president or director." The question on adopting this proviso, was determined in the affirmative. On the adoption of the amendment proposed by the Senate as the 24th section, Mr. Outlaw called for the yeas and nays, and the amendment was concurred in. Yeas 53. Nays 30.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Allison, Arlington, Brower, Cansler, Carter, Cloman, Cromwell, Cunningham, Guthrie, Davidson, Edmonston, Estes, Gillespie, Graves, Guthrie, Hardison, Horton, Hurst, Irwin, R. Jones, Jordan, Lee, Ledford, Little, Londermilk, Mangum, Marsteller, Mask, Montgomery, Mullen, Murray, McFaurin, Meinell, McQueen, O'Brien, Park, Relief, Ridley, Saintclair, Settle, Smith, Stallings, Tunstall, Waddell, Wadsworth, Whitaker, Willey, Wiseman, Witcher, Word, Ziglar.—53.


The other amendments proposed to said bill by the Senate, were read and concurred in, and the Senate so informed.

On motion, leave of absence from and after this day for the remainder of the session was granted, to Messrs. Peeples and Thomas, and to Messrs. Geo Marsteller, Boddie, Ridley and Wiseman, from and after to-morrow.

Mr. Clark presented the following protest, which was read and ordered to be spread at large on the Journal.

By virtue of a privilege guaranteed to the undersigned in common with every individual member of this and every other "General Assembly" of this State, he will take occasion to declare his protest against a resolution of this Legislature, passed the 3d of January, 1833. The resolution to which allusion is had, is in these words:

Resolved, "That our Senators in Congress be instructed and our Representatives be requested to use all constitutional means in their power to procure a peaceable adjustment of the existing controversy between the State of South Carolina and the General Government, and to produce a reconciliation between the contending parties."

Among the recorded votes taken upon this resolution, the name of the undersigned is to be found single and alone, in opposition to it. Were his name but fortunately associated with the name of but three or four individuals on the same side of the question, he would readily forego the privilege of the benefits of which he is now seeking to avail himself.—But standing as it does alone, and unsupported by the name of any other member of this branch of the Legislature, he feels that a sense of justice to himself and of duty to this body require of him to state the motives that induced his vote. It is feared that by some it may be thought that his vote on that occasion was dictated by a foolish and ridiculous ambition to exhibit the appearance of singularity. His vote on that occasion was directed by a desire to gratify no such childish propensity. A course of conduct, that from its excentricity is calculated only to excite feelings and expressions of surprise, he has never admired, nor sought to cultivate. His vote on that resolution proceeded from principle, and was founded upon the high considerations of duty and justice. The undersigned has always been in the habit of regarding the members of the Legislature of this and every other State as agents of the people for certain purposes, while he looked upon the members of Congress as agents of the same people for entirely different and distinct purposes. It is true our Senators in Congress are elected by our Legislature, but their responsibility is directly to the sovereign people of the State. That people have for considerations of expediency transferred merely the right of election to the legislature—the province of determining who these Senators shall be, without meaning or expecting that the direction of their responsibility would be thereby changed. For it is believed that no proposition can be more
consonant to their suggestions of common sense, and more plain to the most limited comprehension, than the one which asserts that the responsibility of every agent is directly to the person or persons from whom he receives his power of attorney. Our Senators in Congress have, for their power of attorney, the Constitution of the United States. That constitution so far as the State of North Carolina is concerned, was called into existence, ratified and confirmed by the people of the State in Convention, and, of consequence, our Senators, as well as our Representatives in Congress, owe their official existence, and derive their authority from the people, and to them are responsible for all their conduct. So that the members of both houses of Congress from this State are as much the agents of the people, as are the members of this Legislature, though they are their agents for entirely separate and distinct objects—the former being the agents of the people for general and national objects—the latter being their agents for local and State purposes.

Now the undersigned was unwilling, by giving his vote in favor of the resolution in question, to sanction the anomaly that one agent of certain persons should undertake to instruct and advise another agent of the same persons when there is no sort of connection between the subjects of their agencies. It is considered that in all cases the right either to instruct or advise should be regulated and determined by the dependence and responsibility that subsist between the advisor and the person advised—between the instructors and the person instructed. And that where no such dependence or responsibility exists to enforce compliance, it is an idle and unprofitable consumption of time and breath to attempt to counsel or instruct. The whole mistake, and with all due deference be it said, proceeds from confounding the two separate and distinct characters in which we at this time appear—by confounding our rights as natural persons and as members of the great body politic with our rights and privileges as official persons—with our rights and privileges as creatures of the constitution of our State, and by virtue of such creation, members of this Legislature. When we make our appearance in the Legislative hall we are but creatures of the constitution, agents for performing certain definite and specified objects and we cannot rightfully go beyond the limits of our charter. That charter the constitution of our State, recognizes no such rights as that claimed by the passage of the resolution alluded to. When we are out of the Legislature, however, we are then a portion of the sovereign people, and, by virtue of our sovereignty, may advise, instruct, require and compel our Representatives upon any and every subject. But further than this, it is believed to be the duty of our Senators and Representatives in Congress, both by the constitution under which they act and by their oath to support the same, to attend to such general concerns as are referred to, and about which we are seeking to instruct and advise them. This, at all events, is admitted by our understanding to call their attention to them, and to enforce the necessity of speedy action upon them. It is respectfully submitted, then, for consideration, whether the adoption of such a resolution does not seem to anticipate a decision, on the part of the whole of our representation in Congress, of their appropriate duties, and whether it does not manifest a disposition in the Legislature to pass in advance a vote of censure upon those honorable men. If these views of the matter be correct, the delicacy of the task and its extra judicial character, must suggest itself in every one.

HENRY S. CLARK.

The House then adjourned until to-morrow morning 9 o'clock.

THURSDAY, JANUARY 10, 1833.

Mr. Guthrie asked and obtained leave to withdraw from the files of this House the petition of Thomas Ragland of Chatham County.

Mr. Clayton called up the engrossed bill to give exclusive jurisdiction to the superior courts of law for the county of Buncombe, and moved that it be postponed indefinitely. The question thereon was determined in the affirmative.

A message from the Senate informing that they had passed the engrossed bill to enact with sundry alterations and additions, an act entitled an act incorporating the Portsmouth and Roanoke rail road Company, and for other purposes, passed by the Legislature of Virginia on the 8th day of March 1832, with the following amendment, viz: in the 5th and 6th lines of the 40th section strike out the words "at any point below" and insert the word "opposite" and asking the concurrence of this House. The said amendment was concurred in, by adding to the word "opposite" the words "or below." Ordered
that the concurrence of the Senate be asked in said amendment to their amendment.

A message from the Senate concurring in the several amendments made by this House, to the following engrossed bills, viz: a bill for the better organization of the militia of the county of Beaufort; a bill for the better regulation of the courts of pleas and quarter sessions, for the county of Halifax; and a bill to incorporate the Sunsbury Academy, in the county of Gates. Ordered that the said bills be enrolled.

The message from the Senate communicating certain amendments made to the engrossed bill from this House, entitled the bill directing the manner in which constables shall hereafter be elected in the counties of Davidson, Buncombe and Chatham was called up for consideration, and the said amendments amended by the striking out the word "Randolph" and concurred in, and the Senate so informed.

Mr. Boddie moved that the vote of this House yesterday taken, rejecting the engrossed resolution in favor of Samuel W. W. Vick, sheriff of Nash, be now re-considered. The question thereon was decided in the affirmative; and the said resolution read the second and third times, passed, and ordered to be enrolled.

Mr. Sumner, from the committee on propositions and grievances to whom was referred the petition of sundry citizens of Fayetteville and county of Cumberland, in relation to the running at large of stock in the streets of said town, made a report thereon, which was read, and on motion laid on the table. The engrossed resolutions requesting the State of South Carolina, to suspend the operation of the ordinance of their convention, were on motion of Mr. Settle laid on the table until the 3d Monday in November next.

Mr. Townsend presented the following Protest, which was read and ordered to be spread at large on the Journals:

The undersigned availing himself of the privilege guaranteed to him by the constitution, of dissenting from and protesting against, any act or resolve which he may think injurious to the public or any individual, respectfully submits the following as the views which governed him in the vote he gave on the 4th resolution, reported by the joint select committee on the South Carolina documents. In so doing he will not state the reasons which have brought him to such conclusions, but merely the conclusions themselves. In the first place he believes that neither the General nor State Governments are, in the strict meaning of the word, Sovereigns. A Sovereign being one that possesses all power. In the second place, he believes that the States possess every attribute of sovereignty, before the formation of the federal compact, and that by that compact the States respectively delegated some portion of their sovereignty to the General Government.

That he believes, whenever a question arises, whether by that compact certain powers are delegated or not by the States to the General Government, as there is no umpire created by the constitution or compact itself to decide, it clearly results that each party to the compact must decide for itself. That if any one State in forming her opinion on any question thus arising, should come to a conclusion differing from the conclusions of the other members of the compact, it then becomes a question of expediency with such State, whether she will submit to the opinions of the majority of the States or act upon her own. And should a State thus act upon her own opinion, as the undersigned believes she has a right to do, she by such action peaceably withdraws from the compact, and the majority of the States would, in such case
have no moral right to coerce her into submission. He repudiates the doctrine of Nullification, believing that it is not a constitutional remedy, and that no State can Nullify a law of the Union and still be a member thereof. He is opposed to the existing Tariff, believing it to be unconstitutioinal, unjust and oppressive on the Southern States. That notwithstanding the State of South Carolina may have acted precipitately and unadvisedly, yet her cause is the cause of the whole South, and the undersigned could not consistently vote for any resolution, which might act as a damper on her exertions to free the South from the evils of the protective system.

The undersigned does therefore most solemnly protest against the aforesaid resolution, as uncalled for by the existing crisis, untimed and ungenerous towards a sister State.

JOSEPH W. TOWNSEND.

A message from the Senate, informing that they had passed the engrossed bill to revise and continue in force in the town of Washington, the provisions of an act, passed in the year 1824, entitled, an act to provide against the introduction and spreading of contagious or infectious diseases in this State, and asking the concurrence of this House. The said bill was read the first, second and third times, passed and ordered to be enrolled.

A message from the Senate, concurring in the amendment proposed by the House of Commons to the engrossed bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act to abolish the offices of county trustee and treasurer of buildings, in the counties of Richmond, Columbus, Sampson and Robeson to the counties of Halifax, Nash, and Beaufort, with an amendment, viz: Strike out in said amendment the word "Halifax." This proposed amendment to the amendment was not concurred in.

Mr. Loudermilk submitted the following resolution:

Resolved, That a message be sent to the Senate, proposing that the two Houses adjourn sine die on to-morrow morning; at 7 o'clock.

Mr. Emmet moved that said resolution lie on the table; the question thereon was decided in the negative. Yea's 2. Nays 91. The yeas and nays demanded by Mr. Loudermilk.

Those who voted in the affirmative, were Messrs. Emmet and Whitaker.


On motion, leave of absence from the service of the House from and after this day, was granted to Messrs. Pierse, Hardison, Mask, Norman, Qwynn Ury, McMillan and F. A. Sawyer.

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

THURSDAY, AFTERNOON, 3 o'clock.

A message from the Senate, informing that they had passed the engrossed bill amendatory of an act, passed at the present session, entitled, an act to authorize the issuing of a grant to Amos Curtis and others for a camp grove.
and asking the concurrence of this House; the said bill was read the first, second and third times, amended and passed. Ordered, that the concurrence of the Senate be asked in said amendment.

A message from the Senate, concurring in the amendments proposed by the House of Commons to the following engrossed bills and resolution, viz: A bill to empower the commissioners of the town of Seneca in the county of Duplin, to sell the town commons; a bill further to improve the police of the town of Washington; and a resolution in favor of the Door-keepers. Ordered, that said bills and resolution be enrolled.

A message from the Senate, concurring in the amendments proposed by the House of Commons to the engrossed bill for the better regulation of the courts of pleas and quarter sessions of Duplin county; also concurring in the amendments to the engrossed bill, directing the manner in which constables shall hereafter be elected in the counties of Davidson, Buncombe and Chatham. Ordered, that said bills be enrolled.

A message from the Senate, concurring in the amendments proposed by the House of Commons to the Senate's amendments to the engrossed bill, to establish the Bank of North Carolina.

A message from the Senate, disagreeing to the proposition of this House to adjourn at 7 o'clock to-morrow morning; and proposing that the two Houses adjourn on to-morrow morning; the proposition was concurred in.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to exempt from execution, a certain portion of the farming utensils and household and kitchen furniture of the citizens of this State; and the engrossed bill to repeal part of an act, passed at the last session of the General Assembly, chapter 26, entitled, an act to regulate retailers of spirituous liquors.

A message from the Senate, concurring in the amendment proposed by the House of Commons, to the engrossed bill amendatory of an act, passed at the present session, entitled, an act to authorize the issuing of a grant to Amos Curtis and others for a camp ground. Ordered, that said bill be enrolled.

A message from the Senate, informing that they insist upon their amendment to the amendment of this House, to the engrossed bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act to abolish the office of county trustee and treasurer of public buildings, in the counties of Richmond, Columbus, Sampson and Robeson to the counties of Halifax, Nash and Beaufort. On motion of Mr. Gary, ordered, that the said message lie on the table.

A message from the Senate, informing that they do not concur in the amendment made by the House of Commons, to the Senate's amendment to the engrossed bill to enact with sundry alterations and additions an act, entitled, an act incorporating the Portsmouth and Roanoke rail-road company and for other purposes, passed by the Legislature of Virginia, on the 5th day of March, 1833. On motion of Mr. Mangum, ordered, that the House of Commons insist on their said amendment.

The House then adjourned until to-morrow morning, 6 o'clock.

Friday, January 11, 1833.

A message from the Senate informing that they recede from their disagreement to the amendment made by the House of Commons to the Senate's amendment, to the engrossed bill to enact with sundry alterations and additions, an act entitled an act incorporating the Portsmouth and Roanoke rail road
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Company, and for other purposes, passed by the Legislature of Virginia, on the 8th day of March 1832.

Mr. Hinton asked and obtained leave to withdraw from the files of this House, the memorial of sundry citizens of Cumberland, praying that a portion of said county may be attached to the county of Wake.

A message from the Senate, informing that they had rejected the engrossed resolution in favor of David Caldwell.

A message from the Senate, informing that they had passed the engrossed resolution directing the Public Treasurer to subscribe for shares in the Bank of North Carolina, and asking the concurrence of this House. The said resolution was read the first, second, and third times, passed, and ordered to be enrolled.

On motion of Mr. Gary, ordered that a message be sent to the Senate informing them, that the House of Commons having acted on all the public business before them, are now ready to adjourn sine die.

Received from the Senate a message informing, that having acted on all the business before them, they also are ready now to adjourn without day.

Mr. Hinton presented the following resolution which was read and adopted.

Resolved unanimously, That the thanks of this House be presented to the Speaker thereof, for the able dignified and impartial manner, with which he has presided over its deliberations, during the present session.

Whereupon, the Speaker made his acknowledgments to the House in an appropriate address, and adjourned the same without day.

By order.

LOUIS D. HENRY, S. H. C.

CHAS. MANLY, C. H. C.